

DIGEST

SENATE AND HOUSE BILLS ENACTED
BY THE
SIXTY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO
(2003 - First Regular Session)



NOTE: The Digest is available on the Official Colorado State Legislative
Home Page at: www.state.co.us/legislature

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.	5
Children and Domestic Matters.	10
Consumer and Commercial Transactions.....	20
Corporations and Associations.	23
Corrections.	27
Courts.	30
Criminal Law and Procedure.	38
Education - Public Schools.....	50
Education - Universities and Colleges.	70
Elections.	76
Financial Institutions.....	87
General Assembly.....	88

Government - County.	89
Government - Local.	94
Government - Municipal.	100
Government - Special Districts.	103
Government - State.	104
Health and Environment.	133
Health Care Policy and Financing.	139
Human Services - Social Services.	147
Insurance.	151
Labor and Industry.	159
Military and Veterans.	165
Motor Vehicles and Traffic Regulation.	166
Natural Resources.	176
Probate, Trusts, and Fiduciaries.	181
Professions and Occupations.	183
Property.	194
Public Utilities.	197
Statutes.	198
Taxation.	199
Transportation.	209
United States.	212
Water and Irrigation.	213
Index	219

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-fourth General Assembly at its First Regular Session ending May 7, 2003. 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 2002 interim committee, refer to page x and xi.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2003 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 6, 2003, 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 2003.

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

LEGISLATIVE STATISTICAL SUMMARY

	2003		2002		2001	
	Intro	Passed	Intro	Passed	Intro	Passed
Senate Bills	354	239	236	105	243	147
House Bills	382	221	478	302	409	230
Concurrent Resolutions	18	0	17	3	10	1
Bills signed by Governor	441		391		357	
Bills becoming law without Governor's signature	8		4		6	
Bills partially vetoed by the Governor	3		3		N/A	
Bills vetoed by the Governor	11		9		14	
Bills referred to the People	1		1		0	

BILLS VETOED BY THE GOVERNOR:

H.B. 03-1208	S.B. 03-085
H.B. 03-1303	S.B. 03-101
H.B. 03-1315	S.B. 03-120
	S.B. 03-264
	S.B. 03-275
	S.B. 03-292
	S.B. 03-309
	S.B. 03-328

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

H.B. 03-1009	S.B. 03-057
H.B. 03-1083	S.B. 03-107
H.B. 03-1294	S.B. 03-186
	S.B. 03-252
	S.B. 03-318

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

S.B. 03-207

S.B. 03-248

S.B. 03-258

BILLS ENACTED WITHOUT A SAFETY CLAUSE:*

H.B. 03-1008	H.B. 03-1130	H.B. 03-1249	S.B. 03-013	S.B. 03-121
H.B. 03-1009	H.B. 03-1140	H.B. 03-1263	S.B. 03-023	S.B. 03-135
H.B. 03-1010	H.B. 03-1153	H.B. 03-1266	S.B. 03-030	S.B. 03-139
H.B. 03-1016	H.B. 03-1156	H.B. 03-1271	S.B. 03-033	S.B. 03-141
H.B. 03-1025	H.B. 03-1157	H.B. 03-1272	S.B. 03-036	S.B. 03-164
H.B. 03-1033	H.B. 03-1165	H.B. 03-1281	S.B. 03-046	S.B. 03-167
H.B. 03-1036	H.B. 03-1186	H.B. 03-1289	S.B. 03-050	S.B. 03-230
H.B. 03-1040	H.B. 03-1192	H.B. 03-1294	S.B. 03-052	S.B. 03-231
H.B. 03-1044	H.B. 03-1193	H.B. 03-1298	S.B. 03-053	S.B. 03-233
H.B. 03-1046	H.B. 03-1194	H.B. 03-1299	S.B. 03-054	S.B. 03-234
H.B. 03-1048	H.B. 03-1197	H.B. 03-1303 (v)	S.B. 03-056	S.B. 03-235
H.B. 03-1053	H.B. 03-1204	H.B. 03-1306	S.B. 03-057	S.B. 03-238
H.B. 03-1069	H.B. 03-1205	H.B. 03-1312	S.B. 03-060	S.B. 03-240
H.B. 03-1071	H.B. 03-1206	H.B. 03-1313	S.B. 03-062	S.B. 03-255
H.B. 03-1073	H.B. 03-1207	H.B. 03-1329	S.B. 03-067	S.B. 03-307
H.B. 03-1077	H.B. 03-1208 (v)	H.B. 03-1337	S.B. 03-070	S.B. 03-312
H.B. 03-1081	H.B. 03-1210	H.B. 03-1339	S.B. 03-086	S.B. 03-320
H.B. 03-1092	H.B. 03-1216	H.B. 03-1354	S.B. 03-091	S.B. 03-321
H.B. 03-1101	H.B. 03-1218	H.B. 03-1357	S.B. 03-115	S.B. 03-326
H.B. 03-1105	H.B. 03-1222	H.B. 03-1360	S.B. 03-117	S.B. 03-347
H.B. 03-1108	H.B. 03-1226	H.B. 03-1367		
H.B. 03-1111	H.B. 03-1228	H.B. 03-1368		
H.B. 03-1124	H.B. 03-1239	H.B. 03-1371		
H.B. 03-1127	H.B. 03-1246	H.B. 03-1382		

* These bills become effective on August 6, 2003, 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 2002 INTERIM AND STATUTORY
COMMITTEES THAT WERE ENACTED:**

**COMMITTEE ON LEGAL
SERVICES**

H.B. 03-1091 S.B. 03-088
H.B. 03-1344

**HEALTH CARE SYSTEMS
COMMITTEE**

H.B. 03-1007 S.B. 03-011
H.B. 03-1012 S.B. 03-015
H.B. 03-1033

HEALTH CARE TASK FORCE

H.B. 03-1045

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

2002-03 Budget Reduction Bills:

**S.B. 03 - 169,170, 172, 173, 175-193,
195-198, 228, 246, 277, 282, 285, 348,
349**

2003-04 Budget Reduction Bills:

**S.B. 03 - 259-268, 271-276, 278-280,
284, 286-288, 290-292, 294-297, 299,
300, 302, 328, 342**

H.B. 03 - 1382

(JBC Bills vetoed - 03-264, 275, and 292)

**JOINT LEGISLATIVE
SUNRISE/SUNSET REVIEW
COMMITTEE**

S.B. 03-113 S.B. 03-223
S.B. 03-119 S.B. 03-224
S.B. 03-120 (v) S.B. 03-226
S.B. 03-130 S.B. 03-239
S.B. 03-131 S.B. 03-241
S.B. 03-134

**LEGISLATIVE OVERSIGHT
COMMITTEE FOR THE
CONTINUING EXAMINATION OF
THE TREATMENT OF PERSONS
WITH MENTAL ILLNESS WHO
ARE INVOLVED IN THE
CRIMINAL JUSTICE SYSTEM**

S.B. 03-006

**LEGISLATIVE AUDIT
COMMITTEE**

H.B. 03-1048 S.B. 03-009
H.B. 03-1081 S.B. 03-033
H.B. 03-1211 S.B. 03-050
S.B. 03-052

(v) - vetoed

(cont.)

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

**H.B. 03-1009 S.B. 03-056
 S.B. 03-057**

**WATER RESOURCES
LEGISLATION REVIEW
COMMITTEE**

**H.B. 03-1005 S.B. 03-045
 S.B. 03-047**

**TRANSPORTATION LEGISLATION
REVIEW COMMITTEE**

**H.B. 03-1053 S.B. 03-046
H.B. 03-1070 S.B. 03-054
H.B. 03-1071 S.B. 03-060**

**WELFARE REFORM OVERSIGHT
COMMITTEE**

H.B. 03-1038

(v) - vetoed

ACTS WITH JULY 1, 2003, AND LATER EFFECTIVE DATES:

JULY 1, 2003

HOUSE BILLS

H.B. 03-1003	H.B. 03-1089	H.B. 03-1164*	H.B. 03-1238	H.B. 03-1288
H.B. 03-1004	H.B. 03-1093*	H.B. 03-1169	H.B. 03-1240	H.B. 03-1292
H.B. 03-1007	H.B. 03-1097	H.B. 03-1170	H.B. 03-1243	H.B. 03-1301
H.B. 03-1012	H.B. 03-1106	H.B. 03-1188	H.B. 03-1244	H.B. 03-1305
H.B. 03-1027	H.B. 03-1117	H.B. 03-1191	H.B. 03-1253	H.B. 03-1346
H.B. 03-1045	H.B. 03-1121	H.B. 03-1213	H.B. 03-1257	H.B. 03-1351
H.B. 03-1050	H.B. 03-1123	H.B. 03-1236*	H.B. 03-1274	H.B. 03-1372
H.B. 03-1087	H.B. 03-1138	H.B. 03-1237	H.B. 03-1286	

SENATE BILLS

S.B. 03-002	S.B. 03-044	S.B. 03-097	S.B. 03-224	S.B. 03-300
S.B. 03-016	S.B. 03-049	S.B. 03-098*	S.B. 03-239	S.B. 03-304
S.B. 03-019	S.B. 03-059	S.B. 03-101*(v)	S.B. 03-252	S.B. 03-309
S.B. 03-022	S.B. 03-061	S.B. 03-106	S.B. 03-261	(v)
S.B. 03-027	S.B. 03-065	S.B. 03-119	S.B. 03-267	S.B. 03-310*
S.B. 03-029	S.B. 03-066	S.B. 03-130	S.B. 03-272	S.B. 03-318
S.B. 03-034	S.B. 03-076	S.B. 03-133	S.B. 03-279	S.B. 03-327
S.B. 03-038	S.B. 03-079*	S.B. 03-149	S.B. 03-288	S.B. 03-328
S.B. 03-041	S.B. 03-096	S.B. 03-222	S.B. 03-299	(v)

AUGUST 1, 2003

HOUSE BILLS

H.B. 03-1144

SENATE BILLS

* Portions only

(v) - vetoed

ACTS WITH JULY 1, 2003, AND LATER EFFECTIVE DATES (cont):

AUGUST 6, 2003*

HOUSE BILLS

H.B. 03-1008	H.B. 03-1077	H.B. 03-1186	H.B. 03-1226	H.B. 03-1306
H.B. 03-1009	H.B. 03-1081	H.B. 03-1192	H.B. 03-1228	H.B. 03-1312
H.B. 03-1010	H.B. 03-1092	H.B. 03-1193	H.B. 03-1239	H.B. 03-1313
H.B. 03-1016	H.B. 03-1101	H.B. 03-1194	H.B. 03-1246	H.B. 03-1337
H.B. 03-1025	H.B. 03-1105	H.B. 03-1197	H.B. 03-1249	H.B. 03-1339
H.B. 03-1036	H.B. 03-1108	H.B. 03-1204	H.B. 03-1263	H.B. 03-1354
H.B. 03-1040	H.B. 03-1124	H.B. 03-1205	H.B. 03-1266	H.B. 03-1357
H.B. 03-1044	H.B. 03-1127	H.B. 03-1206	H.B. 03-1271	H.B. 03-1360
H.B. 03-1046	H.B. 03-1130	H.B. 03-1207	H.B. 03-1272	H.B. 03-1367
H.B. 03-1048	H.B. 03-1140	H.B. 03-1208 (v)	H.B. 03-1281	H.B. 03-1368
H.B. 03-1053	H.B. 03-1153	H.B. 03-1210	H.B. 03-1289	H.B. 03-1371
H.B. 03-1069	H.B. 03-1156	H.B. 03-1216	H.B. 03-1298	H.B. 03-1382
H.B. 03-1071	H.B. 03-1157	H.B. 03-1218	H.B. 03-1299	
H.B. 03-1073	H.B. 03-1165	H.B. 03-1222	H.B. 03-1303(v)	

SENATE BILLS

S.B. 03-013	S.B. 03-050	S.B. 03-062	S.B. 03-139	S.B. 03-238
S.B. 03-023	S.B. 03-052	S.B. 03-086	S.B. 03-141	S.B. 03-240
S.B. 03-030	S.B. 03-054	S.B. 03-115	S.B. 03-164	S.B. 03-307
S.B. 03-033	S.B. 03-056	S.B. 03-117	S.B. 03-233	S.B. 03-312
S.B. 03-036	S.B. 03-057	S.B. 03-121	S.B. 03-234	S.B. 03-320
S.B. 03-046	S.B. 03-060	S.B. 03-135	S.B. 03-235	S.B. 03-321

* 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

(v) - vetoed

(Cont.)

AUGUST 15, 2003

HOUSE BILLS	SENATE BILLS
	S.B. 03-326

NOVEMBER 1, 2003

HOUSE BILLS	SENATE BILLS
	S.B. 03-098*
	S.B. 03-101*(v)

SEPTEMBER 1, 2003

HOUSE BILLS	SENATE BILLS
H.B. 03-1212	S.B. 03-053*
	S.B. 03-070
	S.B. 03-091
	S.B. 03-231

JANUARY 1, 2004

HOUSE BILLS	SENATE BILLS
H.B. 03-1033	S.B. 03-015
H.B. 03-1164*	S.B. 03-054
H.B. 03-1211	S.B. 03-101* (v)
H.B. 03-1294	S.B. 03-167
H.B. 03-1329	S.B. 03-230
	S.B. 03-255
	S.B. 03-347

OCTOBER 1, 2003

HOUSE BILLS	SENATE BILLS
H.B. 03-1111	S.B. 03-067

JULY 1, 2004

HOUSE BILLS	SENATE BILLS
H.B. 03-1273	S.B. 03-053*
H.B. 03-1317	S.B. 03-079*
H.B. 03-1377	

REFERRED MEASURE:

SENATE BILLS
S.B. 03-236

* Portions only

(v) - vetoed

TABLE OF ENACTED HOUSE BILLS -- 2003

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1001	HOPPE, JOHNSON S.	FLEXIBLE USE OF WATER RESOURCES	APPROVED 4/25/2003	4/25/2003	189	216
1003	BROPHY, TAYLOR	INHERENT RISK AGRICULTURAL ACTIVITIES	APPROVED 5/14/2003	7/01/2003	265	31
1004	RHODES, REEVES	CHILD ABUSE CRIME CHILD IN DRUG LAB	APPROVED 6/4/2003	7/01/2003	359	44
1005	HOPPE, ENTZ	EXTEND DIVISIONS 1 & 3 AUGMENTATION	APPROVED 5/2/2003	5/2/2003	239	217
1006	FAIRBANK, ANDERSON	PROVISIONAL BALLOTS ELECTIONS	APPROVED 4/17/2003	4/17/2003	136	77
1007	WILLIAMS T., HILLMAN	MED MALPRACTICE DAMAGES LIMITS	APPROVED 5/20/2003	7/01/2003	271	32
1008	SPRADLEY, KESTER	CONSERVATION EASEMENTS FOR WATER RIGHTS	APPROVED 4/17/2003	NO SAFETY CLAUSE	137	195
1009	FRITZ, HANNA	HEALTH CARE DEFINED BENEFIT PLAN	BECAME LAW 3/25/2003	NO SAFETY CLAUSE	69	101
1010	SALAZAR, ENTZ	DISABLED VETERAN LICENSE PLATES	APPROVED 4/17/2003	NO SAFETY CLAUSE	138	170
1012	WILLIAMS T., HILLMAN	CORPORATE PRACTICE OF MEDICINE	APPROVED 5/2/2003	7/01/2003	240	188
1014	RAGSDALE, TAKIS	CLARIFY CASA STATUTES	APPROVED 3/25/2003	3/25/2003	73	14
1015	MARSHALL, ANDERSON	DELAY AIR STUDY REPEAL PERMIT FEE CREDIT	APPROVED 4/7/2003	4/7/2003	102	135
1016	MITCHELL, DYER	MOTOR VEHICLE EMISSION CERTIFICATION	APPROVED 5/2/2003	NO SAFETY CLAUSE	241	170
1018	MILLER, CHLOUBER	COUNTY BONDED INDEBTEDNESS	APPROVED 3/20/2003	3/20/2003	46	90
1020	BOYD, GROFF	ECONOMIC CRIME COMPUTER AND FORGERY	APPROVED 4/17/2003	4/17/2003	140	44
1021	KING, ARNOLD	CAP CONSTR FOR QUALIFIED CHARTER SCHOOLS	APPROVED 5/21/2003	5/21/2003	274	63
1024	JAHN, CHLOUBER	CHILD CARE & CHILD PLACEMENT AGENCIES	APPROVED 5/22/2003	5/22/2003	289	14
1025	FRANGAS, KELLER	SPECIAL ED COMPLIANCE FOR JUV DELINQUENT	APPROVED 5/21/2003	NO SAFETY CLAUSE	275	15
1026	WITWER, ARNOLD	RELEASE OF INFORMATION ON BIOTERRORISM	APPROVED 4/17/2003	4/17/2003	141	135
1027	HARVEY, HILLMAN	APELLATE REVIEW IN CLASS ACTIONS	APPROVED 4/7/2003	7/01/2003	103	32
1028	ROSE, TECK	TEEN PREGNANCY AND DROPOUT PREVENTION	APPROVED 3/25/2003	3/25/2003	74	144
1032	POMMER, TUPA	BOARD OVERSIGHT SCHOOL DISTRICT LOANS	APPROVED 3/25/2003	3/25/2003	75	63
1033	SPRADLEY, HAGEDORN	HARMONIZE COLO LAW WITH ERISA	APPROVED 4/29/2003	NO SAFETY CLAUSE 1/01/2004	193	153
1034	MERRIFIELD, ARNOLD	ELECTRONIC SEX OFFENDER INFO DATE	APPROVED 3/25/2003	3/25/2003	76	45
1035	BRIGGS, ENTZ	COUNTY PEST CONTROL CONTRACTS	APPROVED 4/7/2003	4/7/2003	104	2

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1036	GARCIA, DYER	LOTTERY WINNINGS OFFSET RESTITUTION	APPROVED 3/20/2003	NO SAFETY CLAUSE	47	124
1037	ROMANOFF, ARNOLD	REPORTING CHILD ABUSE OR NEGLECT	APPROVED 3/20/2003	3/20/2003	48	15
1038	STAFFORD, HAGEDORN	CO WORKS DOMESTIC VIOLENCE EXTENSIONS	APPROVED 3/25/2003	3/25/2003	77	148
1040	MCCLUSKEY, JOHNSON S.	REMANUFACTURED LICENSE PLATES	APPROVED 5/21/2003	NO SAFETY CLAUSE	276	170
1044	WILLIAMS S., MAY R.	TOLL EVASION PENALTIES	APPROVED 4/29/2003	NO SAFETY CLAUSE	194	210
1045	CLAPP, HAGEDORN	SALE OF UNAUTHORIZED INSURANCE	APPROVED 4/7/2003	7/01/2003	105	45
1046	MADDEN, HILLMAN	CONSERVATION EASEMENTS IN GROSS	APPROVED 4/17/2003	NO SAFETY CLAUSE	142	195
1047	SINCLAIR, TAKIS	PUBLIC ESTABLISHMENT VOID CONTRACT	APPROVED 4/7/2003	4/7/2003	106	188
1048	VIGIL, TAYLOR	CSOBA FUND TRANSFERS AND LOANS	APPROVED 3/7/2003	NO SAFETY CLAUSE	30	73
1050	COLEMAN, KESTER	VENDING FACILITY PROGRAM CASH FUND	APPROVED 4/7/2003	7/01/2003	107	148
1053	RAGSDALE, TECK	HEAVY-DUTY DIESEL EMISSIONS TESTING	APPROVED 4/17/2003	NO SAFETY CLAUSE	143	171
1056	STENGEL, ANDERSON	SOLID WASTE TIPPING FEES	APPROVED 5/21/2003	5/21/2003	277	136
1061	MAY M., PHILLIPS	ENGINEER & LAND SURVEYOR ROSTERS REPEAL	APPROVED 4/22/2003	4/22/2003	171	188
1063	JOHNSON R., ENTZ	CONDITION PRINTED ON PRESCRIPTION LABEL	APPROVED 3/25/2003	3/25/2003	78	188
1066	LARSON, TECK	FRIVOLOUS REQUESTS FOR TAX HEARINGS	APPROVED 3/20/2003	3/20/2003	49	203
1067	LARSON, JOHNSON S.	MOTOR VEHICLES ABANDONED ON PUB PROP	APPROVED 3/7/2003	3/7/2003	31	171
1069	MCCLUSKEY, TAKIS	DUPLICATE WARRANTS	APPROVED 3/7/2003	NO SAFETY CLAUSE	32	124
1070	RAGSDALE, TAKIS	RTD ANNEXATION	APPROVED 4/1/2003	4/1/2003	92	103
1071	LARSON, TECK	COMMERCIAL VEHICLE INSPECTION CERT	APPROVED 3/20/2003	NO SAFETY CLAUSE	50	172
1073	SMITH, ENTZ	AIRCRAFT EXEMPT FROM GASOLINE EXCISE TAX	APPROVED 5/21/2003	NO SAFETY CLAUSE	278	203
1077	MAY M., EVANS	LAND DISPUTES & ANNEXATION	APPROVED 4/9/2003	NO SAFETY CLAUSE	123	98
1079	VEIGA, ARNOLD	JUVENILE PAROLE NINE MONTHS	APPROVED 3/25/2003	3/25/2003	79	15
1081	COLEMAN, TAKIS	LIMITATIONS ON FOSTER CARE SYSTEM ABUSES	APPROVED 4/7/2003	NO SAFETY CLAUSE	108	149
1083	SPENCE, ARNOLD	EXTRACURRICULAR TRANSFER RULES REPEAL	BECAME LAW 4/22/2003	4/22/2003	155	64
1084	CLAPP, SANDOVAL	NEW MANDATORY CHILD ABUSE REPORTER	APPROVED 3/20/2003	3/20/2003	51	15
1087	VEIGA, GORDON	REQUIREMENTS RELATED TO SCHOOL TRANSFERS	APPROVED 4/7/2003	7/01/2003	109	64
1089	MITCHELL, TAYLOR	EMINENT DOMAIN REIMBURSEMENT	APPROVED 6/6/2003	7/01/2003	421	195
1091	HEFLEY, EVANS	ENACTMENT OF 2002 CRS	APPROVED 2/13/2003	2/13/2003	1	198
1092	WHITE, ANDERSON	MANAGEMENT OF STATE OWNED FOREST LANDS	APPROVED 6/5/2003	NO SAFETY CLAUSE	383	177

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1093	BERRY, TECK	GOVERNANCE OF STATE COLLEGES	APPROVED 3/25/2003	PORTIONS ON 3/25/2003 AND 7/01/2003	82	73
1095	BERRY, REEVES	PROCEDURES RELATED TO ABANDONED CHILDREN	APPROVED 3/25/2003	3/25/2003	80	15
1097	HALL, JOHNSON S.	REGULATE HUNTING OF WILDLIFE	APPROVED 4/17/2003	7/01/2003	144	177
1098	WHITE, CHLOUBER	NO-CALL LIST WIRELESS TELEPHONE SERVICE	APPROVED 3/25/2003	3/25/2003	81	21
1099	BROPHY, HILLMAN	LIQUEFIED PETROLEUM GAS REGULATION	APPROVED 5/21/2003	5/21/2003	279	160
1100	SMITH, TAYLOR	NATURAL RESOURCES FEDERAL LANDS	APPROVED 4/17/2003	4/17/2003	145	178
1101	HALL, JONES	HEALTH DEPT VOLUNTARY CLEANUP NO FEE CAP	APPROVED 4/1/2003	NO SAFETY CLAUSE	93	136
1103	BRIGGS, CHLOUBER	INCREASED PRIVATIZATION OF RTD SERVICE	APPROVED 5/21/2003	5/21/2003	273	103
1104	POMMER, PHILLIPS	MODIFICATIONS TO OLD HIRE PENSION PLANS	APPROVED 4/1/2003	4/1/2003	95	102
1105	WITWER, EVANS	CORONER QUALIFICATIONS	APPROVED 5/21/2003	NO SAFETY CLAUSE	280	90
1106	HARVEY, LAMBORN	FIN INST ORGANIZED AS LTD LIAB CO'S	APPROVED 5/14/2003	7/01/2003	266	87
1107	JOHNSON R., JOHNSON S.	CONSUMER-DIRECTED ATTENDANT SUPPORT	APPROVED 3/20/2003	3/20/2003	52	144
1108	PACCIONE, TUPA	CO HIGHER ED POLICY FOR IB STUDENTS	APPROVED 4/18/2003	NO SAFETY CLAUSE	153	73
1109	MARSHALL, DYER	DEFINITION OF JUVENILE STATUS OFFENDER	APPROVED 4/1/2003	4/1/2003	94	125
1111	HARVEY, EVANS	COUNTY BUILDING CODE VIOLATIONS	APPROVED 5/21/2003	NO SAFETY CLAUSE 10/01/2003	281	92
1114	CLAPP, HILLMAN	CRIMINAL HISTORY CHECKS FOR EDUCATORS	APPROVED 6/5/2003	6/5/2003	385	64
1117	VEIGA, ANDERSON	PROTECTION ORDERS	APPROVED 4/17/2003	7/01/2003	139	32
1121	WIENS, EVANS	OFFERS OF SETTLEMENT IN CIVIL ACTIONS	APPROVED 4/25/2003	7/01/2003	187	32
1123	SINCLAIR, JOHNSON S.	CASH FUND RACING REGULATION	APPROVED 6/3/2003	7/01/2003	338	189
1124	LUNDBERG, JONES	PUBLIC TRUSTEE EXPENDITURE BUDGET LAW	APPROVED 3/21/2003	NO SAFETY CLAUSE	67	99
1127	SMITH, ARNOLD	CIVIL IMMUNITY EDUCATION PROVIDERS	APPROVED 4/18/2003	NO SAFETY CLAUSE	154	65
1130	WITWER, KESTER	TAX CHECKOFF FOR FAMILY RESOURCE CENTERS	APPROVED 5/21/2003	NO SAFETY CLAUSE	282	203
1132	FAIRBANK, HILLMAN	FCPA & AMENDMENT 27	APPROVED 6/3/2003	6/3/2003	339	78
1138	HEFLEY, HILLMAN	CRIME AGST WOMAN AFFECTING UNBORN CHILD	APPROVED 6/3/2003	7/01/2003	340	45
1140	LARSON, ENTZ	NOXIOUS WEED MANAGEMENT	APPROVED 6/5/2003	NO SAFETY CLAUSE	365	3
1142	CRANE, CHLOUBER	MINOR POL PARTIES ELECTIONS	APPROVED 4/22/2003	4/22/2003	172	79
1144	FRANGAS, JOHNSON S.	CHILDREN RESTRAINED IN VEHICLES	APPROVED 3/7/2003	8/01/2003	34	172

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1147	FRANGAS, TECK	TAX CHECKOFF FOR SENIOR SUPPORT SERVICES	APPROVED 5/22/2003	5/22/2003	325	204
1148	CLOER, HILLMAN	SELF-DEFENSE RESTORATION ACT	APPROVED 3/25/2003	3/25/2003	83	33
1151	BOYD, JOHNSON S.	OUT-OF-HOME PLACEMENT PROVIDER GROUPS	APPROVED 3/7/2003	3/7/2003	33	149
1153	WEDDIG, HANNA	MAIL BALLOT ELECTIONS	APPROVED 4/17/2003	NO SAFETY CLAUSE	146	80
1156	ROMANOFF, JOHNSON S.	BD OF MEDICAL EXAMINERS FINING AUTHORITY	APPROVED 4/1/2003	NO SAFETY CLAUSE	96	189
1157	SINCLAIR, KESTER	ALCOHOL CREDIT SALES	APPROVED 3/20/2003	NO SAFETY CLAUSE	53	189
1159	PACCIONE, JOHNSON S.	EDUCATION PARAPROFESSIONAL CERTIFICATION	APPROVED 4/17/2003	4/17/2003	147	74
1160	SPENCE, ANDERSON	PROVIDING AID TO DISADVANTAGED PUPILS	APPROVED 4/16/2003	4/16/2003	125	66
1161	RIPPY, McELHANY	CONSTRUCTION DEFECT ACTIONS	APPROVED 4/25/2003	4/25/2003	188	33
1163	MARSHALL, TAKIS	COVERCOLORADO ADMINISTRATIVE CHANGES	APPROVED 5/21/2003	5/21/2003	283	153
1164	SPRADLEY, HILLMAN	EXPANDING ACCESS TO HEALTH INSURANCE	APPROVED 5/20/2003	PORTIONS ON 7/01/2003 AND 1/01/2004	270	153
1165	LUNDBERG, HILLMAN	UNOFFICIAL COPIES OF CRS	APPROVED 4/1/2003	NO SAFETY CLAUSE	97	88
1169	JAHN, ARNOLD	CHILD ABUSE DEFINITION CHILD IN DRUG LAB	APPROVED 4/1/2003	7/01/2003	91	16
1170	FRANGAS, ANDERSON	RESTITUTION FOR AUTO THEFT OR VANDALISM	APPROVED 5/21/2003	7/01/2003	284	172
1172	CLAPP, DYER	PROHIBIT RECOMMENDING DRUGS FOR STUDENTS	APPROVED 6/5/2003	6/5/2003	387	67
1173	COLEMAN, TAPIA	FUNDING FOR CO FAMILY LITERACY ACT	APPROVED 6/3/2003	6/3/2003	341	67
1175	SPENCE, ANDREWS	ID NUMBERS FOR POSTSECONDARY STUDENTS	APPROVED 4/17/2003	4/17/2003	148	74
1185	BROPHY, ENTZ	GROSS WEIGHT OF ELECTRIC UTILITY VEHICLE	APPROVED 3/20/2003	3/20/2003	54	172
1186	MITCHELL, TECK	EXEMPLARY DAMAGES	APPROVED 4/17/2003	NO SAFETY CLAUSE	149	34
1188	KING, McELHANY	COMPULSORY AUTO INSURANCE	APPROVED 5/2/2003	7/01/2003	234	155
1190	SPENCE, ENTZ	SPECIAL EVENT LICENSE PLATES	APPROVED 5/21/2003	5/21/2003	285	172
1191	CLAPP, JONES	COMPUTER INDECENT MATERIAL TO CHILDREN	APPROVED 5/22/2003	7/01/2003	290	45
1192	RHODES, SANDOVAL	CHIROPRACTIC BOARD DISCIPLINE	APPROVED 3/25/2003	NO SAFETY CLAUSE	84	189
1193	BERRY, TECK	NUMBER OF COMMUNITY MEMBERS ON BOCES Bd	APPROVED 3/20/2003	NO SAFETY CLAUSE	55	68
1194	WHITE, KESTER	REAL PROPERTY INSTRUMENT NAME VARIANCE	APPROVED 4/1/2003	NO SAFETY CLAUSE	98	196
1197	MAY M., TAYLOR	ACCOUNTANT-CLIENT PRIVILEGE EXCEPTION	APPROVED 4/29/2003	NO SAFETY CLAUSE	195	35
1204	STENGEL, JONES	INVESTMENT OF PUBLIC MONEYS	APPROVED 3/20/2003	NO SAFETY CLAUSE	56	125

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1205	McCLUSKEY, TAYLOR	COLORADO BEEF BOARD FEE REFUND	APPROVED 4/17/2003	NO SAFETY CLAUSE	150	3
1206	RHODES, McELHANY	EMPLOYMENT COMPENSATION	APPROVED 5/21/2003	NO SAFETY CLAUSE	286	162
1207	BRIGGS, ENTZ	ANNEXING MUNICIPALITY & SPECIAL DIST	APPROVED 4/22/2003	NO SAFETY CLAUSE	173	103
1208	SPRADLEY, OWEN	ENTERPRISE ZONE TAX BENEFIT EXTENSION	VETOED 5/1/2003			205
1210	MADDEN, HILLMAN	INTERNET LIST DELINQUENT STATE TAXPAYERS	APPROVED 5/19/2003	NO SAFETY CLAUSE	268	205
1211	WILLIAMS T., ANDERSON	RECORDS REPORTS CHILD ABUSE OR NEGLECT	APPROVED 4/29/2003	1/01/2004	196	16
1212	VEIGA, EVANS	RESTITUTION ORDERS CRIMINAL CASES	APPROVED 4/17/2003	9/01/2003	151	45
1213	JOHNSON R., DYER	NO COMM PURPOSE IN CHILD EXPLOITATION	APPROVED 5/22/2003	7/01/2003	291	46
1216	STAFFORD, CAIRNS	DRIVING SCHOOL VEHICLE EQUIPMENT	APPROVED 4/7/2003	NO SAFETY CLAUSE	111	190
1218	ROSE, JONES	NO LOANS TO DIRECTORS	APPROVED 6/5/2003	NO SAFETY CLAUSE	388	23
1219	HALL, JOHNSON S.	FAIR DEBT COLLECTION PRACTICE	APPROVED 5/21/2003	5/21/2003	287	190
1220	RHODES, JOHNSON S.	UTILITY HIGH VOLTAGE LINES	APPROVED 4/29/2003	4/29/2003	197	162
1221	FAIRBANK, CAIRNS	STANDARDS FOR ACCESSIBLE HOUSING	APPROVED 4/29/2003	4/29/2003	198	162
1222	JOHNSON R., KESTER	SIGNIFICANCE ELEC WORKERS' COMP FILINGS	APPROVED 4/1/2003	NO SAFETY CLAUSE	99	163
1223	VEIGA, CHLOUBER	UNINSURED MOTOR VEHICLE REGISTRATION	APPROVED 5/22/2003	5/22/2003	292	173
1224	LEE, ANDREWS	GOVERNMENT IDENTITY DOCUMENTS	APPROVED 5/22/2003	5/22/2003	293	125
1226	FRANGAS, SANDOVAL	REPRESENTATION OF TRUANTS	APPROVED 4/22/2003	NO SAFETY CLAUSE	174	35
1228	CADMAN, DYER	MEDICAL TREATMENT COSTS IN COUNTY JAILS	APPROVED 5/22/2003	NO SAFETY CLAUSE	294	35
1229	CLOER, JOHNSON S.	EXEMPTION FROM MENTAL HEALTH LIC	APPROVED 4/22/2003	4/22/2003	175	190
1232	STAFFORD, JOHNSON S.	EVIDENCE OF ADMISSIONS MED MALPRACTICE	APPROVED 4/17/2003	4/17/2003	126	35
1236	HEFLEY, DYER	CHANGES TO SUBSTANTIVE CRIMINAL LAW	APPROVED 4/29/2003	PORTIONS ON 4/29/2003 AND 7/01/2003	199	46
1237	JUDD, LAMBORN	UNIFORM CONSUMER CREDIT CODE	APPROVED 5/22/2003	7/01/2003	295	21
1238	BROPHY, McELHANY	ACCRUAL ACCOUNTING FOR GEN FUND SURPLUS	APPROVED 5/22/2003	7/01/2003	296	126
1239	STENGEL, DYER	MINOR ADJUSTMENTS TO COUNTY BOUNDARIES	APPROVED 4/22/2003	NO SAFETY CLAUSE	176	93
1240	CLAPP, DYER	JUVENILE JUSTICE SYSTEM CHANGES	APPROVED 5/22/2003	7/01/2003	297	17
1241	FAIRBANK, McELHANY	SIGNATURE VERIFICATION ON BALLOTS	APPROVED 4/29/2003	4/29/2003	200	80

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1243	MARSHALL, CHLOUBER	CRIM STATUTE OF LIMITATIONS CO SEC ACT	APPROVED 4/22/2003	7/01/2003	177	47
1244	RAGSDALE, TAPIA	GRAFFITI CRIMINAL PENALTIES	APPROVED 5/22/2003	7/01/2003	298	47
1246	LUNDBERG, JOHNSON S.	CO WORKS ELIGIBILITY	APPROVED 3/25/2003	NO SAFETY CLAUSE	85	149
1249	SINCLAIR, LAMBORN	ADDITIONAL POWERS FOR ADJUTANT GENERAL	APPROVED 5/22/2003	NO SAFETY CLAUSE	299	165
1251	BOYD, CAIRNS	AUTO THEFT PREVENTION AUTHORITY	APPROVED 4/22/2003	4/22/2003	178	47
1253	STENGEL, KESTER	INSURERS MOTOR VEHICLE REPAIR	APPROVED 6/5/2003	7/01/2003	390	155
1255	STAFFORD, JOHNSON S.	PATIENT SAFETY INFORMATION	APPROVED 4/17/2003	4/17/2003	127	136
1256	SPRADLEY, ANDERSON	LEASE PURCHASES FOR CSPH AND FITZSIMONS	APPROVED 4/28/2003	4/28/2003	190	126
1257	MARSHALL, LAMBORN	RECODIFICATION OF BANKING STATUTES	APPROVED 4/17/2003	7/01/2003	152	87
1263	PLANT, OWEN	EARLY PAROLE FOR MEDICALLY NEEDY	APPROVED 5/22/2003	NO SAFETY CLAUSE	300	28
1266	LARSON, TAYLOR	PEACE OFFICER DESIGNATIONS	APPROVED 5/2/2003	NO SAFETY CLAUSE	242	47
1267	MCCLUSKEY, TAYLOR	ALLOW SURCHARGES FOR ALTERNATIVE PAYMENT	APPROVED 4/29/2003	4/29/2003	201	127
1271	SINCLAIR, TAYLOR	ABSENTEE VOTING MILITARY & OVERSEAS	APPROVED 4/22/2003	NO SAFETY CLAUSE	179	82
1272	JAHN, KESTER	NEGOTIABLE INSTRUMENT PERSONAL INFO	APPROVED 4/22/2003	NO SAFETY CLAUSE	180	22
1273	JAHN, JOHNSON S.	AUTO INSURANCE CREDIT SCORES	APPROVED 4/1/2003	7/01/2004	100	156
1274	MITCHELL, ARNOLD	LOANS TO A SCH DIST WITH A CASH DEFICIT	APPROVED 6/3/2003	7/01/2003	342	127
1281	CLOER, EVANS	PROP TAX WORK-OFF PROGRAM FOR DISABLED	APPROVED 4/1/2003	NO SAFETY CLAUSE	101	206
1283	STAFFORD, JOHNSON S.	ALCOHOL & DRUG TREATMENT SERVICES	APPROVED 4/7/2003	4/7/2003	112	136
1286	HEFLEY, DYER	VOLUNTARY RELINQUISHMENT PARENTAL RIGHTS	APPROVED 4/7/2003	7/01/2003	114	17
1287	RAGSDALE, CHLOUBER	NEW CERTIFICATE OF TITLE FOR OLD VEHICLE	APPROVED 4/22/2003	4/22/2003	181	173
1288	SMITH, EVANS	GOV IMMUNITY & PUBLIC FACILITIES	APPROVED 4/22/2003	7/01/2003	182	128
1289	BRIGGS, ARNOLD	HOUSEHOLD GOODS CARRIERS REGISTRATION	APPROVED 6/4/2003	NO SAFETY CLAUSE	358	191
1290	LEE, CAIRNS	DECLARATIONS OF STATES OF EMERGENCY	APPROVED 6/3/2003	6/3/2003	343	128
1292	WILLIAMS S., TECK	SERVICE FEES INTERMEDIATE CARE FACILITY	APPROVED 5/22/2003	7/01/2003	301	145
1294	STAFFORD, MCELHANY	INSURANCE FOR SMALL EMPLOYERS	BECAME LAW 6/7/2003	NO SAFETY CLAUSE 1/01/2004	425	157
1297	FRITZ, DYER	DEATH PENALTY AGGRAVATING FACTORS	APPROVED 4/29/2003	4/29/2003	202	48
1298	HARVEY, LAMBORN	LIMIT MORTGAGE UNCONSCIONABILITY CLAIMS	APPROVED 4/29/2003	NO SAFETY CLAUSE	203	22

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1299	CADMAN, DYER	LIFE INSURANCE ANNUITY MINIMUM RETURN	APPROVED 4/22/2003	NO SAFETY CLAUSE	183	157
1301	HALL, TECK	RETURNED CHECKS RECEIVED BY THE DOR	APPROVED 5/22/2003	7/01/2003	302	128
1302	RIPPY, KESTER	MINERAL NOTICE IS PROSPECTIVE ONLY	APPROVED 2/26/2003	2/26/2003	2	128
1303	CRANE, LAMBORN	UNLAWFUL TELECOM ACCESS CELL PHONE CRIME	VETOED 5/21/2003			48
1304	MCCLUSKEY, JOHNSON S.	IMPERSONATING A PEACE OFFICER PENALTIES	APPROVED 4/29/2003	5/01/2003	192	48
1305	STAFFORD, JOHNSON S.	DEAD HUMAN BODIES	APPROVED 5/22/2003	7/01/2003	303	192
1306	HALL, JONES	REFEREES FOR PROP TAX ABATEMENT HEARINGS	APPROVED 4/22/2003	NO SAFETY CLAUSE	184	206
1312	LARSON, ANDERSON	DISPOSITION OF LAST REMAINS INSTRUMENT	APPROVED 4/22/2003	NO SAFETY CLAUSE	185	181
1313	WIENS, EVANS	EXCLUDE REGIONS FROM AIR PROGRAM	APPROVED 4/22/2003	NO SAFETY CLAUSE	186	173
1315	RIPPY, ANDERSON	COPs AND MASTER LEASE CORPORATION	VETOED 5/22/2003			129
1316	SPRADLEY, ARNOLD	STATE EMPLOYEE TOTAL COMP MODIFICATIONS	APPROVED 5/22/2003	5/22/2003	304	129
1317	FRITZ, DYER	SALE OF CONTROLLED SUBSTANCE MATERIALS	APPROVED 6/4/2003	7/01/2004	360	48
1318	HOPPE, GROSSMAN	WATER BANKS IN EACH WATER DIVISION	APPROVED 6/5/2003	6/5/2003	361	217
1319	FRITZ, DYER	ENHANCE NATURAL RESOURCE LAW ENFORCEMENT	APPROVED 5/22/2003	5/22/2003	305	178
1320	RIPPY, McELHANY	DROUGHT LOANS WATER INSTREAM FLOWS	APPROVED 6/5/2003	6/5/2003	362	217
1322	MITCHELL, KESTER	WORKERS' COMPENSATION HEARING PROCEDURES	APPROVED 5/22/2003	5/22/2003	306	163
1323	MITCHELL, HAGEDORN	COORDINATE NATURAL RESOURCES PERMITTING	APPROVED 5/22/2003	5/22/2003	307	180
1326	FRITZ, DYER	LIMIT LIABILITY DEV DISABLED PROVIDERS	APPROVED 5/22/2003	5/22/2003	308	36
1327	BUTCHER, TAPIA	PERA CRITICAL SHORTAGE SCHOOL EMPLOYEES	APPROVED 6/3/2003	6/3/2003	344	68
1329	RIPPY, JOHNSON S.	WASTE TIRE SURCHARGE	APPROVED 5/22/2003	NO SAFETY CLAUSE 1/01/2004	309	136
1330	STENGEL, DYER	ENSURE TOBACCO ESCROW FUND COMPLIANCE	APPROVED 5/14/2003	5/14/2003	267	206
1332	MAY M., PHILLIPS	ADJUST RESIDENTIAL VALUATION ASSESSMENT	APPROVED 5/22/2003	5/22/2003	310	207
1333	LARSON, ARNOLD	SANCTIONS FOR SCHOOL LIBRARY RESOURCES	APPROVED 5/2/2003	5/2/2003	243	68
1334	MITCHELL, HILLMAN	INTERRUPTIBLE WATER SUPPLY AGREEMENTS	APPROVED 6/5/2003	6/5/2003	363	218
1335	FRITZ, HAGEDORN	OPEN RECORDS ACT EXEMPT SECURITY RECORDS	APPROVED 5/2/2003	5/2/2003	244	131
1337	FAIRBANK, CHLOUBER	REMOVE LIMIT ON NUMBER TAVERN LICENSES	APPROVED 5/2/2003	NO SAFETY CLAUSE	245	192
1339	HARVEY, McELHANY	REAL ESTATE LICENSEE INSURANCE	APPROVED 5/22/2003	NO SAFETY CLAUSE	311	193

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1340	BRIGGS, JOHNSON S.	REVISE MOBILE SOURCE EMISSION BUDGETS	APPROVED 5/22/2003	5/22/2003	312	137
1341	BERRY, TECK	LICENSE RENEWAL EXECUTIVE DIRECTOR DOR	APPROVED 5/22/2003	5/22/2003	313	131
1342	COLEMAN, JOHNSON S.	TITLING REGISTRATION FEES	APPROVED 5/22/2003	5/22/2003	314	174
1344	LEE, GORDON	REVISOR'S BILL	APPROVED 5/22/2003	5/22/2003	315	198
1345	VIGIL, TAKIS	ROCKY MTN ARSENAL CONCURRENT JURISDICT	APPROVED 6/5/2003	6/5/2003	391	212
1346	CLAPP, OWEN	ADMIN OPERATION OF OAP DENTAL ASSISTANCE	APPROVED 5/22/2003	7/01/2003	316	150
1347	YOUNG, OWEN	USES OF EMPLOYMENT SUPPORT FUND	APPROVED 6/3/2003	6/3/2003	345	163
1348	RHODES, KESTER	DOMESTIC LIFE INS CO ACCOUNT CONTRACTS	APPROVED 5/22/2003	5/22/2003	317	157
1349	LARSON, TAYLOR	FEDERAL UNEMPLOYMENT FUND OBLIGATIONS	APPROVED 5/22/2003	5/22/2003	318	164
1350	RIPPY, DYER	PUBLICATION OF RULE-MAKING MATERIALS	APPROVED 5/22/2003	5/22/2003	319	132
1351	HALL, KESTER	FOOD PROTECTION FEE INCREASE	APPROVED 5/22/2003	7/01/2003	320	137
1352	CARROLL, TUPA	PEACE OFFICER ACADEMY CRIM HISTORY CHECK	APPROVED 6/3/2003	6/3/2003	346	74
1354	CARROLL, GROFF	MICROENTERPRISE DEVELOPMENT	APPROVED 6/5/2003	NO SAFETY CLAUSE	393	132
1356	FAIRBANK, SANDOVAL	HELP AMERICA VOTE ACT	APPROVED 5/22/2003	5/22/2003	326	82
1357	CLOER, JONES	NO EMISSIONS TEST ABANDON VEHICLE SALE	APPROVED 6/3/2003	NO SAFETY CLAUSE	347	174
1358	SPRADLEY, KESTER	RADIOACTIVE CLASSIFIED WASTE DISPOSAL	APPROVED 6/3/2003	6/3/2003	348	137
1359	STAFFORD, JOHNSON S.	MEDICAID IN-HOME SUPPORT SERVICES	APPROVED 5/22/2003	5/22/2003	321	145
1360	WHITE, DYER	SMALL GROUP HEALTH INSURANCE MARKET DATA	APPROVED 5/22/2003	NO SAFETY CLAUSE	322	158
1362	STENGEL, TAYLOR	SALES TAX TELEPHONE AGGREGATED SERVICES	APPROVED 6/5/2003	6/5/2003	394	207
1363	KING, ANDREWS	PARTICIPATION IN CECFA	APPROVED 5/22/2003	5/22/2003	323	75
1366	WHITE, ANDERSON	SUPERSEDEAS APPEAL BOND	APPROVED 5/20/2003	5/20/2003	288	37
1367	CLOER, NICHOL	MILITARY VALOR LICENSE PLATE	APPROVED 6/3/2003	NO SAFETY CLAUSE	349	174
1368	CRANE, LAMBORN	SCHOOLS PLEDGE OF ALLEGIANCE	APPROVED 6/3/2003	NO SAFETY CLAUSE	356	68
1369	SPENCE, ANDERSON	TECH CORRECTION TO OPPOR CONTRACT PROG	APPROVED 6/5/2003	6/5/2003	366	69
1370	RHODES, ANDERSON	REVIEWS OF DESIGNATED TRAUMA FACILITIES	APPROVED 5/22/2003	5/22/2003	324	138
1371	CLAPP, LAMBORN	REPEAL AUTHORITY DPHE CONTRACT VACCINES	APPROVED 6/3/2003	NO SAFETY CLAUSE	350	138
1372	CADMAN, OWEN	WORKERS' COMP REGUL COMMISSIONER INS	APPROVED 6/3/2003	7/01/2003	351	164
1373	SPENCE, ENTZ	COUNTY & CITY SALES TAX SAME ELECTION	APPROVED 6/5/2003	6/5/2003	395	207

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1376	HARVEY, CAIRNS	PARENTAL NOTIFICATION JUDICIAL BYPASS	APPROVED 6/3/2003	6/3/2003	355	18
1377	WILLIAMS T., EVANS	BUSINESS ENTITIES & TITLE 7	APPROVED 6/3/2003	7/01/2004	352	23
1378	HEFLEY, ANDERSON	CRIMINAL DOCKET FEE INCREASE	APPROVED 6/6/2003	6/6/2003	422	37
1381	MITCHELL, GROFF	CHILD RESTRAINT SYSTEMS MOTOR VEHICLES	APPROVED 6/3/2003	6/3/2003	353	175
1382	YOUNG, TECK	INTEREST ON OVERPAYMENTS OF TAX	APPROVED 6/3/2003	NO SAFETY CLAUSE	354	207

TABLE OF ENACTED SENATE BILLS -- 2003

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
002	OWEN, SMITH	RECODIFY HEALTH DEPARTMENT DUTIES	APPROVED 3/20/2003	7/01/2003	57	133
006	WINDELS, HOPPE	LOCAL INITIATIVE COMMITTEE PILOT PROGRAM	APPROVED 5/22/2003	5/22/2003	327	38
007	CHLOUBER, HARVEY	LIABILITY FOR EVADING HIGHWAY TOLLS	APPROVED 5/14/2003	5/14/2003	248	166
009	TUPA, COLEMAN	EMT NAME & FINGERPRINT RECORD CHECKS	APPROVED 5/14/2003	5/14/2003	249	133
011	HAGEDORN, SPRADLEY	PRESCRIPTION DRUGS UNDER MEDICAID	APPROVED 5/22/2003	5/22/2003	328	139
013	JOHNSON S., BERRY	PRIMARY & PREVENTIVE CARE GRANT PROGRAM	APPROVED 4/7/2003	N O SAFETY CLAUSE	110	139
015	OWEN, JAHN	PATIENT DISCLOSURE OF ESTIMATED CHARGES	APPROVED 4/22/2003	1/01/2004	156	20
016	LAMBORN, WIENS	INDUSTRIAL BANKS CONTROL	APPROVED 4/22/2003	7/01/2003	157	87
019	ANDERSON, RHODES	TOBACCO SETTLEMENT PROGRAM AUDIT COSTS	APPROVED 5/14/2003	7/01/2003	250	133
021	ISGAR, WILLIAMS S.	DIRECT CARE PILOT PROGRAM MODIFICATIONS	APPROVED 4/17/2003	4/17/2003	129	183
022	JOHNSON S., SINCLAIR	OLD AGE PENSION HEALTH & MEDICAL PROGRAM	APPROVED 6/5/2003	7/01/2003	396	140
023	KELLER, HEFLEY	EXPEDITED TERMINATION HEARINGS	APPROVED 4/22/2003	N O SAFETY CLAUSE	158	10
024	CHLOUBER, WHITE	CONCEALED HANDGUN PERMITS	APPROVED 3/18/2003	60 DAYS AFTER PASSAGE	44	38
025	DYER, HEFLEY	FIREARM REGS STATEWIDE CONCERN	APPROVED 3/18/2003	3/18/2003	45	40
027	ENTZ, RIPPY	OUTFITTERS LICENSING BOARD	APPROVED 6/5/2003	7/01/2003	397	183
029	JONES, HALL	PAY SCHEDULE FOR COUNTY EMPLOYEES	APPROVED 3/28/2003	7/01/2003	86	89
030	CAIRNS, LEE	ANNUAL DISCLOSURE OF AVERAGE TAXES PAID	APPROVED 6/5/2003	N O SAFETY CLAUSE	400	199
032	PHILLIPS, STENGEL	DIV OF PROPERTY TAX EXEMPTION PROCEDURES	APPROVED 4/7/2003	4/7/2003	113	199
033	ANDERSON, COLEMAN	AGENCY MANAGEMENT OF PUBLIC RECORDS	APPROVED 5/22/2003	N O SAFETY CLAUSE	329	104
034	ARNOLD, RIPPY	VACANT OR ABANDONED STATE BUILDINGS	APPROVED 4/17/2003	7/01/2003	130	104
035	ENTZ, SALAZAR	ALAMOSA COUNTY SALARY CATEGORY CHANGE	APPROVED 3/28/2003	3/28/2003	87	89
036	ANDREWS, LEE	CIVIL GOV HIGH SCHOOL GRAD REQUIREMENT	APPROVED 4/22/2003	N O SAFETY CLAUSE	159	50
037	NICHOL, MITCHELL	CHILD CARE ASSISTANCE COUNTY MOE	APPROVED 6/5/2003	6/5/2003	401	147

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
038	WINDELS, JAHN	NEXT OF KIN MORTUARY SCIENCE	APPROVED 6/5/2003	7/01/2003	402	40
041	REEVES, SMITH	CENTRAL FILING & CENTRAL INFO SYSTEMS	APPROVED 5/14/2003	7/01/2003	251	20
042	TAKIS, MCCLUSKEY	MOTOR VEHICLE & MANUFACTURED HOME LIENS	APPROVED 4/17/2003	4/17/2003	131	89
044	HAGEDORN, FRITZ	MEMBERS POST-TENURE EMPLOYMENT	APPROVED 4/22/2003	7/01/2003	160	88
045	ENTZ, MILLER	WATER WELL CONTRACTOR REGULATION	APPROVED 5/14/2003	5/14/2003	252	213
046	ENTZ, BORODKIN	SPEED LIMIT TRASH TRUCK	APPROVED 3/20/2003	N O SAFETY CLAUSE	58	166
047	TAYLOR, WHITE	EXTEND WATER COMMITTEE EXEMPT BILLS	APPROVED 3/20/2003	3/20/2003	59	213
049	SANDOVAL, HALL	AVIATION FUND	APPROVED 6/5/2003	7/01/2003	404	209
050	TAKIS, WILLIAMS T.	LICENSURE QUESTIONNAIRE FOR NURSES	APPROVED 5/14/2003	N O SAFETY CLAUSE	253	183
052	ANDERSON, VIGIL	PUBLIC SAFETY COMMUNICATIONS TRUST FUND	APPROVED 3/20/2003	N O SAFETY CLAUSE	60	105
053	MC ELHANY, KING	CO SCHOOL FOR DEAF & BLIND GOVERNING BD	APPROVED 5/2/2003	NO SAFETY CLAUSE - PORTIONS ON 9/01/2003 AND 7/01/2004	235	50
054	MAY R., LARSON	COMMERCIAL VEHICLE PERMITS	APPROVED 3/18/2003	N O SAFETY CLAUSE 1/01/2004	38	166
056	PHILLIPS, RAGSDALE	MEMBERS OF FIRE & POLICE PENSION PLANS	APPROVED 4/22/2003	N O SAFETY CLAUSE	161	100
057	ANDERSON, CADMAN	MONEY PURCHASE PLAN ALTERNATIVES	BECAME LAW 3/25/2003	N O SAFETY CLAUSE	68	100
058	MAY R., CADMAN	PROCUREMENT METHOD EMISSIONS TEST EXCEPT	APPROVED 5/2/2003	5/2/2003	236	105
059	TAYLOR, WHITE	RECREATION OF THE DIVISION OF INSURANCE	APPROVED 3/18/2003	7/01/2003	40	151
060	MAY R., STAFFORD	REGISTRATION RENEWAL FOR FLEET VEHICLES	APPROVED 3/28/2003	N O SAFETY CLAUSE	88	166
061	SANDOVAL, FRANGAS	MOTOR VEHICLE REGISTRATIONS IN DENVER	APPROVED 3/12/2003	7/01/2003	35	167
062	HILLMAN, BROPHY	WARRANTS SUBJECT TO UNCLAIMED PROP LAW	APPROVED 3/20/2003	N O SAFETY CLAUSE	61	106
065	CHLOUBER, MILLER	ANIMAL PROTECTION	APPROVED 5/22/2003	7/01/2003	330	40
066	TAKIS, MCCLUSKEY	MOTOR VEHICLE AIR CONDITIONING	APPROVED 3/20/2003	7/01/2003	62	134
067	JOHNSON S., STENGEL	COUNTY MERGING OF PARCELS OF LAND	APPROVED 4/17/2003	N O SAFETY CLAUSE 10/01/2003	132	89
068	HAGEDORN, BROPHY	HEALTH INSURANCE MANDATES COMMISSION	APPROVED 5/20/2003	5/20/2003	272	151

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
070	LAMBORN, MCCLUSKEY	CONTRACTOR BONDS & LIENS	APPROVED 5/14/2003	N O SAFETY CLAUSE 9/01/2003	254	194
071	SANDOVAL, WILLIAMS T.	ARTS & CLUB LIQUOR LICENSES HIGHER ED	APPROVED 3/13/2003	3/13/2003	36	183
072	ARNOLD, MARSHALL	SEX OFFENDER SCHOOL INFORMATION	APPROVED 3/18/2003	3/18/2003	42	50
073	OWEN, HOPPE	STATE ENGINEER WATER SUPPLY AUTHORITY	APPROVED 4/30/2003	4/30/2003	204	213
076	TECK, MITCHELL	DUI AND CONTROLLED SUBSTANCES CRIMES	APPROVED 6/5/2003	7/01/2003	367	41
079	REEVES, SMITH	SUPPORT OBLIGATIONS	APPROVED 4/22/2003	PORTIONS ON 4/22/2003, 7/01/2003, AND 7/01/2004	163	10
083	KELLER, ROMANOFF	INTERMEDIATE CARE FOR CHILDREN	APPROVED 6/5/2003	6/5/2003	403	146
085	ISGAR, SMITH	TEMPORARY LOANS OF WATER RIGHTS	VETOED 5/22/2003			213
086	HILLMAN, WILLIAMS T.	GOVERNMENT ATTORNEY ETHICS ACT	APPROVED 4/9/2003	N O SAFETY CLAUSE	124	30
088	LINKHART, PLANT	RULE REVIEW BILL	APPROVED 5/9/2003	5/9/2003	246	1
089	PHILLIPS, HALL	FORM POLITICAL SUBDIV NOTICE ASSESSOR	APPROVED 3/25/2003	3/25/2003	70	199
091	TUPA, BRIGGS	HYBRID VEHICLES USE HOV LANES	APPROVED 4/22/2003	N O SAFETY CLAUSE 9/01/2003	162	167
096	PHILLIPS, WHITE	LOCAL GOV REVENUE BONDS	APPROVED 3/20/2003	7/01/2003	63	94
097	TAKIS, STAFFORD	PAROLE RECONSIDERATIONS VIOLENT FELONS	APPROVED 3/28/2003	7/01/2003	89	41
098	ARNOLD, FRITZ	PERA BENEFIT PROVISIONS	APPROVED 6/5/2003	PORTIONS ON 6/05/2003, 7/01/2003, AND 11/01/2003	405	106
100	ENTZ, SALAZAR	HIGH SCHOOL DIPLOMAS FOR VETERANS	APPROVED 3/18/2003	3/18/2003	39	165
101	OWEN, YOUNG	PERA EMPLOYER CONTRIBUTIONS	VETOED 5/22/2003			107
102	ARNOLD, WHITE	VOTER IDENTIFICATION	APPROVED 4/22/2003	4/22/2003	164	76
103	REEVES, BERRY	P.O.S.T. BOARD OFFICER TRAINING PROGRAMS	APPROVED 5/22/2003	5/22/2003	336	108
106	JONES, LARSON	WORK COMP THIRD-PARTY CLAIMS SUBROGATION	APPROVED 6/5/2003	7/01/2003	406	159
107	CHLOUBER, HEFLEY	SIMULCAST FACILITIES GREYHOUND RACES	BECAME LAW 4/29/2003	6/01/2003	191	183
109	WINDELS, ROSE	JUDICIAL PROCEDURES	APPROVED 3/18/2003	3/18/2003	43	30
110	ENTZ, HOPPE	CWCB CONSTRUCTION FUND LIST	APPROVED 5/19/2003	5/19/2003	269	214

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
112	ANDERSON, COLEMAN	CO INDIGENT CARE PROGRAM	APPROVED 4/7/2003	4/7/2003	115	140
113	McELHANY, WIENS	SUNSET DIVISION OF GAMING	APPROVED 5/22/2003	5/22/2003	331	184
114	HANNA, MILLER	ILLEGAL FEEDING WILD BEAR OFFENSE	APPROVED 6/5/2003	6/5/2003	407	176
115	HILLMAN, YOUNG	CHANGE OF AG WATER RIGHTS TO URBAN AREAS	APPROVED 4/7/2003	N O SAFETY CLAUSE	116	214
116	CHLOUBER, LARSON	MOTOR VEHICLE SERVICE CONTRACT PROVIDER	APPROVED 4/7/2003	4/7/2003	117	168
117	CAIRNS, SPENCE	TIMING OF SCHOOL ACCOUNTABILITY REPORTS	APPROVED 4/17/2003	N O SAFETY CLAUSE	133	51
118	CHLOUBER, RIPPY	HORSE RACING WORKERS' COMP EXCLUSION	APPROVED 3/20/2003	3/20/2003	64	159
119	JOHNSON S., CLAPP	SUNSET REVIEW OF PHARMACY BOARD	APPROVED 4/17/2003	7/01/2003	128	184
120	JOHNSON S., CLAPP	SUNSET REVIEW BOARD OF DENTAL EXAMINERS	VETOED 4/25/2003			185
121	McELHANY, WILLIAMS T.	COST-BENEFIT ANALYSIS FOR NEW RULES	APPROVED 6/3/2003	N O SAFETY CLAUSE	357	108
130	SANDOVAL, JAHN	SUNSET HOME HEALTH PILOT ADVISORY CMT	APPROVED 4/7/2003	7/01/2003	118	147
131	ARNOLD, BERRY	SUNSET DOR ELECTRONIC DRIVER LIC HRGS	APPROVED 6/5/2003	6/5/2003	408	168
133	DYER, STENGEL	CIVIL FORFEITURE	APPROVED 4/7/2003	7/01/2003	119	41
134	KELLER, TOCHTROP	SUNSET CERTIFICATION OF NURSE AIDES	APPROVED 6/5/2003	6/5/2003	410	186
135	LAMBORN, SMITH	ELIMINATE OBSOLETE PROVISIONS	APPROVED 4/7/2003	N O SAFETY CLAUSE	120	109
137	ARNOLD, SPENCE	CSAP & UNSATISFACTORY SCHOOLS DEADLINES	APPROVED 3/20/2003	3/20/2003	65	51
139	ANDREWS, LUNDBERG	CONTEST BOND DEBT ELECTIONS GROUNDS	APPROVED 3/25/2003	N O SAFETY CLAUSE	71	76
141	TAPIA, SALAZAR	PERSONS IN COUNTY JAILS	APPROVED 5/14/2003	N O SAFETY CLAUSE	255	27
143	TAYLOR, WHITE	MOTION PICTURE EMPLOYEES TOURISM OFFICE	APPROVED 3/18/2003	3/18/2003	41	109
147	DYER, HEFLEY	CRIMINAL PROCEDURAL LAW CHANGES	APPROVED 4/17/2003	4/17/2003	134	42
148	TECK, MARSHALL	ELECTRONIC FILING INCOME TAX RETURN	APPROVED 3/25/2003	3/25/2003	72	200
149	ARNOLD, SPENCE	SCHOOL DISTRICT BUDGET PROCEDURES	APPROVED 4/22/2003	7/01/2003	165	51
158	TUPA, POMMER	SCHOOL DISTRICT SALE LEASE BACK	APPROVED 4/22/2003	4/22/2003	166	52
164	GORDON, HEFLEY	POST-CONVICTION DNA TESTING	APPROVED 3/28/2003	N O SAFETY CLAUSE	90	43
167	ISGAR, BROPHY	VALUATION POSSESSORY INTEREST STATE LAND	APPROVED 5/14/2003	N O SAFETY CLAUSE 1/01/2004	256	200
169	TECK, PLANT	REMOVE DOA INDIRECT COST LIMITS	APPROVED 3/5/2003	3/5/2003	13	2
170	TECK, PLANT	FY 02-03 APPROP METRO ST & FT LEWIS	APPROVED 3/5/2003	3/5/2003	14	70

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
172	REEVES, YOUNG	FAMILY STABILIZATION SERVICES MONEYS	APPROVED 3/5/2003	3/5/2003	12	31
173	OWEN, YOUNG	ADMIN NURSING HOME PAYMENT REPEAL	APPROVED 3/5/2003	3/5/2003	15	140
175	OWEN, YOUNG	NURSING HOME PENALTY CASH FUND	APPROVED 3/5/2003	3/5/2003	18	134
176	OWEN, WITWER	MEDICAID ELIGIBILITY LEGAL IMMIGRANTS	APPROVED 3/5/2003	3/5/2003	16	141
177	REEVES, YOUNG	COMMUNITY CORRECTIONS SPEND ADMIN COSTS	APPROVED 3/5/2003	4/01/2003	17	27
178	REEVES, PLANT	TELECOM FUND PUBLIC SAFETY RADIO SYSTEMS	APPROVED 3/5/2003	3/5/2003	9	110
179	OWEN, WITWER	CAPITAL CONSTRUCTION REVENUE REDUCTION	APPROVED 3/5/2003	3/5/2003	10	110
180	OWEN, PLANT	AG DEPT BUY STDS TRUCK FROM CASH FUND	APPROVED 3/5/2003	3/5/2003	11	2
181	REEVES, WITWER	INCREASE WELL PERMIT FEES	APPROVED 3/5/2003	3/01/2003	7	215
182	TECK, WITWER	CONSOLIDATE MANUFACTURED BLDG PROGRAMS	APPROVED 3/5/2003	3/5/2003	29	110
183	REEVES, PLANT	DOE K-12 PROGRAM MODIFICATIONS	APPROVED 3/5/2003	3/5/2003	28	52
184	TECK, WITWER	TREASURY TRANSACTION FEE FROM INTEREST	APPROVED 3/5/2003	3/5/2003	27	110
185	TECK, PLANT	TAX AMNESTY PROGRAM	APPROVED 3/5/2003	3/5/2003	26	200
186	OWEN, YOUNG	JUDICIAL FEE INCREASE	BECAME LAW 3/18/2003	3/18/2003	37	31
187	REEVES, PLANT	DHCPF'S REQmnts MEDICAID ENROLLMENT	APPROVED 3/5/2003	3/5/2003	25	141
188	TECK, WITWER	ELIMINATE PRESIDENTIAL PRIMARY ELECTION	APPROVED 3/5/2003	3/5/2003	24	77
189	TECK, YOUNG	HIGHER Ed CASH FUNDS MAXIMUM	APPROVED 3/5/2003	3/5/2003	23	70
190	OWEN, WITWER	USE TOBACCO MONEYS TO AUGMENT GEN FUND	APPROVED 3/5/2003	3/5/2003	22	111
191	OWEN, YOUNG	AUGMENT FY 2002-03 GENERAL FUND REVENUES	APPROVED 3/5/2003	3/5/2003	21	112
192	TECK, PLANT	DRIVER'S LICENSE RESTORATION FEES	APPROVED 3/5/2003	3/5/2003	20	168
193	REEVES, YOUNG	USE OF STATE HISTORICAL FUND MONEYS	APPROVED 3/5/2003	3/5/2003	19	70
195	OWEN, YOUNG	REDUCE GEN FUND APPROP MAINT EFFORT	APPROVED 3/5/2003	3/5/2003	5	53
196	TECK, WITWER	ACCOUNTING OF MEDICAID REIMBURSEMENTS	APPROVED 3/5/2003	3/5/2003	6	147
197	OWEN, YOUNG	CHANGING STATE EMPLOYEES' PAY DAY	APPROVED 3/5/2003	3/5/2003	8	112
198	OWEN, WITWER	ELIM TECH LEARNING GRANT & LOAN PGM	APPROVED 3/5/2003	3/5/2003	3	71
199	OWEN, YOUNG	SUPPL APPROP DEPT OF AGRICULTURE	APPROVED 3/10/2003	3/10/2003	427	5
200	OWEN, YOUNG	SUPPL APPROP DEPT OF CORRECTIONS	APPROVED 3/5/2003	3/5/2003	428	5
201	OWEN, YOUNG	SUPPL APPROP DEPT OF EDUCATION	APPROVED 3/5/2003	3/5/2003	429	5

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
202	OWEN, YOUNG	SUPPL APPROP DEPT OF GOV, LT GOV, & OSPB	APPROVED 3/10/2003	3/10/2003	430	5
203	OWEN, YOUNG	SUPPL APPROP DEPT OF HEALTH CARE POL & FIN	APPROVED 3/5/2003	3/5/2003	431	5
204	OWEN, YOUNG	SUPPL APPROP DEPT OF HIGHER ED	APPROVED 3/5/2003	3/5/2003	432	6
205	OWEN, YOUNG	SUPPL APPROP DEPT OF HUMAN SERVICES	APPROVED 3/5/2003	3/5/2003	433	6
206	OWEN, YOUNG	SUPPL APPROP JUDICIAL DEPARTMENT	APPROVED 3/13/2003	3/13/2003	434	6
207	OWEN, YOUNG	SUPPL APPROP DEPT OF LABOR & EMPLOYMENT	APPROVED IN PART AND VETOED IN PART 3/10/2003	3/10/2003	435	6
208	OWEN, YOUNG	SUPPL APPROP DEPT OF LAW	APPROVED 3/5/2003	3/5/2003	436	6
209	ANDERSON, KING	SUPPL APPROP DEPT OF LEGISLATURE	APPROVED 3/5/2003	3/5/2003	437	6
210	OWEN, YOUNG	SUPPL APPROP DEPT OF LOCAL AFFAIRS	APPROVED 3/5/2003	3/5/2003	438	7
211	OWEN, YOUNG	SUPPL APPROP DEPT OF MILITARY AFFAIRS	APPROVED 3/5/2003	3/5/2003	439	7
212	OWEN, YOUNG	SUPPL APPROP DEPT OF NATURAL RESOURCES	APPROVED 3/5/2003	3/5/2003	440	7
213	OWEN, YOUNG	SUPPL APPROP DEPT OF PERSONNEL	APPROVED 3/5/2003	3/5/2003	441	7
214	OWEN, YOUNG	SUPPL APPROP DEPT OF PUB HEALTH & ENVIR	APPROVED 3/5/2003	3/5/2003	442	7
215	OWEN, YOUNG	SUPPL APPROP DEPT OF PUBLIC SAFETY	APPROVED 3/5/2003	3/5/2003	443	8
216	OWEN, YOUNG	SUPPL APPROP DEPT OF REG AGENCIES	APPROVED 3/5/2003	3/5/2003	444	8
217	OWEN, YOUNG	SUPPL APPROP DEPT OF REVENUE	APPROVED 3/5/2003	3/5/2003	445	8
218	OWEN, YOUNG	SUPPL APPROP DEPT OF STATE	APPROVED 3/5/2003	3/5/2003	446	8
219	OWEN, YOUNG	SUPPL APPROP DEPT OF TRANSPORTATION	APPROVED 3/5/2003	3/5/2003	447	8
220	OWEN, YOUNG	SUPPL APPROP TREASURY DEPT	APPROVED 3/5/2003	3/5/2003	448	8
222	McELHANY, KING	ACCRUAL ACCOUNTING FOR GEN FUND SURPLUS	APPROVED 6/5/2003	7/01/2003	412	113
223	McELHANY, BERRY	SUNSET OF PUBLIC UTILITIES COMMISSION	APPROVED 3/20/2003	3/20/2003	66	197
224	JONES, BUTCHER	SUNSET PHYSICIAN ACCREDITATION FOR WC	APPROVED 4/7/2003	7/01/2003	121	159
225	McELHANY, BERRY	MODIFY REGULATION BY PUB UTIL COMMN	APPROVED 5/14/2003	5/14/2003	257	197
226	KESTER, WHITE	SUNSET OF EXAMINING BOARD OF PLUMBERS	APPROVED 5/2/2003	5/2/2003	237	187
228	TECK, PLANT	HUTF MONEYS FOR LICENSE PLATES	APPROVED 3/5/2003	3/5/2003	4	209
230	MAY R., FRITZ	UNIFORM ELECTRONIC SIGNATURES ACT RULES	APPROVED 6/5/2003	N O SAFETY CLAUSE 1/01/2004	414	113

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
231	HILLMAN, MITCHELL	PRODUCT LIABILITY ACTIONS	APPROVED 4/22/2003	N O SAFETY CLAUSE 9/01/2003	167	31
233	HILLMAN, FAIRBANK	DA EMPLOYEES IN PERA OR STATE DC PLAN	APPROVED 4/22/2003	N O SAFETY CLAUSE	168	114
234	KESTER, HALL	OIL & GAS PROP TAX ABATEMENT INTEREST	APPROVED 4/7/2003	N O SAFETY CLAUSE	122	201
235	LAMBORN, MITCHELL	RIGHT TO DISPLAY PATRIOTIC SYMBOLS	APPROVED 5/14/2003	N O SAFETY CLAUSE	258	114
236	DYER, HOPPE	WATER BOARD REVENUE BONDS ELECTION	APPROVED 6/5/2003	6/5/2003	364	215
237	ANDERSON, POMMER	PAYMENT OF SCHOOL DISTRICT OBLIGATIONS	APPROVED 4/22/2003	4/22/2003	169	53
238	CHLOUBER, STENGEL	RECOVERY UTILITY FACILITY RELOCATE COSTS	APPROVED 6/5/2003	N O SAFETY CLAUSE	413	197
239	CHLOUBER, BERRY	SUNSET MOTORIST INS ID DATABASE PROGRAM	APPROVED 6/5/2003	7/01/2003	415	168
240	MC ELHANY, MCCLUSKEY	IME SELECTION PROCESS WORKERS' COMP	APPROVED 5/14/2003	N O SAFETY CLAUSE	259	159
241	MAY R., RIPPY	SUNSET MOTOR VEHICLE MFR LICENSING	APPROVED 4/22/2003	4/22/2003	170	187
242	DYER, LARSON	P.O.S.T. BOARD MEMBERSHIP	APPROVED 5/14/2003	5/14/2003	260	115
243	ANDERSON, WHITE	STATEWIDE TRAVEL MGMT PROG REPORT REPEAL	APPROVED 4/17/2003	4/17/2003	135	115
246	OWEN, WITWER	ADMIN FEE FOR PUBLIC PROGRAM RECIPIENTS	APPROVED 5/2/2003	5/2/2003	238	148
248	ANDERSON, KING	SCHOOL FINANCE	APPROVED IN PART AND VETOED IN PART 5/22/2003	5/22/2003	337	54
249	OWEN, STENGEL	AUTHORIZE STATE LEVERAGED LEASING	APPROVED 5/14/2003	5/14/2003	261	115
250	SANDOVAL, SPENCE	DENVER PUBLIC SCHOOLS IN PERA	APPROVED 6/5/2003	6/5/2003	416	60
251	HAGEDORN, MITCHELL	PROHIBIT PROP USE ELIM BY AMORTIZATION	APPROVED 6/6/2003	6/6/2003	420	195
252	KESTER, STENGEL	PAROLE REVOCATIONS COMMUNITY CORRECTIONS	BECAME LAW 6/7/2003	7/01/2003	423	27
253	CHLOUBER, WHITE	PARENTAL LIABILITY WAIVERS	APPROVED 5/14/2003	5/14/2003	262	12
254	EVANS, SPENCE	CLOSING THE ACHIEVEMENT GAP	APPROVED 6/5/2003	6/5/2003	384	61
255	CHLOUBER, CADMAN	SELECTIVE SERVICE REGISTRATION HIGHER ED	APPROVED 6/5/2003	N O SAFETY CLAUSE 1/01/2004	386	71
258	OWEN, YOUNG	LONG APPROPRIATIONS BILL	APPROVED IN PART AND VETOED IN PART 5/1/2003	5/1/2003	449	8
259	TECK, WITWER	FEE FOR KID'S MEDICAID HCBS PROGRAMS	APPROVED 5/1/2003	5/1/2003	205	141
260	TECK, PLANT	WHOLESALE FOOD MANUFACTURE & STORAGE	APPROVED 5/1/2003	5/1/2003	206	134
261	TECK, WITWER	FEES FOR SPECIFC DOLA PROGRAMS	APPROVED 5/1/2003	7/01/2003	207	116

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
262	OWEN, WITWER	CAPITAL CONSTRUCTION TRANSFERS	APPROVED 5/1/2003	5/1/2003	208	117
263	OWEN, WITWER	STATE ASSISTANCE TO FPPA OLD HIRE PLANS	APPROVED 5/1/2003	5/1/2003	209	101
264	TECK, PLANT	ENTERPRISE DESIGNATION OF HIGHER ED INST	VETOED 5/22/2003			71
265	TECK, YOUNG	REDUCE SENIOR PROPERTY TAX EXEMPTION	APPROVED 5/1/2003	5/1/2003	210	201
266	REEVES, YOUNG	NURSING FACILITY PROVIDER FEES & PROGRAM	APPROVED 5/1/2003	5/1/2003	211	142
267	REEVES, YOUNG	MOTOR VEHICLE BUS GROUP FUNDING	APPROVED 5/1/2003	7/01/2003	212	209
268	REEVES, PLANT	SECURITIZE TOBACCO MONEYS FOR RESERVE	APPROVED 6/5/2003	6/5/2003	389	117
271	OWEN, YOUNG	AUGMENT GEN FUND THROUGH CASH TRANSFERS	APPROVED 5/1/2003	5/1/2003	230	119
272	TECK, WITWER	LICENSE PLATE FEES CASH FUNDING	APPROVED 5/1/2003	7/01/2003	213	169
273	OWEN, YOUNG	STATE EMPLOYEES' SALARY INCREASE	APPROVED 5/1/2003	5/1/2003	214	119
274	OWEN, YOUNG	TRANSFERS OF GAMING REV TO GEN FUND	APPROVED 5/1/2003	5/1/2003	215	187
275	TECK, WITWER	PRINTING SCHOOL ACCOUNTABILITY REPORTS	VETOED 5/22/2003			62
276	REEVES, PLANT	CASH FUNDING WATER QUALITY PROGRAMS	APPROVED 5/1/2003	5/1/2003	216	134
277	REEVES, PLANT	INCLUSION OF SALARY FURLOUGH PERA EMPLOY	APPROVED 5/1/2003	5/1/2003	217	120
278	REEVES, YOUNG	APPROPRIATIVE WATER RIGHTS ADMIN FEE	APPROVED 5/1/2003	5/1/2003	218	176
279	OWEN, YOUNG	LIMITS ON MEDICAL ASSISTANCE SERVICES	APPROVED 5/1/2003	7/01/2003	219	142
280	TECK, WITWER	HAZARDOUS SUBSTANCE RESPONSE FUND	APPROVED 5/1/2003	5/1/2003	220	135
282	TECK, WITWER	TOBACCO LITIG CASH TRANSFER GEN FUND	APPROVED 6/5/2003	6/5/2003	392	120
284	TECK, YOUNG	MANDATORY JUVENILE PAROLE SIX MONTHS	APPROVED 5/1/2003	5/1/2003	221	12
285	OWEN, YOUNG	REDUCE FY 2002-03 GENERAL FUND RESERVE	APPROVED 5/1/2003	5/1/2003	222	121
286	REEVES, PLANT	JUV DETENTION BED CAP WORKING GROUP	APPROVED 5/1/2003	5/1/2003	223	13
287	TECK, WITWER	HEALTH FACILITIES LICENSE FEE	APPROVED 5/1/2003	5/1/2003	224	135
288	OWEN, WITWER	LIMIT MEDICAID PRIVATE DUTY NURSES	APPROVED 5/1/2003	7/01/2003	225	143
290	OWEN, YOUNG	PARKS BOARD BUDGET AUTHORITY	APPROVED 5/1/2003	5/1/2003	226	176
291	OWEN, YOUNG	CHANGES TO CHILDREN'S BASIC HEALTH PLAN	APPROVED 5/1/2003	5/1/2003	227	143
292	REEVES, YOUNG	SUSPEND CERTAIN CSAPs AND THE ACT	VETOED 5/1/2003			62
294	TECK, WITWER	DRUG REBATES, DISCOUNTS, & MANAGEMENT	APPROVED 6/5/2003	6/5/2003	368	144
295	OWEN, YOUNG	REDUCE OLDER COLORADANS FUND ALLOCATION	APPROVED 5/1/2003	5/1/2003	228	148

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
296	REEVES, YOUNG	EMPLOYMENT SUPPORT FUND ECON DEVELOPMENT	APPROVED 5/1/2003	5/1/2003	229	160
297	OWEN, PLANT	CASH FUND AG COMMISSION ACTIVITIES FEES	APPROVED 5/14/2003	5/14/2003	263	2
299	OWEN, YOUNG	REDUCE SUPPL OAP HEALTH CARE FUND	APPROVED 5/1/2003	7/01/2003	231	148
300	TECK, PLANT	INVESTMENT MANAGEMENT FEE CASH FUNDS	APPROVED 5/1/2003	7/01/2003	232	121
302	REEVES, PLANT	REPEAL WORKERS' COMPENSATION STUDIES	APPROVED 5/1/2003	5/1/2003	233	160
303	DYER, STENGEL	EXEMPT INMATE TELECOM PUB UTIL COMMN	APPROVED 6/5/2003	6/5/2003	398	197
304	ARNOLD, LEE	HIGHER ED INSTITUTIONS' ROLE & MISSION	APPROVED 6/5/2003	7/01/2003	399	72
305	ANDERSON, KING	LEGISLATIVE APPROPRIATION	APPROVED 4/30/2003	4/30/2003	426	9
307	CAIRNS, MITCHELL	CONTINUATION OF SPEC OLYMPICS CHECKOFF	APPROVED 5/22/2003	N O SAFETY CLAUSE	332	201
308	MAY R., WITWER	USE OF ADVANCED TECHNOLOGY FUND MONEYS	APPROVED 5/22/2003	5/22/2003	333	73
309	ANDERSON, YOUNG	SUSPEND WRITING CSAPs	VETOED 5/22/2003			62
310	EVANS, SMITH	TRUSTS ESTATE PLANNING	APPROVED 5/22/2003	5/22/2003	334	181
312	McELHANY, FAIRBANK	FEE-FOR-SERVICE DENTAL PLAN NO PREMIUMS	APPROVED 5/14/2003	N O SAFETY CLAUSE	264	152
314	JOHNSON S., CLAPP	PLACEMENT OF SIBLING GROUPS	APPROVED 6/5/2003	6/5/2003	409	13
317	CHLOUBER, YOUNG	REDUCTION OF VENDOR FEES	APPROVED 6/5/2003	6/5/2003	411	201
318	GORDON, HEFLEY	REDUCE DRUG SENTENCING SAVINGS FUND	BECAME LAW 6/7/2003	7/01/2003	424	44
320	MAY R., BERRY	TRANSP COMMITTEE REPORTING REQMTS	APPROVED 6/5/2003	N O SAFETY CLAUSE	417	210
321	TAYLOR, STENGEL	FINANCE COMMITTEE REPORTING REQMTS	APPROVED 6/5/2003	N O SAFETY CLAUSE	418	202
324	TAYLOR, BERRY	PETROLEUM STORAGE TANK FUND	APPROVED 6/5/2003	6/5/2003	419	160
325	PHILLIPS, POMMER	MILITARY PERSONNEL PROPERTY TAX DEFERRAL	APPROVED 5/22/2003	5/22/2003	335	202
326	CAIRNS, SPENCE	PUBLICLY-SUPPORTED LIBRARIES	APPROVED 6/5/2003	N O SAFETY CLAUSE 8/15/2003	373	94
327	EVANS, STAFFORD	D&N HEARING PROCESS CHANGES	APPROVED 6/5/2003	7/01/2003	376	13
328	OWEN, PLANT	INCREASE EARNED TIME	VETOED 5/22/2003			28
329	TAYLOR, MILLER	REPEAL STATE EXPLOSIVES PERMITS	APPROVED 6/5/2003	6/5/2003	377	176
331	JOHNSON S., MITCHELL	COMMR'S AUTHORITY OVER HEALTH BENEFITS	APPROVED 6/5/2003	6/5/2003	379	152
333	MAY R., BERRY	ELECTRONIC SIGNATURES TRAFFIC CITATIONS	APPROVED 6/5/2003	6/5/2003	372	170
334	GROSSMAN, JAHN	SENIOR PROP TAX EXEMPTION APPLICATIONS	APPROVED 6/5/2003	6/5/2003	374	202

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
336	MAY R., FRITZ	STATEWIDE INTERNET PORTAL	APPROVED 6/5/2003	6/5/2003	375	122
340	MAY R., CADMAN	CHARITABLE SOLICITATIONS REGISTRATION	APPROVED 6/5/2003	6/5/2003	380	20
342	OWEN, YOUNG	CASH FLOW RESERVE & SALE OF STATE PROP	APPROVED 6/5/2003	6/5/2003	381	123
344	ANDERSON, JAHN	AUDIT COUNTY RETIREMENT PLANS	APPROVED 6/5/2003	6/5/2003	382	90
345	McELHANY, KING	MOTOR VEHICLE SELF-INSURANCE	APPROVED 6/5/2003	6/5/2003	369	152
347	TAYLOR, RIPPY	POSSESSORY INTEREST TIMBER SALE CONTRACT	APPROVED 6/5/2003	N O SAFETY CLAUSE 1/01/2004	378	202
348	OWEN, YOUNG	MODIFY FY 02-03 STATE EMERGENCY RESERVE	APPROVED 6/5/2003	6/5/2003	370	124
349	OWEN, YOUNG	REDUCTION IN STATUTORY RESERVE	APPROVED 6/5/2003	6/5/2003	371	124
352	LAMBORN, FAIRBANK	CONGRESSIONAL REDISTRICTING	APPROVED 5/9/2003	5/9/2003	247	212

ADMINISTRATIVE RULE REVIEW

S.B. 03-88 Continuation of 2002 rules of executive agencies. Provides for the continuation of the rules and regulations of state agencies that were adopted or amended on or after November 1, 2001, and before November 1, 2002; except that certain rules and regulations shall expire as scheduled on May 15, 2003.

APPROVED by Governor May 9, 2003

EFFECTIVE May 9, 2003

AGRICULTURE

S.B. 03-169 FY 2002-03 budget reduction bill - fees - recovery of indirect costs. Removes limits until July 1, 2006, on the collection or expenditure of revenues for indirect costs relating to:

- The state board of stock inspection commissioners;
- The issuance, renewal, and investigation of chemigation permits; and
- Mandatory fruit and vegetable inspections.

Decreases the general fund portion and increases the cash funds and cash funds exempt portions of the total appropriation to the department of agriculture.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-180 FY 2002-03 budget reduction bill - fruit and vegetable inspections - measurement standards - authority of department of agriculture - expenditures - appropriations. Allows the department of agriculture to expend moneys from the mandatory fruit and vegetable inspection fund for calibration equipment, including but not limited to the purchase of a measurement standards truck, during the current fiscal year.

Appropriates \$47,031.50 from the mandatory fruit and vegetable inspection fund and \$47,031.50 from the brand inspection fund.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-297 FY 2003-04 budget reduction bill - fees - cash funding of programs - fee-setting authority of department - repeal - appropriation. Removes statutory fee and penalty provisions in laws pertaining to licensing, regulation, and enforcement by the department of agriculture in the areas of fertilizers, anhydrous ammonia, measurement standards, eggs, commercial feed, slaughterhouses, and farm products. Replaces such statutory fees and penalties with provisions allowing the agricultural commission to establish fees and penalties administratively during fiscal years 2002-03, 2003-04, and 2004-05. Centralizes the deposit and investment of revenue from these programs in a new cash fund, denoted the inspection and consumer services cash fund. Repeals both the fee-setting authority and the cash fund as of July 1, 2005, directing any fees collected thereafter into the general fund and restoring the amount of such fees to their previous (FY 2002-03) levels.

Allows the agricultural commissioner to adopt rules to implement the programs included in this legislation and to accept gifts, grants, and donations. Adjusts appropriations made in the 2003-04 long bill and appropriates \$10,945 to the department of law for the provision of legal services to the department of agriculture for implementation of the act.

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

H.B. 03-1035 Pest control - districts - cooperative agreements - weeds. Authorizes a board of county commissioners to contract with another board to manage and control pests, including sharing costs and employees. Requires such contract to be in writing and contain the purposes, rights, responsibilities, and financial obligations of each county. Clarifies that

such contracting authority does not supercede existing legal obligations. Repeals a prohibition on the creation of pest control districts for the purpose of weed management.

APPROVED by Governor April 7, 2003

EFFECTIVE April 7, 2003

H.B. 03-1140 Noxious weeds - classification - enforcement - duties of commissioner, local governments, and landowners - subject to sunset review. Amends legislative findings to include eradication, containment, and suppression of noxious weeds as being in the best interests of Colorado. Clarifies that use of moneys in the noxious weed management fund to assist local governing bodies with eradication, containment, or suppression of noxious weeds is in the best interests of Colorado. Clarifies the definitions of "integrated management" and "state noxious weed", and adds a definition of "management objective".

Prohibits the intentional introduction, cultivation, or sale of a designated noxious weed into Colorado. Creates specified exceptions for introduction of specified noxious weeds for research, entities granted a waiver by the commissioner of agriculture (the commissioner), noxious weed management that is part of an approved reclamation plan for mined land and hard rock mining, and noxious weed management as part of activities conducted on disturbed lands. Specifies that a person in compliance with an approved weed management plan is not in violation of the prohibition on intentional introduction of a designated noxious weed. Allows the commissioner to seek remediation costs from violators.

Directs the commissioner of agriculture (the commissioner) to classify noxious weeds as either "list A", "list B", or "list C". Describes the nature of each category and creates enforcement duties and responsibilities of the commissioner, local governing bodies, and landowners with regard to the management of list A and list B species designated for eradication. Requires a local governing body to clearly identify its management objectives. Adds to the civil penalties costs associated with inspection and eradication, including future eradication, administrative costs, court costs, and attorney fees.

Establishes the state noxious weed advisory committee. Sets out the composition of the committee, terms of membership, and types of representatives to serve on the committee. Sunsets the committee in 2013. States that the duties of the committee are to make recommendations to the commissioner concerning:

- Which weeds are state noxious weeds;
- Which state noxious weeds should be defined as list A, list B, or list C category of weed; and
- What management techniques should be used to eradicate, contain, or suppress each listed weed.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1205 Colorado beef council authority - beef board fee refund. Entitles a person who has paid a beef board fee to apply for an 85% refund with the board of directors of the Colorado beef council authority. Requires a written and signed request and a copy of the Colorado brand certificate to be mailed or faxed to the board, and additional information as

requested by the board, in order to receive a refund. Allows the board to file an action to recover an illegally obtained refund of fees. Specifies that making a fraudulent or false claim for a refund of fees constitutes theft.

APPROVED by Governor April 17, 2003

EFFECTIVE August 6, 2003

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

APPROPRIATIONS

S.B. 03-199 Supplemental appropriation - department of agriculture. Amends the 2002 general appropriation act to increase the total appropriation to the department of agriculture. Decreases the general fund and federal fund portions of the appropriation and increases the cash funds and cash funds exempt portions.

APPROVED by Governor March 10, 2003

EFFECTIVE March 10, 2003

S.B. 03-200 Supplemental appropriation - department of corrections. Amends the 2002 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 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-201 Supplemental appropriation - department of education. Amends the 2002 general appropriation act to increase the total appropriation to the department of education. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and federal funds portions.

Repeals the amount appropriated to the department by House Bill 02-1349, the 2002 school finance act, for the purpose of measuring annual student progress. Decreases the amount appropriated by the same act for the educational grant program.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-202 Supplemental appropriation - offices of the governor, lt governor, and state planning and budgeting. Amends the 2002 general appropriation act to increase the total appropriation to the offices of the governor, lt. governor, and state planning and budgeting. Increases the general fund and federal funds portions of the appropriation and decreases the cash funds exempt portion.

APPROVED by Governor March 10, 2003

EFFECTIVE March 10, 2003

S.B. 03-203 Supplemental appropriation - department of health care policy and financing. Amends the 2002 general appropriation act to decrease the total appropriation to the department of health care policy and financing. Decreases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

Decreases the amount appropriated by House Bill 02-1155, concerning the coverage of pregnant women under the children's basic health plan. Decreases the amount of anticipated federal funds for the indigent care program.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-204 Supplemental appropriation - department of higher education. Amends the 2002 general appropriation act, as amended by Senate Bill 03-170, to decrease the total appropriation to the department of higher education. Decreases the general fund, cash funds, and cash funds exempt portions.

States that sections of this act are contingent on passage of Senate Bill 03-170.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

NOTE: Senate Bill 03-170 was signed by the Governor on March 5, 2003.

S.B. 03-205 Supplemental appropriation - department of human services. Amends the 2002 general appropriation act to decrease the total appropriation to the department of human services. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-206 Supplemental appropriation - judicial department. Amends the 2002 general appropriation act to decrease the total appropriation to the judicial department. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash fund portion.

Amends the 2001 general appropriation act, as amended by House Bill 02-1373, to decrease moneys allocated to the alternate defense counsel and increase moneys allocated to the office of the child's representative.

APPROVED March 13, 2003

EFFECTIVE March 13, 2003

S.B. 03-207 Supplemental appropriation - department of labor and employment. Amends the 2002 general appropriation act to increase the total appropriation to the department of labor and employment. Decreases the cash funds and cash funds exempt portions of the appropriation and increases the federal funds portion.

APPROVED by Governor March 10, 2003

EFFECTIVE March 10, 2003

PORTIONS VETOED March 10, 2003

S.B. 03-208 Supplemental appropriation - department of law. Amends the 2002 general appropriation act to increase the total appropriation to the department of law. Decreases the general fund, cash funds, and federal funds portions of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-209 Supplemental appropriation - legislative department. Amends the 2002 general appropriation act to decrease the total appropriation to the legislative department. Decreases

the appropriation for each agency made by the 2002 legislative appropriation act.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-210 Supplemental appropriation - department of local affairs. Amends the 2002 general appropriation act to decrease 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.

Amends the 2001 general appropriations act, as amended in 2002, to decrease the total appropriation to the department of local affairs. Decreases the general fund portion of the appropriation.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-211 Supplemental appropriation - department of military and veterans affairs. Amends the 2002 general appropriation act to decrease the total appropriation to the department of military and veterans affairs. Decreases the general fund and federal funds portions of the appropriation and adds a new amount to the cash funds exemption. Increases the total amount transferred to the department by House Bill 02-1413.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-212 Supplemental appropriation - department of natural resources. Amends the 2002 general appropriation act to decrease the total appropriation to the department of natural resources. Decreases the general fund and cash funds portions of the appropriation and increases the cash funds exempt and federal funds portions.

Amends the 2001 general appropriation act, as amended in 2002, to decrease the cash funds portion of the appropriation to the department and increase the cash funds exempt portion.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-213 Supplemental appropriation - department of personnel. Amends the 2002 general appropriation act to decrease the total appropriation to the department of personnel. Decreases the general fund portion of the appropriation and increases the cash fund and cash funds exempt portions.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-214 Supplemental appropriation - department of public health and environment. Amends the 2002 general appropriation act to increase the total appropriation to the department of public health and environment. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-215 Supplemental appropriation - department of public safety. Amends the 2002 general appropriation act to decrease the total appropriation to the department of public safety. Decreases the general fund, cash funds, and cash funds exempt portions of the appropriation and increases the federal fund portion.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-216 Supplemental appropriation - department of regulatory agencies. Amends the 2002 general appropriation act to increase the total appropriation to the department of regulatory agencies. Decreases the general fund and cash funds portions of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-217 Supplemental appropriation - department of revenue. Amends the 2002 general appropriation act to decrease the total appropriation to the department of revenue. Decreases the general fund portion of the appropriation and increases the cash funds and cash funds exempt portions.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-218 Supplemental appropriation - department of state. Amends the 2002 general appropriation act to increase the total appropriation to the department of state. Increases the cash funds portion of the appropriation. Repeals the appropriation made by House Bill 02-1456 to the department to standardize the filing procedure for business entities and to add 2 FTE.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-219 Supplemental appropriation - department of transportation. Amends the 2002 general appropriation act to decrease the total appropriation to the department of transportation. Increases the cash funds and federal funds portions of the appropriation and decreases the cash funds exempt portion.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-220 Supplemental appropriation - department of the treasury. Amends the 2002 general appropriation act to increase the total appropriation to the department of the treasury. Increases the general fund and cash fund exempt portions of the appropriations.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-258 General appropriation act - long bill. Provides 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, 2003. Sets the

grand total for the operating budget at \$13,583,479,688 of which \$5,720,005,408 is from the general fund, \$1,453,833,904 is from cash funds, \$3,292,771,171 is from cash funds exempt, and \$3,116,869,205 is from federal funds.

Appropriates \$480,471,500 for capital construction, of which \$9,420,498 is from capital construction fund exempt, \$19,828,777 is from cash funds, \$401,306,374 is from cash funds exempt, and \$49,915,851 is from federal funds.

Makes additional changes in the appropriations for the 2002-2003 fiscal year.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003
PORTIONS VETOED May 1, 2003

S.B. 03-305 Legislative appropriation. Appropriates either \$26,081,706 for matters related to the legislative department for the 2003-04 fiscal year if certain legislation specifying that recommended changes in state contributions for group benefit plans shall be effective on January 1 of each fiscal year becomes law or \$26,082,448 for such matters if that legislation does not become law.

APPROVED by Governor April 30, 2003

EFFECTIVE April 30, 2003

CHILDREN AND DOMESTIC MATTERS

S.B. 03-23 Neglected or dependent child - expedited permanency placement - motion for termination - timing - notice to respondent. In a county that has adopted expedited procedures for the permanent placement of children, if a child is under 6 years of age at the time a petition in dependency or neglect is filed, requires the court to hear a motion for termination of the parent-child legal relationship within 120 days after such motion is filed. Prohibits the court from granting a delay of the hearing concerning the motion for termination unless good cause is shown and unless the court finds that the best interests of the child will be served by granting a delay.

At the first appearance of a respondent, parent, guardian, or legal custodian, requires the court to fully explain the notice of rights and remedies for families to the respondent and to recommend that the respondent discuss the notice with counsel. Further requires the court to advise a respondent of the minimum and maximum time frames for the dependency and neglect process.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-79 Child support - genetic testing for determination of parentage - "Uniform Interstate Family Support Act" - child support guidelines - "Colorado Child Support Enforcement Act" - "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support". Changes the provisions for genetic testing to determine parentage as follows:

- Specifies what information shall be considered sufficient for establishing the chain of custody of the specimens taken;
- Identifies what body tissue and fluid samples may be used for testing;
- Provides that specimens and reports are confidential, and makes the intentional and unauthorized release of an identifiable specimen of another person a class 1 misdemeanor;
- Specifies when a man shall be presumed to be the father of a child based upon the genetic testing;
- Identifies how certain presumptions of parenthood may be overcome;
- Allows the court to order genetic testing of a deceased individual; and
- Allows the court to rely on nongenetic evidence when determining which identical brother is the father of the child.

Amends the "Uniform Interstate Family Support Act" ("UIFSA") as follows:

- Amends the definitions section of UIFSA, including eliminating obsolete references to the "Uniform Reciprocal Enforcement of Support Act" and the "Revised Uniform Reciprocal Enforcement of Support Act" and adding new defined terms;
- Clarifies that the remedies set forth in the act neither provide the exclusive method of establishing or enforcing a support order nor grant a tribunal jurisdiction to render judgment or issue an order relating to child custody or visitation;

- Clarifies the requirements for personal jurisdiction in cases concerning the modification of child support orders from other states;
- Clarifies under what circumstances a tribunal has jurisdiction to modify a child support order and to enforce a child support order under UIFSA;
- Amends the procedure for determining which is the "controlling order" when there are competing orders;
- Specifies that a tribunal shall credit amounts collected for a particular period pursuant to a child support order against the amounts owed for the same period under another child support order for support of the same child;
- States how UIFSA is to be applied to nonresidents who are subject to the personal jurisdiction of a court;
- Identifies the authority of the tribunals with respect to the modification and enforcement of spousal-support orders;
- Makes changes to the procedural provisions of general applicability;
- Requires a delegate child support enforcement unit to redirect payments when parties move;
- Clarifies the situations in which it is appropriate for a tribunal to enter a temporary child support order;
- Clarifies that an income-withholding order issued in another state may be sent by or on behalf of the obligee or by the support enforcement agency;
- Adds procedures for making controlling order determinations and clarifies which state's laws apply;
- Gives authority to modify orders from foreign countries; and
- Repeals certain provisions concerning reciprocity with foreign jurisdictions and the interstate central registry.

Specifies that, in certain circumstances, the court in a dissolution of marriage, legal separation, or declaration of invalidity proceeding, is deemed to have made an adjudication of the parentage of a child of the marriage.

Changes the child support guidelines by:

- Correcting an omission related to the applicability of the \$50-per-month child support obligation in those low-income cases in which the combined income of the parties is exactly \$850; and
- Specifying that the \$50-per-month child support obligation and the low-income adjustment shall not apply when both parents have the child more than 92 overnights per year.

Clarifies that a contractual agent of a delegate child support enforcement unit may include a private child support collection agency operating as an independent contractor with a county department of social services.

Provides for the state child support enforcement agency and the delegate child support enforcement units to have access to dependency or neglect records, parentage case records, adoption and relinquishment records, and certain judicial records for child support establishment, enforcement, and location purposes. Directs the state department of human services and the judicial department to design a process for exchanging information.

Specifies factors for the court to consider in determining paternity when 2 or more presumptions of parentage arise which conflict with each other.

Changes terminology concerning artificial insemination to "assisted reproduction". Requires a wife's consent to assisted reproduction to be in writing just as the husband's consent is. Specifies when a donor will be considered the father of a child resulting from assisted reproduction in situations in which a dissolution of marriage or the death of the donor intervenes. Further specifies that a wife consenting to assisted reproduction with an egg donated by another woman, to conceive a child for herself, shall be treated in law as if she were the natural mother of a child thereby conceived.

Amends the "Colorado Child Support Enforcement Act" by stating that a contractual agent of a delegate child support enforcement unit may include a private child support collection agency operating as an independent contractor with a county department of social services.

Amends the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support" by:

- Stating that a contractual agent of a delegate child support enforcement unit may include a private child support collection agency operating as an independent contractor with a county department of social services; and
- Repealing a provision concerning the establishment and enforcement of duties of support in interstate cases that conflicts with the provisions of the UIFSA enacted after the provision.

Clarifies that the state department of human services may offset child support debt, child support arrearages, or child support costs, against cash prize or non-cash prize lottery winnings. Defines the terms "cash prize" and "non-cash prize". Specifies the procedure to be applied with cash prize winnings and non-cash prize winnings.

Harmonizes ambiguities created by the passage and enactment of House Bill 03-1036 addressing the offset of lottery winnings against restitution.

Sets forth varying effective dates and applicability provisions for each section of the act. Provides that sections 69, 70, and 71 are effective only if House Bill 03-1036 is enacted and becomes law.

APPROVED by Governor April 22, 2003

PORTIONS EFFECTIVE April 22, 2003

PORTIONS EFFECTIVE July 1, 2003

PORTIONS EFFECTIVE July 1, 2004

NOTE: House Bill 03-1036 was signed by the Governor March 20, 2003.

S.B. 03-253 Children - negligence claims - parental waiver. Permits a parent of a child to release, on behalf of the child, a prospective negligence claim of the child. Clarifies that a parent may not waive the child's prospective claim based on willful and wanton conduct, reckless conduct, or grossly negligent conduct.

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

S.B. 03-284 FY 2003-04 budget reduction bill - mandatory juvenile parole - 6- month period - appropriation. Reduces the mandatory period of juvenile parole from 9 months to 6

months.

Reduces the general fund appropriations in the 2003 general appropriations act for the 2003-04 fiscal year to the department of human services by \$18,968 in the office of operations and by \$365,606 in the division of youth corrections.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-286 FY 2003-04 budget reduction bill - cap on juvenile detention beds - working group - appropriation. Limits the number of juvenile detention beds in the state to 479. Creates a working group to:

- Allocate the number of juvenile detention beds in the state among the catchment areas and then among the judicial districts in the catchment areas;
- Develop a mechanism for a judicial district to loan beds to another judicial district in the same catchment area in a case of need;
- Develop guidelines for emergency release and placement of juveniles.

Requires each judicial district annually to develop a plan for managing the cap and ensuring the cap is not exceeded. States a juvenile committed to the department of human services pursuant to a dependency or neglect case shall not be placed in a juvenile detention bed unless the juvenile has a juvenile delinquency case pending.

Reduces the general fund appropriation in the 2003 general appropriations act for the 2003-04 fiscal year to the department of human services, division of youth corrections, community program by \$1,670,343.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-314 Sibling group placement - rebuttable presumption. In dependency and neglect cases, adoption cases, voluntary relinquishment cases, and cases terminating the parent-child legal relationship, establishes a presumption that it is in the best interests of children in a sibling group to be placed together when out-of-home placement is recommended and an appropriate, capable, willing, and available joint placement is located. States that the presumption may be rebutted by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child or of the children.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-327 Dependency or neglect hearings - required findings - combined hearings - repeal of requirement. Requires the court to make certain findings at the time the court enters an order awarding legal custody of a child to the department of human services or to a county department of social services and at the time the court enters an order continuing a child in a placement out of the home.

Specifies that, if the court finds that reasonable efforts to reunify the child and the parent are not required and a motion for termination has been properly filed, the permanency hearing and the hearing on the motion for termination may be combined, and all of the court determinations required at both hearings shall be made in the combined hearing.

Specifies that, if the court combines the permanency hearing and the periodic review, the court shall make the determinations required for both the permanency hearing and the periodic review at the combined hearing.

Repeals the requirement that the entity conducting a periodic review or any subsequent review for a child who resides in a placement out of state make a determination that the out-of-state placement continues to be appropriate and in the best interests of the child.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

H.B. 03-1014 Court-appointed special advocate (CASA) program - definitions. Clarifies definitions and statutory references relating to the court-appointed special advocate (CASA) program.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1024 Foster care homes - application of rules - certification - definitions - misdemeanor child abuse - inspections - Amber Alert program - appropriation. Requires the state board of human services ("state board"), by January 1, 2004, to promulgate rules that apply to all foster care, regardless of whether the home is certified by a county department of social services ("county department") or a child placement agency ("CPA"), that include:

- Procedures for notifying all county departments and CPAs when the state department of human services ("state department") has identified a confirmed report of child abuse or neglect that involves a foster care home; and
- Immediate notification of the guardian ad litem when the child is placed in a foster home.

Creates a new definition of "medical foster care". Clarifies that a foster care home cannot be certified by more than one CPA or county department at any one time. Adds therapeutic foster care and developmentally disabled foster care to the list of specialized foster care that may be provided by a CPA. Expands the list of offenses a conviction for which will result in the denial of a child care license to include misdemeanor child abuse. Directs the state board to require employees of a county department who have direct contact with children in foster care to submit fingerprints for the purpose of obtaining a fingerprint-based criminal history record check. Clarifies that the state department may only authorize or contract for child care facility investigations and inspections of facilities that provide less than 24-hour care. Requires the findings of any state department investigation of a CPA to include the CPA's response to those findings, if any, in the report to the county department. Directs the state department, within available appropriations, to monitor quarterly the county department certification of foster homes.

Permits the state Amber Alert program to be activated for abducted children who are not Colorado residents but who are traveling to or in Colorado.

For the fiscal year beginning July 1, 2003, appropriates to the department of public safety, for allocation to the Colorado bureau of investigation, \$24,300.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1025 Juvenile sentencing - special education history - individual education programs. Includes a student's individual education program in the definition of education records. Permits the court, in a case where a juvenile has an individual education program, to order the juvenile to comply with his or her individual education program, taking into account the intellectual functioning, adaptive behavior, and emotional behaviors associated with the juvenile's disability and subject to a manifestation determination. Authorizes the inclusion of any special education history and any current individual education program the juvenile may have in a juvenile presentence report.

APPROVED by Governor May 21, 2003

EFFECTIVE August 6, 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. 03-1037 Child abuse or neglect - mandatory reporters. Requires any social worker or worker in a facility or agency that is licensed or certified pursuant to the child care licensing provisions and any worker in the state department of human services who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect to report immediately or cause a report to be made of such fact to a county department of social services or a local law enforcement agency.

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

H.B. 03-1079 Juvenile parole - discharge sentence - one period of mandatory parole. Specifies the remaining period of commitment for a juvenile who is granted and completes parole is deemed discharged. Establishes that a juvenile committed consecutively for 2 or more crimes shall serve one 9-month mandatory period of parole unless otherwise extended. Clarifies that the juvenile parole board may discharge a juvenile from parole after completion of the 9-month mandatory period of parole, but prior to expiration of the full parole period.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1084 Child abuse - persons required to report - certain registered dietitians. Requires certain registered dietitians who have reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who have observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect to report immediately or cause a report to be made of such fact to a county department of social services or a local law enforcement agency.

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

H.B. 03-1095 Abandoned children - procedural requirements. Requires a firefighter or hospital staff member who takes temporary physical custody of an abandoned child who is 72 hours old or younger to notify the county department of human services in addition to a law enforcement officer.

States that a parent who voluntarily delivers such a child to a firefighter at a fire station or a hospital staff member at a hospital shall not, for that reason alone, have his or her name added to the state central registry of child protection.

States that the exception to the requirement that a county department make reasonable efforts to prevent a child's removal from the home or to reunify the child and the family when the parental rights of the parent with respect to a sibling of the child have been involuntarily terminated shall not apply when the prior sibling termination resulted from a parent delivering a child to a firefighter or a hospital staff member pursuant to the abandoned children statute.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1169 Child abuse definition - manufacturing a controlled substance - presence of a child. Expands the definition of "abuse" and "child abuse or neglect" in the "Colorado Children's Code" to include manufacturing or attempting to manufacture a controlled substance in the presence of a child or on the premises where a child is found or where a child resides.

APPROVED by Governor April 1, 2003

EFFECTIVE July 1, 2003

H.B. 03-1211 State central registry of child protection - repeal - reports of child abuse or neglect - investigation - training - appeal process - release of information - rules. On and after January 1, 2004, repeals the state central registry of child protection ("central registry"). On or before January 1, 2004, requires the state department of human services ("state department") to train county departments of social services ("county departments") to achieve consistency and standardization in investigating reports of child abuse or neglect; reporting confirmed incidents of child abuse or neglect; preparing documents related to records and reports of child abuse or neglect; entering data into computer systems; and maintaining confidentiality in accordance with federal and state law. Requires the state board of human services ("state board") to promulgate rules establishing a process by which a person who is found to be responsible in a confirmed report of child abuse or neglect shall receive notice and may appeal the finding of the confirmed report. Requires the rules, at a minimum, to address specific issues, including procedures that facilitate the prompt expungement of and prevent the release of any information contained in certain records and reports that are found to be unsubstantiated or false, with an exception. Requires the state board to promulgate rules establishing guidelines for the release of information contained in records and reports of child abuse or neglect for screening purposes to assure compliance with state and federal law.

Makes conforming amendments, including substituting the utilization of records and reports of child abuse or neglect maintained by the state department for the utilization of the central registry in screening certain child care license applicants. Authorizes the state department to utilize records and reports of child abuse or neglect for the purpose of aiding the department of education in an investigation of an allegation of abuse by an employee of a school district. Repeals provisions authorizing the use of the central registry for aiding the department of corrections in decisions related to offender treatment, visitation, and supervision. Authorizes the state department to assess a fee for screening checks utilizing records and reports of child abuse or neglect. Creates the records and reports fund and

transfers moneys in the central registry fund to the records and reports fund.

Makes it a class 1 misdemeanor to release or willfully permit or encourage the release of data or information contained in records and reports of child abuse or neglect to persons not permitted access to such information. Requires county departments to submit, rather than forward, a copy of a report of confirmed child abuse or neglect to the state department.

APPROVED by Governor April 29, 2003

EFFECTIVE January 1, 2004

H.B. 03-1240 Juvenile justice hearings - waiver of hearing before a judge - juvenile receiving treatment or services - periodic report - request for hearing - juvenile probation services agreements - contracts with private agencies - juvenile in detention or shelter - presumption - exceptions. Specifies that for proceedings occurring on or after July 1, 2003, the right to require a juvenile justice hearing to be held before a judge shall be waived unless a request is made by any party at the time the hearing is set.

If a juvenile is receiving any treatment or services pursuant to a court order, requires the treatment facility or program to file a report with the court concerning the juvenile's treatment or services periodically, but at least every 90 days following the date that the juvenile is certified mentally ill or recommended to receive treatment or services for developmental disabilities. Authorizes any interested party to request a hearing concerning the report submitted by the treatment facility or program. Specifies that the court may continue to suspend the juvenile justice proceedings for additional 90-day periods while the juvenile remains in treatment or receives services. Repeals the authority of the court to dismiss any pending juvenile justice actions while the juvenile remains in treatment or receives services.

Authorizes juvenile court judges to enter into agreements with private for-profit or nonprofit agencies to provide supervision or other services for juveniles placed on probation by the court.

Specifies that there is not a rebuttable presumption that a juvenile is a danger to himself or herself or to the community if the juvenile is alleged to have committed certain crimes and if the item in the possession of the juvenile while he or she is alleged to have committed such crimes is alleged to be a bee-bee gun, a pellet gun, or a gas gun.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1286 Termination of parent-child legal relationship - expedited procedures for voluntary relinquishment and termination. Establishes an expedited procedure by which, no sooner than 4 days after the birth of a child, a petition for voluntary relinquishment may be filed with the court for entry of an order terminating the parent-child legal relationship without the necessity of a court hearing if the child is under one year of age at the time of the filing of the petition, the relinquishing parent is assisted by a licensed child placement agency or a county department of social services ("county department"), and the relinquishing parent has signed an affidavit stating his or her desire to voluntarily relinquish his or her parent-child legal relationship with respect to the child.

Specifies the contents of the affidavit and requires the affidavit to be signed before a notary public and 2 witnesses, one of whom is neither associated with the licensed child

placement agency or county department assisting the relinquishing parent nor a potential adoptive parent of the child to be relinquished. Specifies that the affidavit may be signed before the child is actually born. Permits the relinquishing birth parent to withdraw the affidavit any time after signing it, but before the affidavit and petition are filed with the court. Directs that the affidavit be attached to the petition for relinquishment and filed with the court. Restricts the child placement agency or county department from submitting the petition and affidavit for judicial review unless a permanent placement for the child has been identified.

If the petition for relinquishment is accompanied by an affidavit of voluntary relinquishment and if the relinquishing parent is assisted by a licensed child placement agency or county department, authorizes the court to vacate the relinquishment hearing and to enter an order terminating the relinquishing parent's parent-child legal relationship no more than 7 business days after the date of filing of the petition and affidavit.

Specifies that, in those cases in which one birth parent is voluntarily relinquishing his or her parental rights pursuant to the expedited process, the licensed child placement agency or county department assisting the relinquishing parent shall provide the other birth parent or possible birth parents with written notice that failure to appear and contest the termination or failure to file an answer to the petition or to file a paternity action within 20 days after the date of the notice may likely result in termination of the person's parent-child legal relationship. Authorizes the notice to be sent before the birth of the child to be relinquished. Further authorizes the other birth parent or possible birth parents to sign an affidavit of voluntary relinquishment before the child is born.

In those circumstances in which the other birth parent or possible birth parents fail to appear and contest or file an answer to the petition for termination or fail to file a paternity action or in which the other birth parent or possible birth parents have signed the affidavit of voluntary relinquishment, directs the court to vacate the proceeding and, at the time of review of the case, enter an order terminating the other birth parent's or possible birth parents' parent-child legal relationship.

Notwithstanding the expedited process, allows a court, on its own motion, to hold a hearing to determine a petition of a relinquishing parent to terminate his or her parental rights or a petition to terminate the other birth parent's or possible birth parents' parental rights.

APPROVED by Governor April 7, 2003

EFFECTIVE July 1, 2003

H.B. 03-1376 Abortion - parental notification - medical emergency - judicial bypass. Modifies the definition of abortion in the "Colorado Parental Notification Act". Permits a notification to a relative if the minor lives with the relative and not a parent. Requires the medical staff that informs the minor of the notification requirement to provide the minor with information regarding the circumstances where only one parent needs to be notified. Allows a clergy member to make the notification to the parents or relative.

For a minor child seeking an abortion, provides that parental notification is not required when the attending physician certifies in the minor's medical record that a medical emergency exists and there is insufficient time to provide notice to the parent.

Eliminates the criminal penalty for performing an abortion in willful violation of the act. Makes the judicial bypass effective. Amends the judicial bypass section of the

"Colorado Parental Notification Act" to include specific time periods for a court to hear the petition or appeal. Compels the court to enter an order dispensing with notification if the court finds it is in the minor's best interest or the minor is sufficiently mature. Requires the Colorado supreme court to make rules for the judicial bypass procedure.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 03-15 Hospitals - disclosures to consumers. Makes legislative findings. Requires a hospital or other licensed or certified health facility to disclose to patients, prior to the scheduling of a nonemergency procedure, the average facility charge for frequently performed inpatient procedures. Specifies that the average charge information be made available prior to the patient's admission for such procedure.

APPROVED by Governor April 22, 2003

EFFECTIVE January 1, 2004

S.B. 03-41 Central Information System Act - repeal - appropriation. Repeals the "Central Information System Act", which does the following:

- Creates the central information system board, which is empowered to create and implement the central information system;
- Creates the central information system cash fund;
- Immunizes contractors retained by the department of state and central information system board; and
- Requires the secretary of state to perform the functions of the central filing officer.

Requires revenues collected by the central filing officer to be credited to the department of state cash fund. Requires any unexpended and unencumbered moneys remaining in the central information system cash fund on July 1, 2003, to be transferred to the department of state cash fund.

Allows a collections investigator or a victim of a crime to file a transcript of an order for restitution with the secretary of state instead of filing such transcript with the central indexing system board.

For the fiscal year beginning on July 1, 2003, reduces the appropriation to the department of state from the central information system cash fund upon transfer of the unexpended and unencumbered balance of the central information system cash fund to the department of state cash fund by the unexpended and unencumbered amount of such appropriation, and appropriates such sum to the department out of any moneys in the department of state cash fund not otherwise appropriated.

APPROVED by Governor May 14, 2003

EFFECTIVE July 1, 2003

S.B. 03-340 Charitable solicitations - registration - contracts. Exempts from the "Colorado Charitable Solicitations Act" (act) a person whose only responsibility to a charity is to provide a merchant account to process credit card payments using the internet. Changes from 2 to 1 the number of officers who must:

- Sign a charitable registration; and
- Sign a contract with a professional fund-raising consultant or paid solicitor.

Exempts the following from the registration requirement under the act, by reference to applicable federal statutes and rules:

- A church, an interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church;
- An exclusively religious activity of a religious order;
- An organization with gross receipts totaling not more than \$5,000 each year;
- A mission society sponsored by or affiliated with one or more churches or church denominations, more than 50% of the activities of which society are conducted in, or directed at, persons in foreign countries;
- An educational organization below college level that has a program of a general academic nature and is affiliated with a church or operated by a religious order.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1098 Colorado no-call list - wireless telephone service subscribers. Makes the Colorado no-call list available to wireless telephone service subscribers.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1237 Uniform consumer credit code. Makes the following technical modifications to the "Uniform Consumer Credit Code" (UCCC):

- Clarifies that a creditor is only authorized to charge for and receive the \$25 minimum loan finance charge in connection with a consumer credit transaction that is not a deferred deposit loan or a transaction pursuant to a revolving credit account.
- Clarifies that the voluntary relinquishment of a license to make supervised loans, as well as the revocation, suspension, or expiration of a license, does not relieve liability for prior violations.
- Clarifies that the obligation of a licensee to maintain evidence of financial responsibility is continuous through the licensing year rather than limited to an annual basis.
- Clarifies that with respect to real estate secured consumer credit transactions, notice of the effect of paying during the grace period must be given only where the credit transaction is payable in multiple installments.
- Requires that written agreements pursuant to a deferred deposit loan transaction or renewal contain the name, address, and telephone number of any agent or arranger involved in the transaction.
- Clarifies that the charges that must be posted by deferred deposit lenders are the finance charges rather than annual percentage rates.
- Clarifies the definition of "covered loan" for purposes of statutory provisions addressing consumer equity protection.
- In connection with limitations on balloon payments imposed upon covered loans for purposes of statutory provisions addressing consumer equity protection, clarifies that no such loan may contain a provision for a scheduled payment that is more than twice as large as the average of earlier regularly scheduled payments, rather than the average of earlier scheduled monthly payments, which is the requirement imposed under current law.
- In connection with statutory provisions addressing consumer credit insurance, eliminates redundant text in favor of language clarifying that a creditor shall not use a form or charge in connection with credit insurance that does not

- comply with other statutory provisions that address credit insurance.
- Allows the UCCC administrator to share information with other state and federal regulators with similar enforcement authority if permitted by law and if a confidentiality agreement is in place.

In accordance with federal law, deletes provisions in the "Colorado Credit Services Organization Act" that permit credit repair companies to collect advance fees if they file a surety bond. Removes a reference to a federal regional office that has closed.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1272 Personal information - social security number - credit card number. Prohibits a person from recording a social security number or credit card number when accepting a check. Exempts checks written to provide payment on a credit card account or student loan and a loan application. Clarifies that a person may ask for a credit card when cashing a check, but may not record more than the type and issuer of the card.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 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. 03-1298 Mortgages - unconscionability - enforcement. In order to support a court's finding of unconscionability regarding the terms of a mortgage, specifies that any:

- Overreaching on the part of the mortgage broker or mortgage originator must be in bad faith;
- Inequality of bargaining power must be unreasonable; and
- Contract terms that are unreasonably favorable to the mortgage broker, mortgage originator, or lender must be analyzed pursuant to the standards of the industry.

Prohibits enforcement of claims concerning mortgage unconscionability against public trustees in foreclosure actions and bona fide purchasers.

APPROVED by Governor April 29, 2003

EFFECTIVE August 6, 2003

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

CORPORATIONS AND ASSOCIATIONS

H.B. 03-1218 Public corporations - loans to directors - exemptions. Prohibits a board of directors from authorizing a loan to a director of a public corporation or entity that meets the definition of an issuer under the federal "Sarbanes-Oxley Act of 2002". Creates limited exemptions for loans to directors of public corporations that are consistent with the federal "Sarbanes-Oxley Act of 2002".

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1377 Business entities governed by title 7 - dissolution of limited liability companies - registered agents of entities - service of process on entities - change of principal office address of entities - foreign entities - reinstatement of dissolved entities - standardization of term or word usage in title 7. Makes the following changes to statutory provisions governing business entities contained in title 7, Colorado revised statutes:

- Clarifies information to be included in a statement of authority executed and recorded on behalf of a nonprofit association in connection with the execution of documents affecting title to real property on behalf of the association.
- Specifies that statutory requirements providing for reports from reporting entities apply to cooperatives, registered limited liability partnerships, domestic limited liability companies, domestic limited liability limited partnerships, specified foreign limited liability companies, foreign limited liability limited partnerships, domestic corporations, foreign corporations that are authorized to transact business or conduct activities in this state, domestic nonprofit corporations, and foreign nonprofit corporations that are authorized to transact business or conduct activities in this state.
- Clarifies procedures governing a judicial proceeding to dissolve a cooperative or a limited partnership.
- Specifies that statutory requirements providing for the transaction of business or the conduct of activities by foreign entities apply to foreign cooperatives, foreign limited liability partnerships, foreign limited liability limited partnerships, foreign limited liability companies, foreign corporations, and foreign nonprofit corporations.
- Specifies that statutory requirements providing for registered agents and service of process apply to limited partnerships, domestic limited liability partnerships, domestic limited liability limited partnerships, limited liability companies, foreign limited liability companies, corporations, and nonprofit corporations.
- Specifies that the failure or refusal of the general partners of a limited partnership to approve a certificate of limited partnership or to deliver the certificate to the secretary of state for filing entitles any partner to obtain a court order approving an appropriate certificate and ordering the secretary to file the approved certificate.
- Specifies that the law of the jurisdiction under which a foreign limited partnership or foreign limited liability limited partnership is formed governs its organization and internal affairs and the liability of its partners, and a foreign limited partnership or foreign limited liability limited partnership shall not be denied registration by reason of any difference between that law and the law of this state.
- Clarifies requirements affecting the sanction to be imposed upon specified

- partnerships that have failed to comply with reporting requirements.
- Specifies that statutory requirements providing for the filing of documents apply to any document filed or to be filed by the secretary of state pursuant to the uniform partnership act or other statutory provisions governing nonprofit corporations.
- Specifies that statutory requirements providing for annual reports apply to limited liability companies.
- Requires a limited liability company, upon dissolution, to deliver to the secretary of state a statement of dissolution. Specifies the contents of the statement. Specifies the effects of dissolution. Specifies procedures to be followed by a limited liability company to dispose of known claims against it. Authorizes a dissolved limited liability company to publish notice of its dissolution and request that persons with claims against it present them in accordance with the notice. Specifies requirements applicable to such notice. Authorizes a claim against a dissolved limited liability company in specified circumstances.
- Authorizes the secretary of state to commence a proceeding for administrative dissolution of a limited liability company in specified circumstances. Specifies procedures to be followed by the secretary in connection with such proceedings. Specifies the effects of administrative dissolution.
- Specifies procedures by which the business and affairs of a dissolved limited liability company may be wound up and liquidated.
- Specifies procedures governing judicial dissolution of a limited liability company. Specifies the judicial relief that may be ordered in connection with a proceeding brought to dissolve a limited liability company. Authorizes a court in a judicial proceeding for the purpose of dissolving a limited liability company to appoint one or more receivers or custodians. Specifies the powers and duties of the receiver or custodian. Authorizes the court to enter a decree dissolving the limited liability company, and specifies further powers of the court in connection with the decree of dissolution.
- Clarifies procedures under which a domestic entity of one form may be converted into any other form of domestic entity. Clarifies procedures under which a domestic entity may merge into a domestic entity of a form the same as or different from any of the merging entities pursuant to a plan of merger.
- Clarifies procedures governing the filing of documents with the secretary of state. Requires all electronically filed documents to be stored by the secretary in an electronic or other medium and to be retrievable by the secretary in perceivable form. Specifies procedures under which a person may amend or otherwise change a filed document if circumstances occur after the filing of the filed document by the secretary that make it appropriate that the filed document be changed. Clarifies requirements pertaining to the evidentiary effect of a copy of a filed document.
- Expands current legal requirements defining what is meant by causing a document to be delivered to the secretary of state to include the affirmation or acknowledgment of the individual causing the delivery that the individual in good faith believes the document is the act and deed of the entity on whose behalf the individual is causing the document to be delivered for filing.
- Authorizes any person who is adversely affected by a failure or refusal of any other person to deliver any document to the secretary of state for filing to petition the appropriate district court to approve the form of the document and to direct the appropriate person to deliver the document to the secretary for filing.

- Clarifies that the secretary of state has all powers reasonably necessary to perform the duties required by the law of this state.
- Requires each reporting entity to deliver to the secretary of state an annual report, and specifies the required contents of the report.
- Clarifies procedures governing the naming of corporate entities.
- Requires every domestic entity for which a constituent document is on file with the records of the secretary of state and every foreign entity authorized to transact business or conduct activities in this state to maintain a registered agent. Specifies qualifications of the registered agent. Specifies procedures governing a change in, or resignation or correction of, the registered agent. Specifies procedures governing service of process on the registered agent.
- Prohibits a foreign entity from transacting business or conducting activities in the state except in compliance with the requirements of this act and not until its statement of foreign entity authority is filed in the records of the secretary of state. Enumerates certain activities the performance of which do not constitute transacting business or conducting activities within the meaning of this act. Specifies that no foreign entity transacting business or conducting activities in this state without authority, nor anyone on its behalf, shall be permitted to maintain a proceeding in any court in this state until a statement of foreign entity authority for the foreign entity is filed in the records of the secretary.
- Authorizes a foreign entity to cause to be delivered to the secretary of state for filing a statement of foreign entity authority. Makes a foreign entity that transacts business or conducts activities in the state without having a statement of foreign authority on file liable to the state for payment of the fee and specified penalties. Specifies the contents of such statement. In specified circumstances, requires a foreign entity to deliver to the secretary for filing an appropriate statement of change of statement of foreign entity.
- Specifies that the filing by the secretary of state of a statement of foreign entity authority authorizes the foreign entity to transact business or conduct activities in this state, subject to the right of the state to revoke such authority in accordance with the requirements of this act. Specifies that a foreign entity that has authority to transact business or conduct activities in this state has the same rights and privileges as, but no greater rights or privileges than, and, except as otherwise provided by said title 7, is subject to the same duties, restrictions, penalties, and liabilities imposed upon, a functionally equivalent domestic entity.
- Specifies the circumstances under which a foreign entity authorized to transact business or conduct activities may relinquish that authority. Specifies procedures regarding service of process on a withdrawn foreign entity. Permits the secretary of state to commence a proceeding to revoke the authority of a foreign entity to transact business or conduct activities in this state under specified circumstances. Specifies procedures for and the effect of such revocation. Authorizes a foreign entity to appeal the secretary's revocation of its authority.
- Under certain circumstances, authorizes specified domestic entities that have been dissolved to be reinstated. Specifies the circumstances under which reinstatement may take place. Specifies the effects of reinstatement.
- For purposes of designating an appropriate district court for the commencement of court proceedings affecting a business entity that has no principle office in the state, allows such proceedings to be commenced in the district court for the county in which the street address of its registered agent

is located, or, in the absence of a registered agent, the district court for the city and county of Denver.

Standardizes term or word usage throughout most, if not all, of said title 7 in the following respects:

- In connection with authorized conduct of an entity in Colorado, adds to the phrase "transact business" the phrase "or conduct activities".
- Substitutes the phrase "registered agent" for "registered office".
- Substitutes "stated" for "set forth" or "specified".
- In connection with the establishment of a business entity, substitutes the term "formed" for "organized".
- Makes uniform references to a particular form of business entity as being either a "domestic" or a "foreign" entity.
- In referencing the entire body of law governing business entities in Colorado, substitutes "law" for "laws [of this state]".
- Substitutes references to "jurisdiction" for "state" or "county".
- In connection with statutory requirements identifying the place of business of a particular entity, adds references to the county in which the street address of the principal office of the entity is located.
- Substitutes references to "annual" report for "periodic" report.
- In the context of the filing of documents with the secretary of state, substitutes "deliver to the secretary for filing" for "file with".
- Substitutes the term "nonprofit" for "for-profit" and "not-for-profit".

APPROVED by Governor June 3, 2003

EFFECTIVE July 1, 2004

CORRECTIONS

S.B. 03-141 Cost of care - provider rates - care at mental health institute at Pueblo. After a judgment is entered for costs against a person convicted of a crime, waives the fees for issuance and recording of a transcript of the judgment.

Requires a medical care provider to provide care to a person in custody in a county jail at the same rate that the provider is reimbursed for services by the medical assistance program or, if the provider does not participate in the medical assistance program, at the highest rate that the provider is reimbursed by another state program.

Within available resources, directs the Colorado mental health institute at Pueblo ("institute") to provide medical care to persons in custody in a county jail. Specifies that the charges for services at the institute cover the cost of the actual services provided and that the county is responsible for the payment of the cost.

APPROVED by Governor May 14, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-177 FY 2002-03 budget reduction bill - community corrections - administration costs - appropriation. Lowers from 5% to 4% the amount of the community corrections appropriation that local government and community corrections boards may spend on administrative costs on or after April 1, 2003, through June 30, 2006.

For the 2002-03 fiscal year, reduces the general fund appropriation for community corrections transition programs by \$41,156 and reduces the general fund appropriation for community corrections diversion programs by \$45,150.

APPROVED by Governor March 5, 2003

EFFECTIVE April 1, 2003

S.B. 03-252 Parole - options for self-revolutions - community return to custody facilities for revocations of parolee on class 5 or 6 felonies - 180-day limit on return to the department of corrections for a technical parole violation - repeals post-parole parole - appropriations. Allows, rather than requires, the state board of parole ("parole board") to grant a parolee's request for revocation. Requires a parolee to provide justification for asking for revocation of parole. Permits the parole board to impose appropriate interventions before revoking parole upon request of a parolee.

After a revocation of parole, allows the parole board to place a parolee who was on parole for a nonviolent class 5 or class 6 felony, with some exceptions, in a community return to custody facility. Delineates the authority for the department of corrections to operate community return to custody facilities.

Limits the time a parolee can serve in the department of corrections to 180 days for a revocation that was not the result of the commission of a new offense. Requires the parole board to consider the parole of person whose parole is revoked for a technical violation or

based on a self-revocation within 180 days of the revocation if the person's release date is more than 9 months from the date of revocation; except that, if the violation involved a weapon, states that the parole board shall not consider parole of the person for one year. Repeals the post-parole revocation statute.

Appropriates \$759,960 in general fund moneys to the department of corrections for payments to community corrections programs and appropriates \$38,154 in general fund moneys to the department of corrections, community supervision subprogram for community services.

For implementation of the act, adjusts appropriations made in the 2003 general appropriation act by decreasing the general fund appropriation to the department of corrections, management, external capacity subprogram, payment to house state prisoners, for local jails, by \$748,326 and decreasing the general fund appropriation to the department of corrections, management, external capacity subprogram, payment to house state prisoners, for private prisons, by \$810,785.

APPROVED by Governor June 7, 2003

EFFECTIVE July 1, 2003

S.B. 03-328 FY 2003-04 budget reduction bill - earned time - increase for certain offenders - appropriation. Increases from 10 days per month to 12 days per month the maximum amount of earned time an inmate who committed a nonviolent felony and who is sentenced to the department of corrections for the first time can earn. Increases from 25% to 30% the percentage by which the sentence of an inmate who committed a crime that is a nonviolent felony and who is sentenced to the department of corrections for the first time may be reduced with earned time.

For the 2003-04 fiscal year, appropriates \$12,520 in general fund moneys and 0.2 FTE to the department of corrections, community services, parole subprogram for personal services. For the 2003-04 fiscal year, appropriates \$571 in general fund moneys to the department of corrections, community services, parole subprogram for operating services.

Adjusts appropriations made in the 2003 general appropriation act by decreasing the general fund appropriation to the department of corrections, management, external capacity subprogram, payments to house state prisoners, for local jails, by \$63,633 and by decreasing the general fund appropriation to the department of corrections, management, external capacity subprogram, payments to house state prisoners, for private prisons, by \$68,945.

VETOED by Governor May 22, 2003

H.B. 03-1263 Parole - special needs offenders - medical condition. Clarifies that a special needs offender may be eligible for parole prior to the offender's parole eligibility date. Expands the authority of the state board of parole to grant parole to a special needs offender if the person has a medical condition that is serious enough to require costly care or treatment and is physically incapacitated due to the medical condition.

Authorizes the department of corrections to recommend that an offender be considered for early parole as a special needs offender. Prior to making a recommendation,

requires the department of corrections to establish objective criteria on which to base a recommendation.

APPROVED by Governor May 22, 2003

EFFECTIVE August 6, 2003

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

COURTS

S.B. 03-86 Limit contingent fee contracts between state governmental entities and attorneys. Requires a contingent fee contract for legal services between a private attorney and the state, any department or agency of the state, or any state-sponsored institution of higher education to:

- Require the private attorney to maintain and provide to the state governmental entity on a monthly basis a contemporaneous record of the hours of legal services provided by individual attorneys, the nature of the services, and any court costs incurred during each month and in the aggregate from the effective date of the contingent fee contract;
- Require the private attorney, upon the successful resolution of the matter for which the private attorney was retained, to provide to the governmental entity a statement of the hours of legal services provided by attorneys, the nature of the services, the amount of court costs incurred, the total amount of the contingent fee, and the average hourly rate for legal services provided by attorneys; and
- Specify an alternative hourly rate, not to exceed \$1,000 per hour, at which the attorney shall be compensated in the event that the statement provided by the attorney indicates an average hourly rate for legal services provided by attorneys of more than \$1,000 per hour.

Specifies a formula for calculating the average hourly rate for legal services provided by attorneys working under a contingent fee contract.

Specifies that the new limitations and requirements imposed with respect to contingent fee contracts do not apply:

- Retrospectively to any existing contingent fee contract; or
- To any contingent fee contract for legal services performed by an attorney in connection with the collection of debts or taxes owed to a governmental entity that was entered into pursuant to a statutory provision that expressly authorizes or requires the payment of a portion of the moneys collected to an attorney retained to collect the debts or taxes.

Specifies that compliance with the provisions of the bill does not relieve a contracting attorney of any obligation or legal responsibility imposed by the Colorado rules of professional conduct or any provision of law.

APPROVED by Governor April 9, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-109 Criminal records - sealing by court - notice of hearing. Requires a court to review a petition to seal arrest and criminal records information and either to deny the petition or set it for hearing. Makes the petitioner responsible for sending notice of the hearing to interested parties.

APPROVED by Governor March 18, 2003

EFFECTIVE March 18, 2003

S.B. 03-172 FY 2002-03 budget reduction bill - docket fees - family stabilization services fund - transfer. Delays the transfer of docket fees for specified civil actions to the family stabilization services fund until July 1, 2004. Specifies that, for fiscal years 2002-03 and 2003-04, the portion of the docket fee that is not transferred to the Colorado children's trust fund shall be transferred to the state general fund. Delays for 2 years the availability of moneys in the performance incentive cash fund for appropriation to the state department of human services. Transfers all unexpended and unencumbered moneys in the family stabilization services fund and the performance incentive cash fund to the state general fund.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-186 FY 2002-03 budget reduction bill - judicial fees - increase - cash fund. Increases fees collected by the judicial department. Establishes the judicial stabilization cash fund ("cash fund") to be used to pay expenses of trial courts in the judicial department, and directs that the increased fees be deposited in the cash fund. Reduces the general fund appropriation for trial courts operating expenses for fiscal year 2002-03 by \$3,179,572 and makes an appropriation from the cash fund in the same amount.

Increases the probation supervision fee to \$50 per month. Reduces the general fund appropriation for probation personal services for the 2002-03 fiscal year by \$241,844 and increases the cash fund appropriation for that item by the same amount.

BECAME LAW March 18, 2003

EFFECTIVE March 18, 2003

S.B. 03-231 Product liability actions - innocent seller - product misuse - presumptions. Prohibits a product liability action, not just actions based on the doctrine of strict liability, from being brought against a seller of a product unless the seller is also the manufacturer of the product, or a part thereof, giving rise to the action. Eliminates the requirement that the product in such actions be alleged to contain or possess a defective condition that is unreasonably dangerous. Prohibits a product liability action from being brought if the product was misused and the misuse caused the harm that is the subject of the action. Requires a court in a product liability action to instruct the jury on a presumption if the court finds that the necessary facts giving rise to the presumption have been established by a preponderance of the evidence.

APPROVED by Governor April 22, 2003

EFFECTIVE September 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. 03-1003 Agricultural recreation activities - inherent risks - limitation of civil liability - exceptions - duty to exercise reasonable care. Declares that certain agricultural recreation activities involve inherent risks. Limits the civil liability of certain persons and entities for the death of, or injury to, participants in agricultural recreation activities. Specifies exceptions to the liability limitation. Clarifies that the risk of injury from another participant in an agricultural recreation activity shall not be considered an inherent risk in an action brought by an injured participant. Requires an operator of an agricultural recreation activity facility to exercise reasonable care to protect against dangers of which the operator knew or

to give warning of any dangers that are ordinarily present on the property.

APPROVED by Governor May 14, 2003

EFFECTIVE July 1, 2003

H.B. 03-1007 Medical malpractice actions - damages for noneconomic loss - physical impairment and disfigurement - limitations. Clarifies that damages awarded for noneconomic loss or injury in a medical malpractice action shall be subject to the \$250,000 noneconomic loss cap. Includes physical impairment or disfigurement claims in medical malpractice actions as noneconomic loss or damage claims subject to the noneconomic loss cap. Increases the noneconomic loss cap to \$300,000, effective July 1, 2003.

APPROVED by Governor May 20, 2003

EFFECTIVE July 1, 2003

H.B. 03-1027 Class actions - appellate review - interlocutory appeals. Permits appellate courts to allow interlocutory appeals of district court orders granting or denying class action certification under certain circumstances. Specifies that the interlocutory appeal does not stay the district court proceeding unless a stay is ordered by the district court or the court of appeals. Allows specific discovery to continue under certain circumstances in the district court in which a stay has been ordered.

APPROVED by Governor April 7, 2003

EFFECTIVE July 1, 2003

H.B. 03-1117 Protection orders. Changes references to orders entered for the protection of persons from restraining orders to protection orders.

Adds the prevention of emotional abuse of at-risk adults to the list of reasons why a protection order may be entered.

Authorizes modifications or dismissals of protection orders after a restrained person is convicted of a felony or a misdemeanor crime involving domestic violence only if the modification or dismissal is sought by the protected person.

Requires the restrained party to pay for the costs of any criminal history record check if a modification or dismissal of a protection order is sought.

Clarifies that a filing fee may be charged for a petition for a protection order except when the order is sought by a victim in connection with an allegation of domestic violence, domestic abuse, stalking, or sexual assault. Adds victims of unlawful sexual contact to the list of victims for whom no filing fee or fee for service of process may be charged.

APPROVED by Governor April 17, 2003

EFFECTIVE JULY 1, 2003

H.B. 03-1121 Civil actions - offers of settlement. For an offer of settlement in a civil action in which costs are awarded commenced on or after July 1, 2003, requires that the offer be in writing and that the offer be made more than 14 days before trial. Requires the acceptance of a settlement offer to be in writing.

Clarifies how an accepted offer of settlement is enforced and defines "actual costs".

APPROVED by Governor April 25, 2003

EFFECTIVE July 1, 2003

H.B. 03-1148 Self-defense - defense of a person - evidence - jury instruction. Allows a defendant not entitled to an affirmative defense self-defense jury instruction to present relevant evidence of self-defense in defense of a person. If a defendant presents relevant evidence of self-defense, requires the court to give the jury a self-defense law instruction. Directs the court to instruct the jury it may consider evidence of self-defense in determining if the defendant acted recklessly, with extreme indifference, or in a criminally negligent manner. Clarifies the self-defense instruction is not an affirmative defense instruction and the prosecuting attorney shall not have the burden of disproving self-defense. States the section does not apply to strict liability crimes.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1161 Construction defect actions - right to remedy process - limitation of damages. Requires a new notice of claim process to be followed in actions filed against construction professionals as follows:

- No later than 75 days before filing a civil action or arbitration proceeding for damages, indemnity, or contribution against a construction professional to assert a claim for damages or loss to, or the loss of use of, real or personal property or personal injury caused by a defect in the design or construction of an improvement to real property, or no later than 90 days before filing if the claims relates to commercial property, requires a claimant to serve a written notice of claim on the construction professional.
- At the written request of a construction professional served with a notice of claim, requires the claimant to allow inspection of the property within 30 days of service of the notice of claim.
- Allows a construction professional to make a written offer to settle a claim by payment of a sum certain or by agreeing to remedy a claimed defect within 30 days following an inspection, or within 45 days following an inspection of commercial property.
- Requires a written offer to remedy a defect to include a report of the scope and results of the inspection, a description of the work required to repair the defect, and a timetable for the completion of the work.
- Allows a claimant 15 days to send a construction professional a written acceptance of an offer to settle a claim before the offer is deemed rejected.
- Requires a construction professional to complete remedial construction work in accordance with the timetable specified in an accepted offer to remedy a defect unless delayed by events beyond the reasonable control of the construction professional.
- Allows a claimant to file an action if a construction professional does not make an offer to settle a claim or if the claimant rejects such an offer unless the parties have contractually agreed to a mediation procedure.
- Allows a claimant to file an action if a construction professional fails to comply with an accepted offer to settle a claim.
- After the sending of a notice of claim, allows a claimant and a construction professional to alter the procedure for the notice of claim process by written

- mutual agreement.
- Requires any action commenced by a claimant who fails to comply with the notice of claim process to be stayed until the claimant has complied.
- Allows a claimant to amend a notice of claim.

Specifies that compliance with the notice of claim process tolls any applicable statutes of limitation until 60 days after the completion of the notice of claim process.

Allows a negligence claim seeking damages for a construction defect arising out of a failure to construct an improvement to real property in substantial compliance with an applicable building code or industry standard only if the defect results in actual damage to real or personal property. Specifies that a claimant may only recover damages in excess of actual damages from a construction professional if the claimant proves that the construction professional has engaged in a deceptive trade practice and:

- Either a monetary offer of settlement made by the construction professional or the reasonable cost, as determined by the trier of fact, of an offer to remedy made by the construction professional is less than 85% of the amount awarded to the claimant as actual damages sustained exclusive of costs, interest, and attorney fees; or
- The construction professional has failed to substantially comply with the terms of an accepted offer to settle or remedy the claim.

Caps the maximum aggregate amount of treble damages and attorney fees in an action against a construction professional under statutory provisions that govern deceptive trade practices claims at \$250,000. Caps the maximum amount of noneconomic loss or injury or derivative noneconomic loss or injury damages in an action against a construction professional at \$250,000, as annually adjusted for inflation through July 1, 2008. Exempts claims for personal injury or bodily injury resulting from construction defects from the "Colorado Consumer Protection Act". Prohibits evidence of a rejected settlement offer from being presented to a jury in any case against a construction professional in which the jury is considering a deceptive trade practices claim.

Specifies that the express warranties are not affected by the act or existing provisions of the "Construction Defect Action Reform Act". Defines the terms "action", "actual damages", "claimant", "construction professional", and "notice of claim".

Specifies that the act applies to actions filed on or after April 25, 2003.

APPROVED by Governor April 25, 2003

EFFECTIVE April 25, 2003

H.B. 03-1186 Exemplary damages - procedure for asserting. Establishes a procedure governing the assertion of exemplary damages claims in most civil actions.

APPROVED by Governor April 17, 2003

EFFECTIVE August 6, 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. 03-1197 State board of accountancy - accountant-client privilege - attest function - exceptions. Creates an exception to the accountant-client privilege for the disciplinary functions of the state board of accountancy related to activities of a licensed accountant. Distinguishes between documents that may be subpoenaed from publically traded corporations versus privately held corporations. Allows for a second certified public accounting firm to review subpoenaed documents of a privately held corporation. Sets forth the parameters of such exception. Requires that a certified public accountant or certified public accounting firm notify his or her client of the subpoena for attest-related functions that concern the client within 3 days after service of the subpoena. Specifies that confidentiality related to subpoenaed documents is not waived nor are due process remedies available under the Administrative Procedures Act. Specifies that subpoenaed documents are not public documents.

APPROVED by Governor April 29, 2003

EFFECTIVE August 6, 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. 03-1226 Right to counsel - juveniles - truancy process. Authorizes, rather than requires, the court to appoint legal counsel or a guardian ad litem for a juvenile in a proceeding related to the state school attendance law. Requires the court to make information concerning the truancy process available to the child's parent or guardian ad litem.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 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. 03-1228 County jails - liability for medical treatment costs. Repeals the prohibition against a county jail to assessing medical treatment costs against a person being held in custody for a medical visit to a physician, dentist, or optometrist, which is the result of a referral by a specified medical professional or is an emergency treatment or follow-up visit initiated by a medical professional. Requires, rather than permits, a court to order a person to pay any medical treatment charge that remains unpaid.

Specifies that a person being held in custody in a county jail shall be primarily responsible for the payment of the cost of medical care provided to the person for a self-inflicted injury or a condition that was preexisting prior to the person's arrest. Defines "preexisting condition" and specifies when the person being held in custody is not primarily responsible to pay for such medical care.

APPROVED by Governor May 22, 2003

EFFECTIVE August 6, 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. 03-1232 Civil proceedings - evidence of admissions - medical care - unanticipated outcomes. Makes inadmissible as evidence of an admission of liability or as an admission

against interest in any civil action brought by an alleged victim of an unanticipated outcome of a medical procedure, or any arbitration proceeding related to such civil action, any and all statements, affirmations, gestures, or conduct expressing apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence which are made by a health care provider or an employee of a health care provider to the alleged victim, a relative of the alleged victim, or a representative of the alleged victim and which relate to the discomfort, pain, suffering, injury, or death of the alleged victim as the result of an unanticipated outcome.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

H.B. 03-1326 Limitation on liability - providers - developmentally disabled. Specifies that nothing in the act relieves a service provider for the developmentally disabled ("provider") of a duty of care expressly imposed by federal or state law or department of human services ("department") rule. Specifies that the performance of a service or an act of assistance for the benefit of a developmentally disabled person or the adoption or enforcement of a policy or practice by a provider to protect such person's health or safety shall not create a duty of care with respect to a third person, nor does it require the provider to sustain such a service or to adopt or enforce such a policy.

Specifies that a person filing a tort action against a provider is required to demonstrate liability by a preponderance of the evidence. Specifies that if a provider raises the issue that a claimant cannot demonstrate liability by a preponderance of the evidence or raises any other limitation on liability prior to or after the beginning of discovery, the court is required to suspend discovery, except any discovery necessary to decide the issue of limitation of liability, and to decide the issue on motion.

Modifies the current duty of care liability limitations by specifying that a provider, rather than a physician, social worker, nurse, or psychologist, is not liable for damages in any civil action for failure to warn or protect any person against violent, assaultive, disorderly, or harassing behavior of a person with a developmental disability or the failure to predict or prevent such behavior. Clarifies that a provider does have a duty to warn in specified circumstances and outlines the duties of the provider in these situations.

Places specific requirements and limitations on any action against a provider, including but not limited to:

- In order to maintain a tort action, requiring the person claiming to have suffered an injury or grievance to exhaust all dispute resolution procedures or other applicable interventions with the department or the community centered board within specified time frames;
- Specifying that a person with a developmental disability who is served in a residential setting, which is owned or leased by a provider, shall not be considered a tenant of the provider;
- Specifying that community centered boards and service agencies have the authority to remove a person with a developmental disability from any residential setting in specified situations and that these entities have no civil liability for exercising this authority;
- Specifying that a provider has limited civil liability for the injurious consequences to a person with a developmental disability if the person or the person's guardian declines or obstructs the administration of prescription

- medication or other treatment recommended by a licensed physician, psychologist, or therapist;
 • Specifying that claims based on alleged deceptive trade practices do not apply to providers engaged in the provision of services to the developmentally disabled.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1366 Civil actions - appeal - supersedeas bond - limitation - exception. Specifies that the total amount of all supersedeas bonds necessary to stay execution of a judgment during the appeal of a civil action may not exceed \$25 million. Permits a court under certain circumstances to set a supersedeas bond in the amount of the judgment being appealed.

APPROVED by Governor May 20, 2003

EFFECTIVE May 20, 2003

H.B. 03-1378 Docket fees - criminal and traffic actions - increase - appropriations. Increases the docket fees for criminal actions and actions involving traffic infractions. Directs that the revenues generated by the increases in fees be deposited in the state commission on judicial performance cash fund ("fund"). Exempts the fund from the limitations on uncommitted fund reserves.

For the 2003-04 fiscal year, appropriates \$561,042 from the fund to the judicial department for evaluation of judicial performance.

APPROVED by Governor June 6, 2003

EFFECTIVE June 6, 2003

CRIMINAL LAW AND PROCEDURE

S.B. 03-6 Local initiative committee pilot program - creation. Creates a local initiative committee pilot program for the management of community-based programs for adults with mental illness who come into contact with the criminal justice system ("pilot program"). Establishes a local initiative committee ("committee") in at least 3 judicial districts over the course of 3 years, commencing January 1, 2004. Makes implementation of each of the 3 community-based pilot programs contingent upon receipt of the grants, gifts, or donations necessary to implement each program by July 1 of the year the program is required to be commenced. Requires the chief judge of each participating judicial district to appoint the members of the committee in the judicial district based on recommendations from the director of the division of mental health services in the department of human services, the director of the division of probation services in the judicial department, and the director of the division of criminal justice in the department of public safety.

Specifies the membership of the committee. Specifies that under the leadership of the director of the division of mental health services, the director of the division of probation services, and the director of the division of criminal justice, each committee shall meet at least 3 times each year to supervise and share information concerning the coordination of services for adults with mental illness who come into contact with the criminal justice system. Requires each committee to develop and implement plans for the provision and coordination of services within the judicial district. Requires each committee to review and revise the plans developed, as necessary.

Requires the director of the division of mental health services, the director of probation services, and the director of the division of criminal justice to submit to the judiciary committees of the senate and the house of representatives a copy of the plans adopted by each committee, any revision of the plans adopted, and a written report evaluating each committee's provision and coordination of services for adults with mental illness who come into the contact with the criminal justice system.

Authorizes the executive director of the department of public safety, the state court administrator in the judicial department, and the executive director of the department of human services to accept and expend on behalf of the state any grants, gifts, or donations from any private or public source for the purpose of establishing the local initiative committee pilot program.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

S.B. 03-24 Concealed handgun permits - qualifications - application procedures - background check procedures - temporary emergency permits - renewal - use restrictions - appropriation. Specifies that the issuance and use of a permit to carry a concealed handgun ("permit") is a matter of statewide concern. Assigns responsibility for issuing permits to county sheriffs and the official having the duties of a sheriff in a city and county.

Specifies the qualifications for receiving and keeping a permit. Allows a sheriff to deny the issuance of a permit if the sheriff has documentary evidence that the person would be a danger to self or others. Specifies the minimum contents of the permit and that permits are valid for 5 years and may be renewed. Directs the sheriffs to ensure all permits contain the same items of information and are the same size and color. Specifies how a permit may be used. Identifies conditions under which a handgun is not considered concealed.

Specifies the documents that an applicant must submit to a sheriff to apply for a permit. Instructs the sheriff to witness the applicant's signature on the permit application, to verify the applicant's identity, to take 2 full sets of the applicant's fingerprints, which must be sent to the Colorado bureau of investigation ("CBI"), and to determine whether the applicant meets the requirements for obtaining a permit. Specifies the procedures for denying a permit, including giving notice of the right to request a second review by the sheriff, to seek judicial review, and to submit additional information for the record. Directs the sheriff to establish the amount of the new and renewal permit fees based on the actual costs of issuing and renewing the permits, and caps the fee amounts at \$100 for issuance of a permit and \$50 for renewing a permit.

Requires each sheriff to maintain a list of the persons to whom he or she issues permits. Allows the sheriff to share information from the list upon request by a law enforcement agency. Specifies that any database of permit holders shall be searchable only by name. Prohibits creation or maintenance of a database of permittees on and after July 1, 2007. Requires each sheriff to submit an annual report to the general assembly containing information concerning permit applications and the number of permits issued, but not including the names of permit applicants. Specifies conditions under which a permit may become invalid or may be suspended. Establishes procedures for renewing a permit, including the documents to be filed and the fee to be paid.

Establishes procedures for judicial review of a sheriff's denial of, suspension of, revocation of, or refusal to renew a permit. Allows for judicial review either following or in lieu of a second review by the sheriff. Specifies that the sheriff bears the burden of proving that he or she appropriately denied, suspended, revoked, or refused to renew the permit. Allows the reviewing court to award attorney fees to the prevailing party on review.

Requires the CBI to process the fingerprints received from sheriffs for issuance of permits and to forward fingerprints to the federal bureau of investigation for processing. Allows the CBI to maintain the fingerprints for use only in obtaining information for the issuance and renewal of permits and in notifying a sheriff if a permittee is arrested for a disqualifying offense. Directs the CBI to provide a list to the general assembly of the jurisdictions in which the sheriff provides to the CBI the names of permittees.

Establishes procedures for a sheriff to issue a temporary emergency permit to a person whom the sheriff determines is in immediate danger. Allows a sheriff to issue a temporary emergency permit to a person 18 years of age or older. Makes the emergency permit valid for 90 days. Allows renewal of an emergency permit for one additional 90-day period; except that, if the permittee is younger than 21 years of age, allows renewal for repeated 90-day periods until the permittee reaches 21 years of age.

Exempts a law enforcement officer from another state from the permit requirement so long as the officer's state exempts Colorado law enforcement officers. Allows certain retired peace officers to qualify automatically for a permit within the first 5 years after retirement. Recognizes as valid in this state a permit issued to a person at least 21 years of age by another state that recognizes the validity of Colorado permits.

States that a permit authorizes the permittee to carry a concealed handgun in all areas of the state, except as restricted by state law. Prohibits a local government from adopting a resolution or ordinance restricting the carrying of a concealed handgun that would conflict with the state law. Specifies that a permit does not authorize a permittee to carry a concealed handgun in areas where carrying is prohibited by federal law, in secure public buildings, or

on public elementary or secondary school grounds, with some exceptions. Clarifies the rights of private property owners to control their private property.

Grants civil immunity to the CBI, local law enforcement agencies, and employees of said entities for the good faith implementation of the act. Grants civil immunity in suits for damages arising from issuance or denial of a permit to persons who provide information concerning an applicant. Provides that permits issued prior to the effective date of the act shall expire on June 30, 2007, or on the date specified in the permit, whichever occurs first. Specifies procedures for renewing existing permits.

Appropriates \$908,806 and 5.6 FTE to the CBI for the costs incurred in conducting the fingerprint criminal history checks.

APPROVED by Governor March 18, 2003

EFFECTIVE May 17, 2003

S.B. 03-25 Firearms - statewide regulation. Expands the prohibition against local ordinances and resolutions that restrict a person's ability to travel with a weapon in a private automobile to apply to situations in which the person is traveling for purposes of hunting or traveling within one jurisdiction.

Recognizes that firearms regulation is a matter of statewide concern. Prohibits a local government from maintaining a list or other form of record or database of: Persons who purchase or exchange firearms or leave firearms for repair or sale on consignment; persons who transfer firearms; or descriptions of firearms transferred, exchanged, or left for repair or sale on consignment.

Prohibits a local government from adopting or enforcing an ordinance, resolution, or other law that would prohibit the sale, purchase, or possession of a firearm that a person may lawfully sell, purchase, or possess under state or federal law. Allows a local government to enact an ordinance, regulation, or other law that prohibits the open carrying of a firearm in a building or specific area within the local government's jurisdiction. Requires the local government to post signs at the public entrances to any building or area in which open carrying of a firearm is prohibited.

APPROVED by Governor March 18, 2003

EFFECTIVE March 18, 2003

S.B. 03-38 Mortuary Science Code - unlawful acts. Clarifies that, for purposes of the unlawful acts described in the "Mortuary Science Code" only, the terms "next of kin", "kin", or "family member" do not include any person who is arrested on suspicion of having committed, is charged with, or has been convicted of, a homicide or related offense involving the death of the decedent.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

S.B. 03-65 Animal protection - animal cruelty prevention fund - cruelty to animals - serious physical harm - animal impoundment by peace officer - bonding requirements for impounded animals - impound agency - animal fighting - pet animal facility license - transfer of cats - county resolutions governing pet animals - violation. Expands the sources for the animal cruelty prevention fund to include grants, gifts, and donations. Expands the uses of the

animal cruelty prevention fund to include assisting with costs associated with the impoundment of an animal that is the subject of cruelty. Extends the crime of cruelty to animals to include additional acts. Clarifies that a peace officer may take possession of and impound an animal under certain circumstances. Permits an animal owner or custodian to prevent disposition of an animal that has been impounded, by posting a bond with the court for the cost of the care provided by the impound agency. Extends the crime of animal fighting to include additional acts.

Increases the statutory fee cap for a pet animal facility license. Authorizes the commissioner of agriculture to adopt rules concerning the minimum weight requirement for the transfer of cats. Increases the statutory fine cap for violations of county resolutions governing pet animals.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

S.B. 03-76 DUI - first offense - unlawful use of controlled substance - deferred sentence - appropriation. Authorizes a person whose driver's licence is revoked for the first time for driving a vehicle with a blood alcohol content level greater than 0.10, in lieu of receiving a 3-month revocation, to receive a one-month revocation followed by a probationary license for 5 months. Provides that the change is only effective if Senate Bill 03-192 becomes law.

For persons charged with the unlawful use of a controlled substance, authorizes the court to defer sentencing for up to 4 years.

For the 2003-04 fiscal year, appropriates \$239,753 and 5.5 FTE from the offender services fund to the judicial department and \$183,930 and 4.0 FTE from the drivers license administrative revocation account in the highway users tax fund to the department of revenue for implementation of the act.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

NOTE: Senate Bill 03-192 was signed by the Governor March 5, 2003.

S.B. 03-97 Parole board - reconsideration of application - class 1 or 2 crimes of violence felons - once every 5 years. Allows the parole board to reconsider the parole application of a person convicted of a class 1 or 2 felony crime of violence once every 5 years.

APPROVED by Governor March 28, 2003

EFFECTIVE July 1, 2003

S.B. 03-133 Forfeiture - proportionality test - exceptions to conviction requirement - establishing a true owner - obtaining title to seized property - district attorney seizure report. Changes the proportionality test in forfeiture actions to the federal test. Requires a defendant who claims a forfeiture is constitutionally excessive to demonstrate by a preponderance of the evidence that the forfeiture is grossly disproportional to the crime.

Makes exceptions to the conviction requirement. Allows forfeiture if the criminal case is plea bargained to a lesser included offense. Requires that the stay in the civil case applies to discovery proceedings. Clarifies that a stay granted until the disposition of criminal charges does not continue through an appeal. Clarifies that acquittal of one

defendant does not mandate dismissal of the entire forfeiture case where a co-defendant could be found guilty. Precludes standing in forfeiture actions for a defendant who fails to appear, and allows forfeiture in those cases. Makes clear the procedure in situations where the defendant dies before completion of the criminal case. Permits a defendant to waive the conviction requirement if he or she desires to resolve the civil case.

Limits the issues at a forfeiture-related temporary restraining order hearing to probable cause, the innocent owner defense, and issues regarding temporary seizure of the property. Reconciles the clear and convincing evidence standard with the presumption that large amounts of money found with drugs or a drug dealer are proceeds of criminal activity. Repeals the definition of "good cause" for purposes of granting the continuance of a public nuisance action. Clarifies the notice provisions relating to knowledge of a public nuisance act or the subject act by including prior similar conduct. Defines "proceeds traceable". Harmonizes the discovery provisions.

Requires a person claiming to be a true owner to establish standing and prove he or she is a true owner. Lists the criteria the court should consider in determining whether the person is a true owner.

Clarifies title issues after a court orders forfeiture. Permits the sheriff to sell the forfeited property at auction or in another commercially reasonable manner. Allows the property to be sold conditionally subject to liens if the purchaser can satisfy the liens within 60 days or obtains authorization from the lien holder. Eliminates the requirement that notices of seizure be filed for every item seized. Maintains notice requirements for real property and motor vehicles.

Eliminates the requirement that the district attorney report seizures taken by local police and sheriffs' departments to the United States attorney for forfeiture in federal court. Changes the filing date of the annual district attorney seizure report from January 1 to April 1.

APPROVED by Governor April 7, 2003

EFFECTIVE July 1, 2003

S.B. 03-147 Procedural changes in criminal laws - criminal pleading - jurisdiction - probation sentencing - venue - production of records in economic crime - corporate liability. Clarifies that criminal and juvenile pleadings can be filed using either the conjunctive or disjunctive. Amends the statute of limitations to toll the statute during the time the pleadings are filed in a court without jurisdiction, if the prosecution has a good faith belief the court has jurisdiction.

Adds incest to the list of crimes that allow the admission of out-of-court statements of a child and for which both videotaped depositions and testimony over closed-circuit television are allowed, and to the list of crimes in the treatment cost statute. Makes clear that the legislature intended that anyone convicted of a sexual offense that requires indeterminate sentencing must serve the minimum number of years that the court imposed as part of the sentence minus earned time before being eligible for parole. Allows a judge to impose a probation term of whatever length the judge deems is necessary, even if longer than the amount of time the judge could sentence the defendant to incarceration; except that the period of probation cannot exceed 5 years for misdemeanors or petty offenses.

Clarifies a reference in the cruelty to animals statute regarding prior convictions. Expands the venue for fraud offenses. Allows one jurisdiction to handle all cases arising out of the same crime spree. Clarifies a cross-reference in the habitual offender statute. Creates a procedure for production of records related to economic crime. Expands criminal liability for corporations to apply to business entities.

Allows a juvenile to be terminated from the youthful offender system program based upon failure to comply with the terms and conditions of his or her placement.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

S.B. 03-164 DNA testing - post-conviction - procedure. Creates a procedure for requesting post-conviction DNA testing. Requires a motion for post-conviction DNA testing to include sufficient facts to support a prima facie showing that relief is warranted and the results of all prior DNA tests, regardless of who performed the test. Allows the court to deny the motion without a hearing and appointment of counsel if the court is satisfied the petitioner is not entitled to relief. Prohibits a court from ordering DNA testing unless the petitioner demonstrates by a preponderance of the evidence that:

- The results of the DNA testing will demonstrate actual innocence;
- Biological evidence pertaining to the offense was collected and still exists;
- Conclusive DNA results were not available prior to conviction, and the petitioner did not secure DNA testing prior to conviction because testing was not reasonably available or for reasons that constitute justifiable excuse, ineffective assistance of counsel, or justifiable neglect; and
- The petitioner consents to provide a biological sample for DNA testing.

If the court grants a motion for hearing, requires the court to order the appropriate law enforcement agency to preserve existing biological evidence for DNA testing.

Compels the petitioner to pay for the DNA testing, or, if the petitioner is indigent and represented by the public defender or alternative defense counsel, states that testing shall be paid from the public defender's budget or alternate defense counsel's budget.

Imposes no duty on a law enforcement agency to preserve biological evidence, prior to an order to preserve the evidence, and no liability for failure to preserve biological evidence.

Allows the petitioner to use the results of the DNA testing in a post-conviction motion even if there is a law or rule barring the motion as untimely.

Requires the results of the DNA testing to be made available to the combined DNA index system and any other law enforcement DNA databases.

APPROVED by Governor March 28, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-318 Drug crimes - possession or use offence one gram or less - reduce felony level - drug offender treatment fund - interagency task force on treatment - judicial district drug treatment boards - probation eligibility for person convicted of possession or use offence one gram or less if third felony - sunset. 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 the interagency task force ("task force") on treatment. Directs the task force to allocate the moneys in the drug offender treatment fund. Requires the task force to report to the judiciary committees of the house and senate regarding the anticipated savings generated by the act on or before January 31, 2005, and on or before January 31, 2007. Creates judicial district drug offender treatment boards ("boards") within each judicial district. Directs each board to distribute drug offender treatment fund moneys within the judicial district. Compels each board to report to the task force and the judiciary committees of the house and senate each year the amount of drug offender treatment fund moneys received and how the moneys were distributed.

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 of \$2.2 million are not applied to the drug offender treatment fund in the fiscal year beginning in 2005, or any fiscal year thereafter.

APPROVED by Governor June 7, 2003

EFFECTIVE July 1, 2003

H.B. 03-1004 Manufacturing controlled substance - presence of a child - class 3 felony - appropriations. Adds manufacturing or attempting to manufacture a controlled substance, and possessing methamphetamine precursors with the intent to manufacture, in the presence of child, or on the premises where a child is found or resides, to the crime of child abuse. Makes the crime a class 3 felony.

Makes a 5-year statutory appropriation for implementation of the act as follows: For fiscal year 2006-07, appropriates \$291,761 from the capital construction fund to the corrections expansion reserve fund; for fiscal year 2007-08, appropriates \$416,802 from the capital construction fund to the corrections expansion reserve fund and appropriates \$118,516 to the department of corrections.

APPROVED by Governor June 4, 2003

EFFECTIVE July 1, 2003

H.B. 03-1020 Criminal trial venue - same criminal episode - forgery. For purposes of determining the appropriate place of trial, adds forgery to the list of crimes that can be considered part of the same criminal episode if the crime is committed on 2 or more occasions within a 6-month period.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

H.B. 03-1034 Sex offender registration - electronic notification and transmission - effective date. Changes the effective date for electronic notification and electronic transmission of sex offender registration information from January 1, 2003, to January 1, 2004.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1045 Criminal penalties for unauthorized insurance. Increases to a class 1 misdemeanor the criminal penalty for the sale of policies of an insurance company not authorized to do business in Colorado.

APPROVED by Governor April 7, 2003

EFFECTIVE July 1, 2003

H.B. 03-1138 Unlawful termination of pregnancy - enhanced penalties - death penalty aggravator - appropriation. Makes it a class 4 felony to intentionally and unlawfully terminate another person's pregnancy. Prohibits prosecution of a person who provides medical treatment to which the pregnant woman consented. Repeals the requirement that the prosecution prove an underlying factual basis of domestic violence for a court to impose an enhanced sentence on a person convicted of a specified crime against a pregnant woman. Makes intentionally and knowingly killing a pregnant woman an aggravating factor for purposes of imposing the death penalty.

Makes a 3-year statutory appropriation as follows: For fiscal year 2005-06, appropriates \$138,934 from the capital construction fund to the corrections expansion reserve fund; for fiscal year 2006-07 appropriates \$125,041 from the capital construction fund to the corrections expansion reserve fund and appropriates \$56,436 in general fund moneys to the department of corrections; for the fiscal year 2007-08, appropriates \$107,228 in general fund moneys to the department of corrections.

APPROVED by Governor June 3, 2003

EFFECTIVE July 1, 2003

H.B. 03-1191 Computer dissemination of indecent material to a child - prohibition - civil penalty - action to recover - distribution of penalty - attorney fees. Prohibits the computer dissemination of indecent material to a person believed to be a child. Clarifies that the person performing the computer dissemination of indecent material is not relieved of liability if the person to whom the material was disseminated in fact was not a child. Imposes a civil penalty against a person who violates the prohibition against computer dissemination of indecent material to a child. Enables any private individual to bring a civil action to recover the civil penalty. Establishes the priority for the distribution of a civil penalty assessed by the court. Awards a plaintiff his or her reasonable attorney fees and costs if he or she is awarded a distribution of the civil penalty. Clarifies that the civil action for a recovery of a civil penalty for the computer dissemination of indecent material to a child does not abrogate a criminal action or any civil action or claim available to a plaintiff.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1212 Courts - restitution - criminal cases - insurance benefits - payment credit priority. Requires the court, for non-felony convictions under the motor vehicle statutes, to order restitution concerning only the portion of the victim's pecuniary loss that is not

compensable from certain sources. Directs the court to consider certain circumstances in determining the restitution amount to be ordered. Prohibits the court from awarding restitution concerning certain pecuniary losses and damages based on insurance coverage.

Clarifies that, under certain circumstances, an insurance company, risk management fund, and public entity shall not be obligated to defend a defendant in a criminal or traffic matter or to satisfy a civil judgment entered pursuant to the restitution statutes. Excludes from the definition of "restitution" damages for physical or mental pain and suffering, loss of consortium, loss of enjoyment of life, loss of future earnings, and punitive damages. Divides restitution in the payment priority statute into 3 sub-categories based on the circumstances of the victim involved.

APPROVED by Governor April 17, 2003

EFFECTIVE September 1, 2003

H.B. 03-1213 Sexual exploitation of a child - no commercial purpose - appropriations. Removes the "commercial purpose" qualifier from the crime of sexual exploitation of a child.

Makes a 5-year statutory appropriation for implementation of the act as follows: For fiscal year 2003-04, appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund; for fiscal year 2004-05, appropriates \$28,818 in general fund moneys to the department of corrections; for fiscal year 2005-06, appropriates \$28,818 in general fund moneys to the department of corrections; for fiscal year 2006-07, appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund and appropriates \$28,818 in general fund moneys to the department of corrections; for fiscal year 2007-08, appropriates \$56,436 in general fund moneys to the department of corrections.

For implementation of the act, adjusts appropriations made in the 2003 general appropriations act by decreasing the general fund appropriation to the department of corrections, institutions, utilities subprogram, utilities by \$69,467.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1236 Substantive criminal law - sentencing clarifications - "act of harassment" in retaliation and intimidation statutes - habitual offender mandatory parole. Clarifies for statutes that require a mandatory sentence that the sentence is to the department of corrections in the case of felonies and to county jail in the case of misdemeanors. Provides that for certain drug-related offenses, a defendant who is subject to sentencing under 2 statutes shall receive the longer sentence, and the prosecution is not required to choose which statute to proceed under. In the case of sentencing under extraordinary aggravating circumstances and sentencing enhancing factors, removes the under-age-18 qualifier from particular circumstances. Makes the mandatory minimum sentence for possession of an explosive 4 years. Clarifies language in the aggravated cruelty to animals crime to clarify the felony and misdemeanor offenses and the sentencing provisions. Increases the penalty for indecent exposure to a class 1 misdemeanor regardless of the age of the victim.

Makes it clear that the possession of a weapon by a previous offender statute applies to both adult and juvenile convictions. Confirms certain references from sexual assault to sexual offense. Defines "act of harassment" pursuant to the harassment criminal offense for purposes of the crimes of intimidating a witness, retaliation against a witness, and retaliation against a juror.

Requires that anyone convicted of being a habitual criminal must serve a mandatory period of parole upon release.

APPROVED by Governor April 29, 2003

EFFECTIVE April 29, 2003
PORTIONS EFFECTIVE July 1, 2003

H.B. 03-1243 Statute of limitations - criminal violations - series of acts - Colorado Securities Act. Clarifies that when an offense or delinquent act is based on a series of acts performed at different times, the period of limitation prescribed by the "Colorado Securities Act" for commencing a criminal proceeding starts at the time when the last act in the series of acts is committed.

APPROVED by Governor April 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1244 Defacing property - mandatory minimum fine second or subsequent offense - juvenile diversion cash fund - replace damaged property. Increases the penalty for a second or subsequent conviction of defacing property to a class 1 misdemeanor and requires the court to impose a mandatory minimum fine of \$750. Splits the fines collected between the highway user's tax fund and the juvenile diversion cash fund. Creates the juvenile diversion cash fund. Requires the court to order any person convicted of defacing property to replace the property if it cannot be repaired, allows the court to limit the replacement cost to \$2,500.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1251 Automobile theft prevention authority - creation - board - donations - fund - repeal. Establishes an automobile theft prevention authority ("authority") in the department of public safety to make grants to create and improve automobile theft prevention, enforcement, or prosecution programs. Creates and specifies the membership of an automobile theft prevention board to review applications for grants and to award such grants under the authority.

Authorizes the department of public safety to accept gifts, grants, and donations, including voluntary payments from insurance companies, to pay for the authority. Creates the auto theft prevention cash fund. Requires the state treasurer to notify specified officials once the moneys in the fund reach \$300,000. Specifies that if, by June 1, 2008, moneys in the fund have never reached \$300,000, the moneys shall be returned.

Directs that the section be repealed, effective July 1, 2008, but that it be reviewed by the general assembly prior to that date.

APPROVED by Governor April 22, 2003

EFFECTIVE April 22, 2003

H.B. 03-1266 Peace officers - scope of authority - certification requirements. Repeals the definition of "peace officer". Describes peace officer. Delineates the scope of authority and certification requirements for each of the peace officers in the state of Colorado.

Makes changes in terminology related to the delineation of each peace officer in the

state of Colorado.

APPROVED by Governor May 2, 2003

EFFECTIVE August 6, 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. 03-1297 Death penalty aggravators - chemical, biological, or radiological weapons - killing multiple persons in multiple criminal episodes. Expands the current death penalty aggravating factor that applies to using an explosive or incendiary device to include using a chemical, biological, or radiological weapon to commit the offense. Adds intentionally killing more than one person in more than one criminal episode to the list of death penalty aggravating factors.

APPROVED by Governor April 29, 2003

EFFECTIVE April 29, 2003

H.B. 03-1303 Communications - theft of services - unauthorized use of identification numbers or codes - unlawful access devices - manufacture and sale - penalties. Amends existing statutes pertaining to telecommunications crime, including the manufacture and use of "cloned" cellular telephones and other devices for obtaining unauthorized access to proprietary signals, codes, access numbers, content, and services. Enhances penalties for violations. Exempts certain multipurpose devices and the reception of free services and content.

VETOED by Governor May 21, 2003

H.B. 03-1304 Impersonating a peace officer - class 1 misdemeanor. Increases the penalty for impersonating a peace officer from a class 2 misdemeanor to a class 1 misdemeanor.

APPROVED by Governor April 29, 2003

EFFECTIVE May 1, 2003

H.B. 03-1317 Sale or distribution of materials to manufacture controlled substances - enhanced sentencing - anhydrous ammonia - container restrictions - appropriation. Makes it a felony to sell or distribute chemicals, supplies, or equipment, when the seller or distributor knows or reasonably should know or believes that a person intends to use the materials sold or distributed to illegally manufacture a controlled substance. Specifies that the felony is a crime that presents an extraordinary risk of harm to society. Makes it a misdemeanor crime to sell, purchase, attempt to purchase, fill, refill, deliver, or permit to be delivered an anhydrous ammonia container under certain circumstances.

Makes a 5-year statutory appropriation for the implementation of this act as follows: For fiscal year 2004-05, appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund; for fiscal year 2005-06, appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund and appropriates \$28,218 in general fund moneys to the department of corrections; for fiscal year 2006-07, appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund and appropriates \$56,436 in general fund moneys to the department of corrections; for fiscal year

2007-08, appropriates \$55,574 from the capital construction fund to the corrections expansion reserve fund and appropriates \$84,654 in general fund moneys to the department of corrections.

APPROVED by Governor June 4, 2003

EFFECTIVE July 1, 2004

EDUCATION - PUBLIC SCHOOLS

S.B. 03-36 Graduation requirement - course on civil government - community forum. Makes satisfactory completion of a course on the civil government of the United States and the state of Colorado a requirement for high school graduation in public schools. Applies to each student entering the first year of high school on and after August 6, 2003.

Directs each school district to convene a community forum at least once every 10 years to discuss adopted content standards in civics and acceptable performance levels. Requires the school district to consider this community input when establishing graduation requirements.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-53 Colorado school for the deaf and blind - governance - restructuring - board of trustees - authority - funding. Effective July 1, 2004, re-establishes the Colorado school for the deaf and the blind ("school") as an educational institution located in Colorado Springs, and specifies that the school may include other facilities and programs in the state. Transfers the school to the department of education as a **type 1** transfer.

Designates the school as a local education agency for purposes of federal law, except for child nutrition programs. Permits the school to deliver educational services on a local and regional basis that may involve:

- Intergovernmental agreements;
- Boards of cooperative services; and
- Charter schools designed solely for deaf or blind students.

Creates a governing board ("board of trustees") for the school. Sets membership, terms, qualifications, duties, and powers of the board of trustees. Authorizes the board of trustees to promulgate rules for the operation of the school. Permits the board of trustees to charter schools designed for deaf or blind students. Requires the board of trustees to promulgate rules that describe the process for the specialized charter applications. Requires the board of trustees to issue an annual report to the general assembly regarding student assessment data, training for the school's teachers, and parental involvement. Specifies the authority of the board of trustees to appoint the superintendent and specifies qualifications for the superintendent and the teachers. Clarifies that the school may offer specialized programs for adults with sensory impairments. Effective September 1, 2003, permits the school to create and use a nonprofit entity for funding purposes. Repeals provisions concerning the current advisory board for the school.

APPROVED by Governor May 2, 2003

EFFECTIVE July 1, 2004

S.B. 03-72 Sex offender notification - sex offender management board materials. Requires each public school in the state, at the beginning of each school year, to provide parents with a statement about how to access the sex offender registration database for their community. Compels the sex offender management board to develop the statement and educational

materials regarding sex offenders for use by schools. Directs the sex offender management board to provide the statement and materials to the department of education who shall make them available to schools.

APPROVED by Governor March 18, 2003

EFFECTIVE March 18, 2003

S.B. 03-117 School accountability reports - date of delivery - website. Delays the date by which the department of education ("department") is required to deliver school accountability reports ("reports") to public schools. Deletes the requirement that the department wait to update its website to include reports until after the department transmits the reports for printing.

APPROVED by Governor April 17, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-137 Statewide assessments - "unsatisfactory" schools - deletion of deadlines - conversion to charter schools - earlier deadlines. Deletes the provisions that require the department of education, by May 1, 2003, and by May 1 of each year thereafter, to release the statewide assessment results and notify a school district that a school will receive an "unsatisfactory" academic performance rating for the preceding school year.

Moves up the deadlines for:

- The state board of education to issue a request for proposals for the operation of an independent charter school, from May 10 to January 15;
- The completion of negotiations on the independent charter, from August 15 to May 30; and
- The school district's board of education to accept the independent charter application following a notice and hearing, from August 15 to May 30.

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

S.B. 03-149 School district - budget procedures - accounting procedures. Requires each school district to hold unrestricted general fund or cash fund emergency reserves in the amount required by section 20 (5) of article X of the state constitution. Specifies that a school district budget shall not allow for expenditures, interfund transfers, or reserves, in excess of available revenues and beginning fund balances. If a school district budget includes the use of a beginning fund balance, requires the school district board of education ("board") to adopt a resolution specifically authorizing the use of the beginning fund balance. Specifies the minimum contents of the resolution.

Requires each school district to prepare an annual itemized reconciliation between the district's fiscal year-end fund balances based on the budgetary basis of accounting used by the school district and the district's fiscal year-end fund balances based on the modified accrual basis of accounting. Directs each board to ensure that the school district uses the full accrual basis of accounting when budgeting and accounting for enterprise funds. Requires each board, at least quarterly, to review the school district's financial situation and to require

school district personnel to submit a report concerning the school district's financial situation. Specifies the contents of the report. Clarifies that the provision concerning loans from one fund to another within a school district budget applies to all of the funds in the school district's budget.

APPROVED by Governor April 22, 2003

EFFECTIVE July 1, 2003

S.B. 03-158 Sale and leaseback of property. Prior to July 1, 2005, authorizes a school district to deposit the proceeds of a sale of real property of the school district in the school district's general fund if:

- The school district declares a fiscal shortfall emergency;
- The sale is to a lessor who leases the real property back to the school district pursuant to a lease-purchase agreement for not more than one year; and
- The terms of the agreements are approved by the state treasurer.

Describes the conditions under which a school district board of education may declare a fiscal shortfall emergency. Authorizes the state treasurer to buy and leaseback real property owned by a school district. Specifies when the treasurer may do so, conditions imposed on the transaction, and remedies for breach of the lease agreement.

APPROVED by Governor April 22, 2003

EFFECTIVE April 22, 2003

S.B. 03-183 FY 2002-03 budget reduction bill - K-12 public education programs - modifications - reduction or elimination of funding - repeals. For the 2002-03 fiscal year, modifies certain education programs and funding as follows:

- With regard to the Colorado preschool program, deletes the requirement that the department of education (department) reallocate any unused positions to other participating school districts;
- Eliminates the requirement that the state fund and districts budget an additional \$21 per pupil for the purchase of new textbooks and eliminates the \$15,018,326 appropriation from the state education fund for such purpose; allows districts to offset the elimination of such funding under certain circumstances by expending moneys in the district's capital reserve fund in the 2002-03 and 2003-04 budget years;
- For purposes of funding public school capital construction in accordance with the capital construction settlement agreement, increases the amount of the transfer of lottery proceeds to the school construction and renovation fund by \$900,000, transfers \$3,499,940 of lottery proceeds to the school capital construction expenditures reserve, and decreases the appropriation from the state education fund for such purposes by \$4,399,940;
- Modifies the charter school capital construction program to require charter schools to submit documentation concerning expenditures made as of January 31, 2003, from moneys received in the 2001-02 budget year and moneys expended, encumbered, or obligated as of January 31, 2003, in anticipation of the receipt of moneys in the 2002-03 budget year; requires any moneys received during the 2001-02 budget year but not expended by January 31, 2003, to revert back to the state education fund; and requires any moneys appropriated for the 2002-03 budget year for charter school capital

construction that are not distributed to school districts to remain in the state education fund;

- Eliminates bonuses available under the school improvement grant program to schools that make adequate progress and the \$150,000 appropriation from the state education fund for such bonuses;
- Eliminates funding for the facility summer school grant program, transfers any moneys remaining in the facility summer school grant program fund to the state education fund, and eliminates the \$500,000 appropriation from the state education fund for the program;
- Reduces state aid for school breakfast programs in low-performing schools to \$250,000 and appropriates such amount from the general fund; reduces the general fund appropriation and increases the state education fund appropriation for the state's share of districts' total program funding by \$250,000; and
- Eliminates the specification of the amount of the increase in the maintenance of effort base and clarifies that the general fund appropriation requirement for total program funding does not apply when Colorado personal income grows less than 4.5% between the 2 calendar years preceding the fiscal year in which the appropriation is made.

For the 2002-03 and future fiscal years:

- Repeals the summer school grant program, transfers any moneys remaining in the summer school grant program fund to the state education fund, and eliminates the \$985,400 appropriation from the state education fund for the program;
- Repeals the teacher pay incentive program and eliminates the \$4,210,400 appropriation from the state education fund for the program; and
- Eliminates increasing enrollment aid and the \$260,354 appropriation from the state public school fund for such purpose.

Requires the state treasurer to transfer the balance of the science and technology education fund to the state education fund on March 5, 2003.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-195 FY 2002-03 budget reduction bill - public school funding - general fund maintenance of effort requirement for total program - exception - reduction in general fund appropriation for FY 2002-03. For the 2002-03 fiscal year, reduces the general fund appropriation for the state's share of districts' total program funding, and eliminates the specification of the amount of the increase in the maintenance of effort base.

Clarifies that the general fund appropriation for total program requirement does not apply when Colorado personal income grows less than 4.5% between the 2 calendar years preceding the fiscal year in which the appropriation is made.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-237 School district - bond redemption fund administration - recovery for state's payment of school district obligations. Requires a school district board of education to select at least one third-party custodian to administer the school district's bond redemption fund,

unless the county treasurer maintains the accounts and funds of the school district or the school district has given notice that it will not accept debt payments by the state treasurer. Specifies the powers of the custodian.

If a school district is unable to make a payment on a multi-fiscal-year obligation and the state treasurer covers the payment on behalf of the school district, allows the state treasurer to recoup the amount forwarded by withholding from both the school district's state share of total program and the unpledged tax revenues due the school district. Specifies the amount withheld generally cannot exceed 1/12th of the amount forwarded and the state treasurer cannot withhold for more than 12 months for each occasion on which a payment is forwarded. Allows the school district to make early repayment of the amount forwarded by the state treasurer. Allows a school district to give notice to the state treasurer that it will not accept debt payment from the state treasurer.

When a school district board of education certifies to the county treasurer the amount of the district's needed revenues, allows the board of education to include an amount to create a reserve for the payment of bonds in future years either prior to or at their maturities.

APPROVED by Governor April 22, 2003

EFFECTIVE April 22, 2003

S.B. 03-248 School finance - K-12 education programs - school district and charter school capital construction - school district accreditation - public school fund - business incentive agreements - school accountability reports - appropriations. Amends the "Public School Finance Act of 1994" in the following respects:

District Total Program Definitions

At-risk pupils:

- For the 2003-04 budget year and budget years thereafter, modifies the definition of "at-risk pupils" to include only those pupils eligible for free lunch.
- Eliminates the definition of "at-risk funded pupil count" and the authority of districts to average at-risk pupil count for up to 3 years.

Funded pupil count:

- For the 2003-04 budget year and budget years thereafter, modifies the definition of "funded pupil count" to include a district's preschool enrollment in addition to a district's pupil enrollment and on-line pupil enrollment.
- For the 2000-01 through 2002-03 budget years, excludes preschool pupils from a district's pupil enrollment for purposes of determining pupil enrollment based on the number of pupils averaged over a 2-, 3-, or 4-year period.

Preschool enrollment:

- Defines "preschool enrollment" as the number of pupils enrolled in a district preschool program pursuant to the "Colorado Preschool Program Act" on October 1 or the nearest school date within the applicable budget year, and specifies that the pupils are counted as half-day pupils.

Pupil enrollment:

- Specifies that a pupil enrolled in a full-day kindergarten is counted as a full-day pupil only if the pupil is enrolled in the full-day kindergarten pilot program.
- Eliminates preschool pupils enrolled in a district preschool program pursuant to the "Colorado Preschool Program Act" from the definition of "pupil enrollment".
- Authorizes the state board of education (state board) to adopt rules for the purpose of counting pupils who are enrolled as less than full-time students.
- Requires school districts, in certifying the district's pupil enrollment to the state board, to specify those students enrolled in grades 1-12 who are enrolled as full-time students and those who are enrolled as less than full-time students.

Minimum Per Pupil Funding

Defines "minimum per pupil funding" as follows:

- For the 2003-04 budget year, \$5,511, which is an increase in the minimum per pupil funding for school districts of 1.39% over the minimum per pupil funding amount for the 2002-03 budget year.
- For the 2004-05 budget year and budget years thereafter, \$5,511, as adjusted based on the annual percentage increase in the statewide base per pupil funding.

Statewide Base Per Pupil Funding

For the 2003-04 budget year, specifies that the statewide base per pupil funding is \$4,570.31, which is an amount equal to \$4,441.51 supplemented by \$128.80 to account for a 1.9% inflation increase plus one percentage point.

District Size Factor

Reduces the size factor for all districts by 0.0045 while maintaining the "L-curve".

Cost of Living Factor

For the 2003-04 budget year and each budget year thereafter in which a new cost of living analysis is required, funds the biennial cost of living analysis from the total amount appropriated for the state share of districts' total program funding.

District Budgeting Requirements

- Specifies that for the 2003-04 budget year, the minimum dollar amount a school district is required to budget per pupil for the instructional supplies and materials account and for the capital reserve fund shall be equal to the amount the school district was required to budget to the account and the fund in the 2002-03 budget year.
- Eliminates the requirement that a school district expend a certain portion of its at-risk funding attributable to pupils whose dominant language is not English on the implementation of the district's English language proficiency program and the requirement that school districts with more than 6,000 pupils submit a report to the department of education (department) concerning how the district used its at-risk funding.

Preschool Enrollment Certification

Requires the secretary of the board of education of each school district to certify annually to the state board the preschool enrollment of the district taken in the preceding October.

Makes the following amendments concerning the financing of public schools:

Boards of Cooperative Services

Modifies the procedure for the state board to grant moneys to boards of cooperative services (BOCES) as follows:

- Specifies that BOCES are eligible, rather than entitled, to receive state moneys upon receiving approval by the state board.
- Allows the state board to grant \$10,000 to each eligible BOCES, subject to available appropriations.
- Specifies that if available funds are insufficient to award the full \$10,000 to each eligible board, all awards for that year are to be reduced proportionately.
- Eliminates the requirement that the general assembly make a separate annual appropriation to the state board to cover the cost of the grants to BOCES.

District Accreditation Requirements

- Requires school districts to comply with state law concerning budgeting, accounting, and reporting procedures as a condition of accreditation.
- Requires the state board to establish this compliance requirement by rule as an accreditation indicator.

Colorado Preschool Program

- For the 2003-04 and 2004-05 budget years, reduces the number of available state preschool program slots to 9,050 children.
- For the 2005-06 budget year and budget years thereafter, restores the number of available state preschool program slots to 11,050 children.
- For the 2003-04 budget year and budget years thereafter, allows 1,000 of the state preschool program slots to be used for full-day kindergarten programs.

Charter School Financing

- Allows school districts to retain a portion of a charter school's per pupil share of the central administrative costs for charter school pupils enrolled in on-line programs.
- Expands the definition of "central administrative overhead costs" for purposes of charter school financing by adding salaries and benefits for administrative job classifications under the headings of "support services - business" and "support services - central" in the school district chart of accounts.

Full-day Kindergarten Pilot Program

- Repeals the full-day kindergarten pilot program in unsatisfactory schools, effective July 1, 2003, instead of July 1, 2006.
- Allows a school district, on and after July 1, 2003, and subject to the receipt of sufficient moneys from the federal government through the "No Child Left Behind Act of 2001", to expand its current half-day kindergarten programs to full-day kindergarten educational programs to serve students at schools that received an academic performance rating of "unsatisfactory" or "low" for the previous school year.

On-line Pupil Enrollment

- For the 2002-03 budget year only, allows school districts to count up to an additional statewide total of 135 students who, as of October 1, are enrolled in,

attending, and actively participating in on-line programs and who were enrolled in a public school or charter school after October 1 of the preceding school year or who were enrolled in a private school or were participating in a home-based education program or home instruction by licensed teachers in the preceding school year.

- Specifies that a student enrolled in an on-line program complies with the compulsory attendance requirements through participation in the program.
- For the 2003-04 budget year and budget years thereafter, for purposes of determining total program funding, prohibits a school district from counting students who enroll in or transfer into an on-line program in the school district in the district's on-line pupil enrollment unless:
 - The student was included in a school district's pupil enrollment or on-line enrollment for the preceding school year and the student substantially completed the assigned coursework for the classes for at least one semester of the preceding school year and received a semester grade for such classes; or
 - The student, in the preceding school year, was not enrolled in any private school, did not participate in a nonpublic, home-based education program, and did not participate in home instruction by a licensed or certified teacher.
- Requires a student who is enrolled for a majority of the time in an on-line program to obtain permission from the on-line program prior to enrolling in a course at a traditional public school. Allows the on-line program to negotiate with the school district for payment of costs incurred as a result of the student's participation in a course at a traditional public school.
- Allows a school district to receive only minimum per pupil funding for the entire year for a student who transfers into an on-line program after the October 1 count.
- Specifies that if a student who is included in a school district's pupil enrollment transfers to an on-line program within the same district within the same school year, but is not eligible to be counted in the district's on-line enrollment, the department is to remove the student from the district's pupil enrollment and reduce the district's total program funding accordingly for the entire school year.
- Requires a school district to provide information to an on-line program to verify that a student meets the requirements for enrollment in the on-line program.
- Allows the state board to promulgate rules allowing exemptions from the rules regarding counting on-line students for:
 - Students whose parents or legal guardians remove them from school for extraordinary reasons;
 - Students who are habitually disruptive or are otherwise at risk; and
 - Students who did not reside in and attend a school in the state during the prior school year.
- Modifies the definition of "on-line pupil enrollment" to include only pupils who are enrolled in, attending, and actively participating in an on-line program.

Public School Fund

- For the 2003-04 fiscal year and each fiscal year thereafter, caps the amount of interest earnings from the public school fund that may be expended for the

- maintenance of public schools at \$19 million.
- Specifies that any amount of interest the public school fund earns that exceeds the cap is to remain in the fund as principal.
- Eliminates the definition of "interest", which includes both interest and capital gains, for purposes of the public school fund.

Capital Construction Expenditures Reserve

For the 2003-04 budget year only, suspends the requirement that the school capital construction expenditures reserve receive the same amount of funding from the state education fund as the charter school capital construction fund.

Charter School Capital Construction

- For the 2003-04 budget year and budget years thereafter, defines "qualified charter school" as:
 - A charter school that is not operating in a school district facility and that has capital construction costs; or
 - A charter school that is operating in a school district facility but also has capital construction costs.
- For the 2003-04 budget year and budget years thereafter, excludes the following charter schools from the definition of "qualified charter school":
 - A charter school that does not have capital construction costs, whether operating in a school district facility or not; or
 - A charter school that is operating in a state-owned and state-maintained facility.
- For the 2003-04 budget year and budget years thereafter, allows qualified charter schools that are not operating in a school district facility and that have capital construction costs to receive a per pupil amount of capital construction funding, but specifies that charter schools that have capital construction costs but are operating in a school district facility receive one-half of such amount.
- For the 2003-04 budget year and budget years thereafter, caps the appropriation from the state education fund for capital construction aid to qualified charter schools at \$5 million rather than allowing the appropriation to annually increase by the rate of inflation plus one percentage point through the 2011-12 budget year and by the rate of inflation for the 2012-13 budget year and each budget year thereafter.
- Authorizes the state board to approve and order payments from the school capital construction expenditures reserve for supplemental assistance to charter schools that do not otherwise qualify for charter school capital construction funding in order to address immediate safety hazards or health concerns. Specifies that any supplemental assistance granted to a charter school is to be provided to the chartering school district for distribution to the charter school, and the chartering district may not retain any portion of the moneys so granted.
- Allows charter schools that do not otherwise qualify for charter school capital construction funding to apply directly to the state board for financial assistance from the school construction and renovation fund for capital construction projects that will address safety hazards or health concerns at existing charter school facilities if the project did not otherwise qualify for funding from the school capital construction expenditures reserve in the contingency reserve fund. Specifies that any such financial assistance granted to a charter school is to be provided to the chartering school district for distribution to the charter school, and the chartering district may not retain any portion of the moneys so granted.

National Credentials Fee Assistance Program

For the 2003-04 budget year, eliminates funding of the national credentials fee assistance program, which requires the department to provide fee assistance to qualified persons seeking national credentials. For the 2004-05 budget year and budget years thereafter, makes the program subject to available appropriations.

State Capital Construction Settlement Agreement

For the 2003-04 state fiscal year, to meet obligations under the Giardino lawsuit, provides for a:

- \$5 million appropriation from the state education fund to the school construction and renovation fund.
- \$5 million appropriation from the state education fund to the school capital construction expenditures reserve fund.

Academic Growth Pilot Program

Funds the academic growth pilot program at a rate of \$200,000 per budget year and specifies that the funding for the pilot program is to come from the in-year cost recovery resulting from the use of unique student identifiers.

Business Incentive Agreements

- Eliminates a school district's authority to enter into new business incentive agreements with a taxpayer who either establishes a new business facility in the district or expands an existing facility.
- Eliminates the state replacement of school district revenues lost due to business incentive agreements entered into after the effective date of this act.
- Eliminates the requirement that the Colorado economic development commission review business incentive agreements negotiated by school districts and taxpayers.

Publicity for Charter Schools

Prohibits a school district from discriminating against a charter or nonpublic school participating in the Colorado opportunity contract pilot program in publicizing the educational options available to students residing within the district, provided that the charter or nonpublic school pays for its share of the publicizing costs.

Education Grant Programs

Expands existing law addressing information for education grant program applications and allocating education grant program appropriations to BOCES who assist in preparing grant program applications to apply to state and federal education grant programs.

School Accountability Reports

Delays the delivery by the department of schools' annual accountability reports to the public schools until January 15. Eliminates the requirement that the department print reports in excess of the total number of pupils and teachers.

Appropriation - 2002-03 Budget Year

Appropriates \$3 million to the contingency reserve and specifies that the amount is to be used to provide supplemental assistance to the Denver school district for the purpose of mitigating the property tax revenue loss attributable to the United Airlines bankruptcy.

Appropriation - 2003-04 Budget Year

- Appropriates \$5 million from the state education fund to provide matching grants for eligible school district and charter school capital construction projects.
- Makes the following adjustments to the FY 2003-04 long bill:
 - Decreases the state education fund appropriation to the department for management and administration of the academic growth pilot program by \$318,635.
 - Decreases the general fund appropriation to management and administration, Colorado student assessment program, by \$1,000,000 (the governor lined through this general fund appropriation decrease).
 - Decreases the appropriation to the department, state share of districts' total program funding, by \$28,885,023 (\$27,130,825 from the general fund; \$1,754,198 from the state education fund).
 - Decreases the state education fund appropriation to the national credential fund by \$60,000.
 - Decreases the state education fund appropriation to the capital construction expenditure reserve by \$3,040,547.
 - Decreases the state education fund appropriation to charter school capital construction by \$3,040,547.
 - Decreases the general fund appropriation to BOCES by \$210,000.
 - Adds a footnote to the long bill and an appropriation of \$182,000 to the legislative council to conduct the cost of living study from moneys transferred from the department from the state share of districts' total program funding line in the FY 2003-04 long bill (the governor lined through the footnote directing the transfer of \$182,000 from the department to the legislative council).

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003
PORTIONS VETOED May 22, 2003

S.B. 03-250 Retirement systems - merger. Authorizes a school district retirement system (merging system) to enter into an agreement to merge into another public employee retirement system (continuing system), including the public employees' retirement association. Specifies that the terms of the merger shall be binding on the governing bodies of the merging system, the school district sponsoring the merging system (school district), and the continuing system. Authorizes the terms of the merger to include additional provisions that are acceptable to the governing bodies of the merging system, the school district, and the continuing system.

Specifies that the effective date of the merger shall be January 1, 2005. Provides that on the effective date of the merger, all assets, liabilities, and obligations of the merging system shall become the assets, liabilities, and obligations of the continuing system. Specifies that the costs of the merger shall be paid on the effective date of the merger.

Allows the merging system, the school district, or the continuing system to terminate the merger on or before July 1, 2004, without cause. Allows the merger to be terminated after such date but prior to the effective date of the merger if one or more specified conditions exist.

Provides that upon the effective date of the merger, the school district shall become

an affiliated employer of the continuing system and subject to the laws, rules, and other provisions governing the continuing system. Specifies that the merger shall not result in a reduction of the retirement benefits for any retiree or beneficiary receiving benefits as of the date of the merger. Specifies that members of the merging system who are not retired as of the date of the merger shall not have their benefits reduced. Allows the members to elect to receive benefits calculated under the laws and rules governing the merging system or the continuing system. Specifies that accounts of inactive participants of the merging system shall be maintained by the continuing system as separate accounts and governed by the provisions of the merging system in effect before the merger. Provides that all new employees hired after the merger shall be members of the continuing system.

Specifies that retirement benefits will not be reduced for post-retirement employment in specified circumstances with the school district or an employer of the merging system when the retiree commenced such employment before the merger.

Requires a 1st actuarial valuation to establish an estimated cost of the merger as of December 31, 2003. Requires a final actuarial valuation to be received by June 1, 2005. Specifies that a final reconciliation of the costs and funding of the merger shall be determined upon receiving the final actuarial valuation.

Provides for the employer contribution rate to be modified in a certain manner to amortize any difference between the funding ratios of the merging system and the continuing system.

Requires the continuing system to maintain specified insurance coverage for board members and employees of the merging system. Provides that staff members of the merging system shall become employees at-will of the continuing system.

Specifies the intent of the act and requirements for a person who challenges any provision of the merger agreement. Specifies procedures for transferring the assets of the merging system and certifying the consummation of the merger.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-254 Closing the achievement gap - program - eligible schools - commission - appointment - cash fund. Establishes the closing the achievement gap program ("program") in the department of education ("CDE"). Makes a school eligible to participate in the program if the school has either received an academic performance rating of "unsatisfactory" or been identified by the state board of education ("state board") as having a significant achievement gap. Requires CDE to distribute to eligible schools an outline of strategies for improvement, and directs school districts to choose the strategies it will implement. Requires the state board to determine eligibility criteria for schools, and authorizes rule-making. Directs CDE to provide assistance to schools participating in the program.

Creates the closing the achievement gap commission ("commission"). Sets the membership of the commission, and directs the appointment of members by the governor and the commissioner of education. Requires written reports to the state board and the general assembly. Directs the commission to consider, at a minimum:

- Systemic educational planning;

- Best practices;
- Professional development;
- Parental involvement; and
- Program strategies.

Creates a cash fund for grants and donations to fund the commission. Repeals the commission, effective January 1, 2005.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-275 FY 2003-04 budget reduction bill - school accountability reports - printing - appropriation. Eliminates the requirement that the department of education print 25% more school accountability reports than there are students and teachers at a school.

Reduces the appropriation for the 2003-04 fiscal year to the department of education for school accountability reports by \$10,000.

VETOED by Governor May 22, 2003

S.B. 03-292 FY 2003-04 budget reduction bill - Colorado student assessment program - suspension of assessments - appropriation. For the 2003-04 school year, suspends the administration of the writing assessments for students in the 3rd through 10th grades, the reading and mathematics assessments for students in the 9th grade, and the curriculum-based, achievement college entrance exam for students in the 11th grade.

Delays to the spring semester of 2008 the administration of the assessment in science for students in the 5th and 10th grades.

Reduces the general fund appropriation in the long bill for the 2003-04 fiscal year to the department of education for management and administration of the Colorado student assessment program by \$7,283,600.

VETOED by Governor May 1, 2003

S.B. 03-309 Writing assessments - suspension - appropriation. Suspends the administration of Colorado student assessment program examinations in writing for the 2003-04 and the 2004-05 school years. Specifies that a school district is not required to develop or administer assessments to replace the suspended assessments nor report any scores for the suspended assessments. Authorizes the department of education to modify the format of the school accountability reports to reflect the suspension of the writing assessments.

For the fiscal year beginning July 1, 2003, decreases the appropriation for the department of education, management and administration, for the Colorado student assessment program, by \$4,824,600.

Specifies that the act shall not take effect if Senate Bill 03-292 becomes law.

VETOED by Governor May 22, 2003

NOTE: Senate Bill 03-292 was vetoed by the Governor on May 1, 2003.

H.B. 03-1021 Financing of charter school facilities - requirements for participation in credit enhancement programs. Makes both technical and substantive changes to the "Charter School Facilities Financing Act" as follows:

- Specifies that only qualified charter schools that have an investment grade credit rating may have bonds that rely upon the state charter school debt reserve fund issued on their behalf by the Colorado educational and cultural facilities authority (CECFA).
- Requires a qualified charter school that has such bonds issued on its behalf to simultaneously use the credit enhancement of the state's moral obligation for the bonds and to also request to participate in an existing intercept program whereby the state treasurer or, in certain circumstances, the chartering school district makes direct bond payments on behalf of the qualified charter school from moneys that the state treasurer or the chartering district would ordinarily pay to the charter school.
- Requires a qualified charter school to pay to the state treasurer for deposit into the state charter school interest savings account of the state charter school debt reserve fund a specified amount of interest rate savings on bonds issued on its behalf by CECFA that result from more favorable financing terms that are attributable to the existence of the state charter school debt reserve fund, the intercept program, and an existing statutory provision that imposes a moral obligation on the state to replenish qualified charter school debt service reserve funds, and authorizes the state treasurer to charge a fee to the charter school to defray administrative costs.
- Modifies existing definitions of "qualified charter school", "qualified charter school bonds", and "qualified charter school debt service reserve fund requirement".
- Clarifies that the maximum outstanding principal amount of bonds that may be enhanced by the state's moral obligation and the qualified charter school debt service reserve funds is \$200 million.
- Covenants with the purchasers of qualified charter school bonds that the state will not repeal, revoke, or rescind any statutory provisions that would adversely affect the rights and remedies available to the bond purchasers.
- Makes a \$20,000 appropriation from the state charter school interest savings account of the state charter school debt reserve fund to the state treasurer.

APPROVED by Governor May 21, 2003

EFFECTIVE May 21, 2003

H.B. 03-1032 Interest-free loan program - school district board of education - approval of loan. On March 25, 2003, requires a school district board of education ("board") to approve the school district's application to participate in the interest-free loan program. For a month in which a school district requests an interest-free loan, requires the school district's superintendent and chief financial officer to present the loan request to the school district's board for prior approval. If the board approves the loan, directs the chief financial officer and the district superintendent to request the loan from the state treasurer and certify the amount of the loan approved by the school district board.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1083 Transfer rules - extracurricular activities. Repeals the requirement that transfer rules shall not prohibit a student's participation in extracurricular activities if the student enrolls in the transfer school within 15 days after the school year begins and prior to participating in the activity during the same school year at the prior school of enrollment.

BECAME LAW April 22, 2003

EFFECTIVE April 22, 2003

H.B. 03-1087 Open enrollment - policies and procedures - priority for students who rate unsatisfactory and attend an unsatisfactory school. Directs school districts to consider adopting a policy that a student with a proficiency rating of unsatisfactory in at least one academic area who attends an unsatisfactory school and who is applying for enrollment under open enrollment be given priority over all other applicants for open enrollment purposes.

APPROVED by Governor April 7, 2003

EFFECTIVE July 1, 2003

H.B. 03-1114 Educator licensure - criminal history record checks - teacher in residence authorization - appropriation. Requires the department of education ("department") to deny, annul, suspend, or revoke an educator license, authorization, or endorsement for:

- A conviction for felony child abuse, a crime of violence, a felony offense involving unlawful sexual behavior, a felony involving domestic violence, or a similar offense in another jurisdiction;
- A conviction for indecent exposure;
- An adjudication for a juvenile offense that would constitute unlawful sexual behavior if committed by an adult; or
- Failure to submit fingerprints within 30 days after a request from the department, when the department has good cause to believe that the educator has been convicted of any felony or misdemeanor.

Permits the department to deny, annul, suspend, or revoke an educator license, authorization, or endorsement for:

- A conviction for a specified misdemeanor involving sexual assault, unlawful sexual conduct, sexual assault on a client by a psychotherapist, child abuse, sexual exploitation of children, or domestic violence and the conviction is for a second or subsequent conviction for the same offense;
- A conviction for contributing to the delinquency of a minor;
- A conviction for a misdemeanor violation involving the illegal sale of controlled substances;
- A conviction for a felony that would not require an automatic denial, annulment, suspension, or revocation;
- An adjudication for a juvenile offense that would constitute physical assault, battery, or a drug-related offense if committed by an adult, if the offense was committed within ten years prior to application for licensure; or
- Forfeiture of any bail, bond, or other security deposited to secure the appearance by the applicant or holder who is charged with having committed certain felonies or misdemeanors.

Permits the state to annul, suspend, or revoke an educator license, certificate, endorsement, or authorization if the educator is convicted of an offense that would ordinarily require annulment, suspension, or revocation if the educator held a license prior to June 6, 1991, unless the educator has already been afforded the relevant due process rights.

Repeals the existing prohibition against requiring fingerprints for a professional educator license, renewal of a license, or an authorization. Clarifies the use of fingerprints in the application process for educator licensure. Permits the department to use the ICON system at the state judicial department, the federal bureau of investigation, and other available sources when investigating the criminal history of educators. Clarifies that the state board of education may not waive any provisions of law relating to criminal history record checks of school personnel. Allows the department to require an educator to submit fingerprints when the department finds good cause to believe the educator has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense or traffic infraction.

Directs the court to notify the department if a person who holds a teacher license, or who is a current or former employee of a school district or a charter school, is convicted of a felony or is convicted of incest and the victim is younger than 18 years of age. Requires the department to notify a school district of a person's conviction for a felony or a certain misdemeanor. Permits the department to grant a new type of authorization for a person employed as a teacher in a teacher-in-residence program. Allows a conviction of a felony or other offense involving moral turpitude to be the sole basis for denying an educator license or authorization.

For fiscal year 2003-04, appropriates \$327,467 from the educator licensure cash fund to the department of education for allocation to the office of professional services. Appropriates \$235,800 to the department of public safety for allocation to the Colorado bureau of investigation, from the department of education out of appropriations made by the act.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1127 Administrators and teachers - civil immunity - prohibit false reporting. Creates the "Teacher and School Administrator Protection Act" to grant immunity to an educational entity and its employees:

- For an action taken pertaining to students, unless the action is in violation of a statute, rule, or policy; and
- For making certain reports consistent with federal law.

Makes it a misdemeanor for a person 18 years of age or older to intentionally make a false accusation of criminal activity against an employee of an educational entity. Specifies penalties a court may impose on a public school student who is at least 10 years of age, but younger than 18 years of age, who makes a false accusation of criminal activity against an employee of an educational entity.

In a civil action against an educational entity or its employee, allows the court to award attorney fees and costs to the educational entity or its employee if the court finds the defendant is immune from suit or liability under this act. Specifies that a policy of insurance indemnifying an educational entity against liability for damages is not a waiver of a defense otherwise available to the educational entity or its employee. Specifies that the provisions

of the act are supplemental to the "Colorado Governmental Immunity Act" ("CGIA"), that any suit that is barred under the "CGIA" is barred under this act, and that if there is a conflict between this act and the "CGIA", the court shall resolve the conflict in the manner that provides the most protection to the educational entity or its employee.

APPROVED by Governor April 18, 2003

EFFECTIVE August 6, 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. 03-1160 Opportunity contract pilot program - establishment - eligible children - application process - participating nonpublic schools - appeal - notification - opportunity contracts - financing - payments to parents - audit - evaluation. Establishes the "Colorado Opportunity Contract Pilot Program" ("pilot program"), which specifies the procedures for a school district to provide financial assistance for an eligible child to attend a participating nonpublic school under the terms of an opportunity contract between the child's parent and the school.

Requires a school district that had 8 or more schools that received an academic performance rating of "low" or "unsatisfactory" in the 2001-02 school year and continues to operate those schools in the 2003-04 school year to participate in the pilot program. Permits any other school district to voluntarily participate in the pilot program after adoption of a favorable resolution of the school district board of education. Limits the eligibility for a child to participate in the pilot program to a child entering or enrolled in kindergarten or in one of grades one through 12 who is eligible for free or reduced-cost school lunch. Specifies additional criteria for eligibility.

Directs a parent of a child who seeks to participate in the pilot program to apply on or before January 1 of the school year that precedes the year the child intends to participate. Directs a school district to notify, by February 15, each parent of a child that meets the eligibility criteria. Clarifies that an eligible child remains eligible to participate in the pilot program so long as the child attends a participating nonpublic school. Requires an eligible child to provide annual notification of intent to attend a participating nonpublic school.

Caps the number of children participating in the pilot program at 1% of a school district's enrollment for the first school year of the pilot program; 2% for the second school year; 4% for the third school year; and 6% for the fourth school year and for subsequent school years. Directs a school district to meet the cap by giving a priority to eligible children who participated in the pilot program the previous year and to siblings of selected children and by use of a lottery. Permits a parent to withdraw an eligible child from a participating nonpublic school at any time.

Specifies the actions that constitute a breach of the opportunity contract and relinquishment of the payments. Directs a school district to fill any resulting spaces in the pilot program by using a weekly lottery. Prohibits a home-schooled student or a nonpublic school student from participating in the pilot program the following school year. Requires a parent of an eligible child to apply to a participating nonpublic school between April 1 and June 1 of the school year in which the child is deemed eligible for participation in the pilot program. Directs the nonpublic school to notify the parent within 15 days whether the eligible child is accepted for admission.

Specifies the criteria to be met by a nonpublic school to qualify as a participating nonpublic school in the pilot program. Requires a participating nonpublic school operating less than 3 years to obtain a bond or surety. Permits a participating nonpublic school to adjust the number of spaces in the pilot program at any time; except that it cannot decrease the number spaces between March 1 and August 15. Permits a nonpublic school to appeal a denial of participation in the pilot program to the state board of education. Requires a school district to provide parents information each year about the pilot program and participating nonpublic schools.

Directs an eligible child's parent and a participating nonpublic school to enter into an opportunity contract. Specifies the required contents of the contract. Permits the school district to count an eligible child attending a participating nonpublic school in its pupil enrollment for purposes of the "Public School Finance Act of 1994".

Requires participating nonpublic schools to report annually the number of children participating in the pilot program. Specifies the amount paid by the school district to the parent of an eligible child enrolled in the pilot program. Directs the school district to pay the amount in 4 installments. Requires the school district to issue a check for each payment in the name of the parent, and requires the parent to endorse the check over to the participating nonpublic school.

Requires the state auditor to conduct a performance and financial audit of the pilot program and to report findings on or before January 1, 2008. Requires a school district, on or before January 1, 2008, to evaluate the academic performance of children participating in the pilot program and to report certain information to the general assembly.

APPROVED by Governor April 16, 2003

EFFECTIVE April 16, 2003

H.B. 03-1172 School board policies - recommending use of psychotropic drug - behavior tests. Requires each school district board of education to adopt a policy prohibiting school personnel from recommending or requiring the use of a psychotropic drug by a student. Prohibits school personnel from testing a student's behavior without written permission after disclosure of the disposition of the results of the test.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1173 Family literacy education grant program - federal funding - annual review. States the general assembly's intent that the department of education, for purposes of Colorado family literacy programs, actively pursue all federal moneys for family literacy available through the federal "No Child Left Behind Act of 2001" and the federal "Workforce Investment Act of 1998". Requires an annual review and determination by the state treasurer of whether sufficient moneys have been credited to the family literacy education fund.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

H.B. 03-1193 Boards of cooperative services - certain boards - appointment of members of

the public. Permits the participating boards of a board of cooperative services ("BOCES") consisting of a single school district and a single postsecondary institution to appoint up to 4 members of the BOCES from the public at large.

APPROVED by Governor March 20, 2003

EFFECTIVE August 6, 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. 03-1327 Public employees retirement association - post-retirement employment - critical shortage employees. Extends the repeal dates on statutory provisions that allow:

- School districts to declare critical shortages of nonlicensed employees; and
- Retirees of the public employees' retirement association (PERA) or a school district retirement plan to work in nonlicensed school positions in excess of a certain number of hours without reducing the retirees' retirement benefits.

In order to declare a critical shortage of nonlicensed employees, requires a school district to solicit applications through widely distributed newspapers. Prohibits a school district from declaring a critical shortage if it has offered a retirement incentive plan during the current calendar year of either of the 2 previous calendar years. Provides that employees shall be eligible to participate in a school district's health plan while employed as a nonlicensed employee. Specifies that a PERA retiree who is employed in a position for which a critical shortage has been declared shall not receive a PERA health care premium subsidy.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

H.B. 03-1333 School district - board of education - powers - return of library resources. Permits a school district board of education to require a student to replace or return library resources by withholding the student's diploma, transcript, or grades at the end of a semester or school year, or by refusing to allow the student to participate in graduation or continuation ceremonies.

APPROVED by Governor May 2, 2003

EFFECTIVE May 2, 2003

H.B. 03-1368 Honor of flag - pledge of allegiance - required recitation - exemptions. Requires the teachers and students in each classroom in each public school in the state to recite aloud each day the pledge of allegiance to the flag of the United States of America ("pledge").

Exempts a teacher or student who objects on religious grounds; a student whose parent or guardian files a written objection with the school principal; and a student or teacher who is not a United States citizen.

APPROVED by Governor June 3, 2003

EFFECTIVE August 6, 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. 03-1369 Colorado Opportunity Contract Pilot Program - eligibility criteria - enrollment in public school - literacy assessment. Clarifies that, for a child entering or enrolled in one of grades 1 through 3 to be eligible to participate in the Colorado Opportunity Contract Pilot Program ("program"), the child must have been continuously enrolled in and attending a public school during the previous school year. Creates an additional eligibility criterion to allow a child in one of grades 1 through 3 to participate in the program if the child has been assessed at a level below the level established by the state for reading readiness or literacy and reading comprehension for the child's grade level.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 03-170 FY 2002-03 budget reduction bill - Metropolitan state college - Fort Lewis college - direct appropriation to governing boards - appropriation. Specifies that the moneys appropriated for Metropolitan state college of Denver and Fort Lewis college in the 2002 general appropriation act shall be reflected as a direct appropriation to the board of trustees for each institution instead of to, respectively, the board of trustees of the state colleges in Colorado and the board of governors of the Colorado state university system. Consistent with this change, for the 2002-03 fiscal year:

- Reduces the appropriation to the board of trustees of the state colleges in Colorado in the amount of \$75,073,394 and increases the appropriation to the trustees of Metropolitan state college of Denver by such amount.
- Reduces the appropriation to the board of governors of the Colorado state university system in the amount of \$30,754,310 and increases the appropriation to the trustees of Fort Lewis college by such amount.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-189 FY 2002-03 budget reduction bill - annual allowable cash fund revenues - calculation of cash funds - appropriation. For the 2002-03 fiscal year and fiscal years thereafter, specifies that, for the purposes of calculating the annual allowable amount of cash funds appropriated for state-supported institutions of higher education, "cash funds" includes funds credited to the accounts of students from student financial aid, tuition assistance, and scholarships to the extent that such funds are included in the scholarship allowance for financial reporting purposes. Eliminates redundant language regarding state fiscal year spending limitations.

Increases the cash funds appropriations attributable to tuition revenues to each governing board of the institutions.

Provides that section 2 of the act shall only take effect if Senate Bill 03-170 is enacted and becomes law. Provides that section 3 of the act shall only take effect if Senate Bill 03-170 is not enacted and does not become law.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

NOTE: Senate Bill 03-170 was signed by the Governor March 5, 2003.

S.B. 03-193 FY 2002-03 budget reduction bill - state historical society - state historical fund - grants - expenditures for society costs - appropriation. In addition to the current purposes, authorizes the state historical society (society) to make grants from the state historical fund to provide certain education and training on preservation of archaeological structures, buildings, objects, sites, and districts. Instead of authorizing the society to make grants primarily to public entities and persons in the private sector who apply through a municipality or county, makes modifications clarifying that the society is authorized to make such grants to governmental, instead of public, entities, nonprofit organizations, and private persons making application through such a governmental entity. Defines "governmental entity" as the state and any state agency or institution, county, city and county, incorporated city or town, school district, special improvement district, authority, and every other kind of district,

instrumentality, or political subdivision of the state organized pursuant to law.

Authorizes the society, subject to annual appropriation, to expend moneys to cover certain costs relating to the society's mission as a state educational institution and carrying out certain activities authorized by law, including expenditures for capital construction and controlled maintenance relating to properties owned, managed, or used by the society.

Requires that all moneys received by the society, including certain grants, fees, and charges, be credited to the state historical fund or other funds authorized by law. Specifies that interest and income derived from such moneys in such funds remain in those funds.

For the 2002-03 fiscal year, decreases certain general fund appropriations and makes corresponding increases in cash fund exempt appropriations to the society.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-198 FY 2002-03 budget reduction bill - technology learning grant and revolving loan program - elimination - transfer of funds. Eliminates the technology learning grant and revolving loan program and directs the state treasurer to transfer the balance of moneys held for the purpose of funding the program to the general fund.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-255 Selective service registration compliance - verification. For male persons enrolling at a state-supported institution of higher education ("institution") beginning January 1, 2004, requires the institution at which a person is enrolling to verify his sworn statement of selective service registration compliance. Allows the institution to require the person to provide appropriate documentation in order to verify his sworn statement of registration compliance. Specifies that if a student knowingly gives false information regarding selective service registration compliance, he shall be suspended from the institution at which he is enrolled. Prohibits a person who, prior to becoming a student, knowingly gives false information regarding selective service registration compliance from enrolling at an institution. Allows a person to enroll or reenroll in an institution after he provides appropriate documentation proving that he is properly registered with the selective service system.

APPROVED by Governor June 5, 2003

EFFECTIVE January 1, 2004

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

S.B. 03-264 Institutions of higher education - designation as enterprise for TABOR purposes - revenue bonds - tuition. Authorizes an institution or a group of institutions of higher education to be designated by the governing body of the institution or group of institutions as an enterprise for purposes of section 20 of article X of the state constitution (TABOR) so long as:

- The governing body retains authority to issue revenue bonds on behalf of the institution or group of institutions; and

- The institution or group of institutions receives less than 10% of its total annual revenues in grants from all Colorado state and local governments combined.

Specifies that so long as such an institution or group of institutions is designated as an enterprise, the institution or group of institutions shall not be subject to any of the provisions of TABOR.

Excludes indirect benefits conferred upon an institution or group of institutions that has been designated as an enterprise from the definition of a "grant". Modifies revenues that are excluded from this definition to include revenues resulting from tuitions imposed by any institution or group of institutions of higher education.

Authorizes the governing body of any institution of higher education to issue revenue bonds on behalf of an institution or group of institutions managed by the governing body for the purpose of obtaining funds for constructing, acquiring, equipping, or operating facilities for the institution or group of institutions. Specifies that the issuance of the bonds, except under certain circumstances, is subject to the approval of both houses of the general assembly and the governor. Requires that the bonds be payable only from revenues generated by the institution or group of institutions on behalf of which the bonds are issued. Specifies that the termination, rescission, or expiration of the enterprise designation of any institution or group of institutions shall not adversely affect the validity of or security for any revenue bonds issued on behalf of the institution or group of institutions.

Directs the Colorado commission on higher education, in consultation with the governing body of an institution or group of institutions of higher education that has been designated by that governing body as an enterprise, to recommend to the governor and the general assembly tuition rates at the institution or group of institutions that are requested by the governing body after considering student ability to pay, cost, demand, market forces, and other relevant factors.

Instead of authorizing the governing board of any institution of higher education to pledge the net income derived from auxiliary facilities that are not designated as enterprises and that are not acquired with moneys appropriated to the institution by the state, authorizes such a pledge of income from auxiliary facilities that are designated as enterprises or, if not so designated, from auxiliary facilities that are not acquired with an appropriation of state moneys.

VETOED by Governor May 22, 2003

S.B. 03-304 Institutional role and mission - Metropolitan state college of Denver board of trustees. Effective July 1, 2003, modifies the role and mission of specified state-supported institutions of higher education. Changes the number of appointed members on the Metropolitan state college of Denver board of trustees ("board of trustees") from 7 to 9, changing the total number on the board of trustees to 11. Changes the faculty member of the board of trustees from a voting to a nonvoting member of the board of trustees.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

S.B. 03-308 Advanced technology fund - biotechnology - advanced technology - waste diversion and recycling. Clarifies that moneys in the advanced technology fund ("fund") shall be used for biotechnology and other advanced technology projects or for environmental research, research and development, and technology transfer programs in the state.

On and after July 1, 2003, sets the percentage of moneys in the fund that are used for waste diversion and recycling strategies at no less than 20% of moneys derived from waste tire recycling fees.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1048 Colorado student obligation bond authority - fund loans and transfers - approval. Authorizes the Colorado student obligation bond authority ("authority") to transfer or loan moneys from the Colorado student obligation bond authority fund to the prepaid expense trust fund or to any fund created for the implementation of the college savings program. Directs the authority to submit a transfer or loan request to the executive director of the department of higher education ("executive director") for approval, and prevents the transfer or loan unless the executive director grants approval. Requires the authority to report annually to the legislative audit committee the amount of any approved transfers or loans.

APPROVED by Governor March 7, 2003

EFFECTIVE August 6, 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. 03-1093 State colleges - distribution of funds - independent governance. Requires the board of trustees of the state colleges ("board"), prior to July 1, 2003, to establish a distribution plan for all unexpended and unencumbered moneys under the control of the board as of June 30, 2003, and to distribute those moneys consistent with the distribution plan to Adams state college, Mesa state college, and Western state college of Colorado ("the state colleges"). Requires the Colorado commission on higher education, for fiscal year 2003-04, to ensure that cash funds and appropriations to the state colleges are disbursed consistent with the distribution plan established by the board.

Effective July 1, 2003, repeals the board, and establishes separate governing boards for each of the state colleges. Specifies the powers, duties, and obligations of the boards of trustees with respect to the state college that each board governs.

APPROVED by Governor March 25, 2003 **PORTIONS EFFECTIVE** March 25, 2003
PORTIONS EFFECTIVE July 1, 2003

H.B. 03-1108 International baccalaureate diploma program - granting of college credit - minimum requirements. Requires the Colorado commission on higher education ("commission"), on or before January 1, 2004, to ensure that 4-year public institutions of higher education ("institutions") adopt and implement policies for the acceptance of first-time freshman students who have successfully completed an international baccalaureate diploma program ("program").

Requires the governing boards of institutions to set the number of credits granted to

a student who has completed the program and to identify the specific general education or elective requirements satisfied. Specifies that, generally, no fewer than 24 credit hours shall be granted. Permits each institution to determine a minimum level of student performance on program exams to qualify to receive credits. Exempts from the provisions of the act an institution that has entered into a performance contract with the commission.

APPROVED by Governor April 18, 2003

EFFECTIVE August 6, 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. 03-1159 Education paraprofessionals - preparation programs. Recognizes the benefits to school districts in using education paraprofessionals and the federal intent that all education paraprofessionals be highly qualified. Finds that regulation of education paraprofessionals, including licensure and certification, is not necessary. Allows the Colorado commission on higher education to approve education paraprofessional preparation programs. Allows a community college or a 4-year institution that offers an approved teacher preparation program to offer an education paraprofessional preparation program. States the minimum requirements for an education paraprofessional preparation program.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

H.B. 03-1175 Unique student identifying number - prohibition on use of social security number. Requires each institution of postsecondary education in Colorado to assign a unique identifying number to each student enrolled at the institution. Requires that each institution take reasonable steps to ensure the privacy of a student's social security number ("SSN"). After July 1, 2004, prohibits the use of all or part of a student's SSN as the unique identifying number unless the institution demonstrates to the Colorado commission on higher education that financially the institution must use the SSN and the commission approves a plan for phasing out the use of the SSN.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

H.B. 03-1352 Peace officers standards and training board - criminal history record checks - appropriation. Prohibits a peace officer training academy ("academy") from enrolling a person who has been convicted of an offense that would result in the denial of certification by the peace officers standards and training board ("P.O.S.T. board").

Requires a person seeking to enroll in an academy to submit a set of fingerprints to the P.O.S.T. board prior to enrolling in the academy. Specifies the procedures for conducting a state and national fingerprint-based criminal history record check. Directs the P.O.S.T. board to notify the academy if the record check indicates the person is prohibited from enrolling in the academy. Requires the person to bear the actual costs of the record check. Permits a person to notify the P.O.S.T. board of certain misdemeanor convictions and to request the P.O.S.T. board to grant the person permission to enroll in the academy. Grants rule-making authority to the P.O.S.T. board to adopt rules addressing the procedures for the granting of permission to enroll in an academy.

For fiscal year 2003-04, appropriates \$26,677 to the department of public safety,

Colorado bureau of investigation, from fees charged to academy applicants.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

H.B. 03-1363 Colorado educational and cultural facilities authority - religious entities.
Repeals the statutory provisions that prohibit a religious entity from receiving tax-exempt bond financing through the Colorado educational and cultural facilities authority.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

ELECTIONS

S.B. 03-102 Voter identification - polling place - mail ballots - absentee ballots - signature verification. Requires voters to show photo identification at the polling place in order to vote in primary and general elections. Specifies acceptable forms of identification. Allows a voter who is unable to produce identification to cast a provisional ballot.

Requires voters who registered to vote by mail and have not previously voted in an election in the county to submit a copy of their identification with their mail ballot or absentee ballot. Exempts from this requirement voters who submitted identification when registering by mail or registered by federal postcard, disabled voters who are voting at the absentee voters' polling place on election day, and voters who are entitled to vote other than in person under any federal law. States that a mail ballot or absentee ballot returned without required identification shall be treated as a provisional ballot.

Removes birth date from the information shown on the mail ballot return envelope. Allows an eligible elector who is unable to sign the self-affirmation on a mail ballot to make a mark witnessed by another person.

In November coordinated elections, requires the signature on a mail ballot return envelope to be compared with the signature on file with the county clerk and recorder. For the election of 2003, requires comparison only of signatures that are in the county clerk and recorder's database as of election day. For subsequent elections, requires verification of signatures on all mail ballot return envelopes. States that if an election judge believes the signature on a return envelope does not match the signature on file with the county clerk and recorder, 2 other election judges shall compare the signatures, and that if they both agree the signatures do not match, the county clerk and recorder shall send a letter to the voter with a form for the voter to confirm that the voter returned a ballot to the county clerk and recorder. States that the ballot shall not be counted if the voter does not return the form or returns it indicating that the voter did not return a ballot to the county clerk and recorder. Specifies that signatures shall not be deemed not to match solely on the basis of substitution of initials or use of common nicknames. Authorizes designated election officials to provide training to election judges in the technique and standards of signature comparison.

APPROVED by Governor April 22, 2003

EFFECTIVE April 22, 2003

S.B. 03-139 Election contests - ballot issues for approval of debt or financial obligation - required posting of information - failure or misstatement grounds to contest election. Requires districts submitting a ballot issue concerning the creation of any debt or other financial obligation at an election in the district to post the following information on the district's website or at the district's chief administrative office at least 20 days before the election:

- The ending balance of the district's general fund or other fund from which the debt or other financial obligation will be paid for the last 4 fiscal years and the projected fund balance for the current fiscal year;
- A statement of the total revenues in and expenditures from the district's general fund or other fund from which the debt or financial obligation will be paid for the last 4 fiscal years and the projected total revenues in and expenditures from the general fund for the current fiscal year;
- The amount of any debt or other financial obligation incurred by the district for

each of the last 4 fiscal years for cash flow purposes that has a term of not more than one year and the amount of any such financial obligation projected for the current fiscal year;

- A statement as to whether the district's emergency reserve has been fully funded by cash or investments for the current fiscal year and each of the last 4 fiscal years and an identification of the funds or accounts in which the reserve is currently held. If the reserve has not been fully funded, the notice shall include a statement of the reasons the reserve has not been fully funded.
- The location or locations at which any person may review the district's audited financial statements for the last 4 fiscal years, any management letters that have been made public and have been provided to the district by its auditors in connection with the preparation of its audits for the last 4 fiscal years, and the district's budget for the current fiscal year.

Specifies that if a district fails to provide the required information or the information provided contains a material misstatement, such failure or material misstatement constitutes grounds to contest the results of the ballot issue election seeking approval to create any debt or other financial obligation, including a municipal election.

Specifies that the provisions of law establishing the procedures for contesting other election results apply to the contest of an election to determine a ballot issue that includes approval of the creation of any debt or other financial obligation, and that such contests are to be tried and decided in the district court for the political subdivision in which the contest arises.

Requires the district court to pronounce judgment on whether the approval of a ballot issue to create debt or any other financial obligation should be set aside. Specifies that if the judgment is against the person contesting the election result, reasonable costs and attorney fees shall only be assessed against the contestor and awarded to the state or any political subdivision if the suit is ruled frivolous. Allows the elector who instituted the contest to file a civil action to recover costs and reasonable attorney fees from the governing body if the result of the election is set aside.

Specifies that the result of any municipal election seeking approval to create any debt or other financial obligation may be contested in accordance with the procedures for contesting elections set forth in the "Colorado Municipal Election Code of 1965".

APPROVED by Governor March 25, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-188 FY 2002-03 budget reduction bill - presidential primary election - elimination. Eliminates the presidential primary election. Directs the state treasurer to transfer \$2.2 million from the department of state cash fund to the general fund.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

H.B. 03-1006 Provisional ballots. States that a registered voter who moved to a new county before the close of registration but failed to register to vote in the new county may register

by filing an emergency registration affidavit. States that a voter who registers by emergency registration affidavit on election day may vote a provisional ballot if the voter's qualification cannot be immediately established. Specifies that identification used for emergency registration must show an address within the county in which the voter seeks to register.

Requires a voter of a provisional ballot to:

- Present a driver's license or identification card showing an address in the county where the voter seeks to vote; and
- Complete a provisional ballot affidavit.

Clarifies that a voter who moved to another precinct in the same county or to another county less than 30 days before an election may not vote a provisional ballot, but may vote in the precinct where registered.

States that a provisional ballot affidavit constitutes voter registration for future elections and requires previous registrations to be cancelled. Provides that if a voter does not complete the provisional ballot affidavit or does not present identification, the provisional ballot shall not be counted unless the county clerk and recorder or designated election official determines that the voter was properly registered.

Specifies the content of the provisional ballot affidavit. Directs the election judge to indicate on the provisional ballot envelope if the voter did not present identification.

For elections held after January 1, 2004, requires each county clerk and recorder and designated election official to create a system to allow voters of provisional ballots to discover by toll-free telephone call, Internet, or other suitable medium whether their ballots were counted. Specifies that information about a provisional ballot shall be available only to the voter.

Repeals the provision allowing a voter who requested an absentee ballot but did not return it to vote a provisional ballot.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

H.B. 03-1132 Modifications to Fair Campaign Practices Act. In accordance with certain constitutional provisions addressing campaign finance enacted as article XXVIII of the state constitution by a vote of the people at the 2002 general election, modifies the "Fair Campaign Practices Act" (FCPA) in the following respects:

- Specifies that any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from a political party in any subsequent election.
- Specifies that, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, required disclosure under the FCPA is also to include the occupation and employer of each person who has made a contribution of \$100 or more to such committee or party.
- Requires any person who expends \$1,000 or more per calendar year on electioneering communications to report to the secretary of state, in accordance with the disclosure required by existing statutory provisions, the amount expended on the communications and the name and address of any person that

contributes more than \$250 per year to the person expending \$1,000 or more on the communications. Specifies that if the person making the contribution of \$250 or more is a natural person, the required disclosure is to include the person's occupation and employer.

- Specifies that, for purposes of required disclosure under the FCPA, a political party is to be treated as a separate entity at the state, county, district, and local levels.
- Adds small donor committees and persons who expend \$1,000 or more per calendar year on electioneering communications to the list of persons and entities that are required to provide certain disclosures and to make certain required filings under the FCPA.

Clarifies that nothing in article XXVIII of the state constitution or the FCPA shall be construed to prohibit a corporation or labor organization from making a contribution to a political committee.

Requires the secretary of state to promulgate such rules as may be necessary to enforce and administer any provisions of the FCPA.

Entitles the prevailing party in a private action brought to enforce the provisions of article XXVIII of the state constitution or the FCPA to the recovery of such party's reasonable attorney fees and costs.

Makes any individual volunteering his or her time on behalf of a candidate or candidate committee immune from any liability for a fine or penalty imposed pursuant to constitutional provisions imposing a civil penalty in any proceeding that is based on an act or omission of such volunteer if:

- The volunteer was acting in good faith and within the scope of the volunteer's official functions and duties for the candidate or candidate committee; and
- The violation was not caused by willful and intentional misconduct by the volunteer.

Requires the immunity provisions of the act to be administered in a manner that is consistent with the purpose and findings section of article XXVIII of the state constitution and with the legislative declaration contained in the FCPA.

Clarifies that the requirements of article XXVIII of the state constitution and of the FCPA shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by article XXVIII and the FCPA.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

H.B. 03-1142 Minor political parties - nomination of candidates - assembly - petition.
Repeals the provision under which a minor political party may nominate candidates in any manner according to its constitution or bylaws.

Allows minor political parties to nominate candidates by assembly. States that the assembly shall be held no later than 65 days before the primary election date. Specifies that each candidate receiving 30% or more of the votes of assembly delegates shall be designated

as a candidate. States that if only 1 candidate is designated for an office by assembly or petition, that candidate shall be the candidate of the minor political party in the general election. Provides that if an assembly designates more than 1 candidate for an office, or if an assembly designates 1 or more candidates and 1 or more candidates qualifies for the same office by petition, the candidate of the minor party for the office shall be determined by a primary election. Changes the date by which a minor political party nominating candidates by assembly must file the certificate of designation.

Allows minor political party candidates to seek ballot access by petition. Adjusts the times for minor political party candidates to begin collecting signatures and file petitions. States that a petition to nominate a minor party or unaffiliated candidate may be signed by any eligible elector who has not signed a petition for another candidate for the same office.

APPROVED by Governor April 22, 2003

EFFECTIVE April 22, 2003

H.B. 03-1153 Absentee ballots - notice of opt-out - restrictions on mailing absentee ballots. In the case of any general election in which registered electors who live in specified precincts in a particular county are required to cast their ballots by mail in the form of absentee ballots, requires the clerk and recorder of the county to notify the electors that they may opt-out from casting their ballots in such manner. In such cases, requires the clerk and recorder to further direct the electors to cast their ballots by any of the following means:

- Early voting prior to election day;
- At the office of the clerk and recorder on election day; or
- At such other locations as the clerk and recorder may designate.

Prohibits an absentee ballot from being mailed to an applicant unless the designated election official has previously received an application for an absentee ballot from the applicant.

APPROVED by Governor April 17, 2003

EFFECTIVE August 6, 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. 03-1241 Verification of signatures - mail ballots - absentee ballots. Requires the following procedures in connection with the verification of signatures on mail and absentee ballots:

- In every mail ballot election that is a November coordinated election held in 2005 or any subsequent year, and for every statewide primary and general election held in 2006 or any subsequent year, requires the election judge to compare the signature on the self-affirmation on each return verification envelope, in the case of mail ballots, or on each return envelope, in the case of absentee ballots, with the signature of the eligible elector on file in the office of the county clerk and recorder.
- For the mail ballot election that is a November coordinated election held in 2003, and for the statewide primary and general election held in 2004, requires the election judge to compare only those signatures that are in the county clerk and recorder's database.

- Specifies that if, upon comparing the signature of an eligible elector on the self-affirmation on the return verification envelope, in the case of mail ballots, or on the return envelope, in the case of absentee ballots, with the signature of the eligible elector on file with the county clerk and recorder, the election judge determines that the signatures do not match, 2 other election judges of different political party affiliations are required to simultaneously compare the signatures. If both other election judges agree that the signatures do not match, requires the county clerk and recorder, within 3 days after the election day, to send to the eligible elector at the address indicated in the registration records a letter explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the county clerk and recorder. Requires the ballot to be counted if the county clerk and recorder receives the form within 10 days after the election day confirming that the elector returned a ballot to the county clerk and recorder and enclosing a copy of the elector's identification, and if the ballot is otherwise valid. If the eligible elector returns the form indicating that the elector did not return a ballot to the county clerk and recorder, or if the eligible elector does not return the form within 10 days after the election day, specifies that the self-affirmation on the return verification envelope or return envelope shall be categorized as incorrect, the ballot shall not be counted, and the county clerk and recorder shall send copies of the eligible elector's signature on the envelope and the signature on file with the county clerk and recorder to the district attorney for investigation.
- Requires an original return verification envelope or return envelope with an enclosed secrecy envelope containing a voted ballot that is not counted in accordance with the requirements of the act to be stored under seal in the office of the county clerk and recorder in a secure location separate from valid return verification envelopes or return envelopes, and specifies that such envelopes may be removed only under the authority of the district attorney or by order of a court having jurisdiction.
- In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the return verification envelope or return envelope matches the signature of the eligible elector on file with the county clerk and recorder, requires the mail or absentee ballot contained in the return verification or return envelope, respectively, to be counted in accordance with the requirements of existing statutory provisions governing the conduct of mail ballot elections or the counting of absentee ballots.
- If the election judge determines that the signature of an eligible elector on the self-affirmation matches the elector's signature on file with the county clerk and recorder, requires the election judge to follow existing statutory procedures concerning the qualification and counting of mail ballots or the counting of absentee ballots.
- Prohibits an election judge from determining that the signature of an eligible elector on the self-affirmation does not match the signature of that eligible elector on file with the county clerk and recorder solely on the basis of substitution of initials or use of a common nickname.
- Authorizes the designated election official to provide training in the technique and standards of signature comparison to election judges who compare signatures.

APPROVED by Governor April 29, 2003

EFFECTIVE April 29, 2003

H.B. 03-1271 Military personnel absent from state on active duty - voters residing overseas - registration to vote - absentee ballots. States that members of the uniformed services and merchant marine of the United States and their spouses and dependents who are absent from the state on active duty or service may simultaneously register to vote and apply for an absentee ballot using the federal postcard application. States that eligible persons who reside overseas may simultaneously register to vote and apply for an absentee ballot using the federal postcard application. Provides that, at the request of the elector, the application shall be considered an application for an absentee ballot through the next 2 general elections.

Designates the secretary of state as the office responsible under the "Help America Vote Act of 2002" to provide information on voter registration and absentee ballot applications to absent uniformed services electors and overseas electors. Authorizes the secretary of state to cooperate with voting assistance officers of military units to assist with voter registration and absentee ballot applications.

States that all absent uniformed services electors and overseas electors may receive absentee ballots by fax or other electronic means.

Prohibits a designated election official from refusing an absentee ballot application from an absent uniformed services elector on the grounds that the application was submitted too early.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 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. 03-1356 Help America Vote Act of 2002 - federal elections assistance fund - statewide centralized voter registration system - required forms of identification from first-time voters - appropriation. Implements the "Help America Vote Act of 2002" (HAVA) in the following respects:

Authority of the secretary of state

- Designates the secretary of state (secretary) as the chief state election officer within the meaning of HAVA and grants to the secretary the power of coordinating the responsibilities of the state under HAVA. Specifies other powers and duties to be exercised or performed by the secretary to further the proper administration, implementation, and enforcement of HAVA.
- Authorizes the secretary in specified circumstances to investigate an allegation that an election is not being conducted in accordance with the requirements of HAVA or of the "Uniform Election Code of 1992" (code). As part of such investigation, authorizes the secretary to compel the testimony of witnesses and the production of documents and to send official election observers to a county.
- With an exception of a complaint brought to remedy an alleged violation of HAVA, authorizes an interested party that has reasonable grounds to believe that an election is not being conducted in conformity with the requirements of the code to apply to the district court for an order giving the secretary access to all pertinent election records used in conducting the election and requesting the secretary to conduct the election.

- Authorizes the secretary to establish by rule a uniform administrative complaint procedure to remedy grievances arising out of HAVA. Specifies required components of any such rules. Authorizes any person aggrieved by a final determination by the secretary on the complaint to appeal such determination to the district court in and for the city and county of Denver.
- Creates the federal elections assistance fund (fund) in the state treasury, and specifies that the fund shall be administered by the secretary. Specifies the types of moneys to be deposited into the fund. Specifies that any moneys received by the state from the federal government pursuant to HAVA shall be used by the state only for the purposes specified by the provisions of HAVA under which the moneys were provided. Specifies that all moneys in the fund are continuously appropriated to the department of state (department) and that all moneys in the fund at the end of each fiscal year shall be retained in the fund.
- Authorizes the secretary to direct that moneys in the secretary of state cash fund be used to satisfy the requirement of HAVA that the state appropriate funds for carrying out the activities for which federal payments are being made in an amount equal to 5% of the total amount to be spent for such activities. In order to assist the state in meeting this requirement, authorizes the secretary to assess the counties for a share of the financial requirement assessed against the state under HAVA, and to establish by rule a plan to fairly and reasonably allocate the financial obligation among the counties.
- For the 2002-03 fiscal year, and for each fiscal year thereafter in which the state receives payments from the federal government in accordance with HAVA, and subject to available appropriations, requires the general assembly to make an annual appropriation to the department out of moneys in the department of state cash fund for election-related purposes that is not less than the level of expenditures for such purposes maintained by the state for the 2001-02 fiscal year.
- For the 2002-03 fiscal year, and for each fiscal year thereafter in which the state receives payments from the federal government in accordance with HAVA, and subject to available appropriations, requires the secretary to maintain out of moneys in the department of state cash fund a level of expenditures in support of the statewide voter registration system that is not less than the level of expenditures for such purposes maintained by the secretary for the 2001-02 fiscal year.
- For the county fiscal year that ends prior to November 1, 2003, and for each county fiscal year thereafter in which the state receives payments from the federal government in accordance with HAVA, requires each county to maintain not less than the same amount of expenditures on activities arising under title III of HAVA that it expended on such activities for its fiscal year ending prior to November 2002, excluding moneys expended during that period for capital expenditures on new voting equipment or any other one-time capital expenditure as determined by the secretary.
- Authorizes the secretary to establish a program for the awarding of grants or loans to the counties for the purpose of assisting the counties in meeting any of the requirements imposed upon them by HAVA and the act. Specifies the required contents of such program.
- In response to the failure by a county to satisfy any of the requirements imposed upon it pursuant to the act, authorizes the secretary to reduce from the election-related reimbursement to which the county would ordinarily be entitled the amount of moneys owed by the county.

- Authorizes a county to make a donation to the state of equipment for voter registration purposes, which equipment is determined to be useable by the secretary. Specifies that, in exchange for such donation, the county is to receive a credit in the amount of the fair market value of the item donated against the financial obligation assessed against the county pursuant to the act.

Centralized statewide voter registration system

- In connection with an application to register to vote, requires each eligible elector to be asked, and to correctly answer, his or her Colorado driver's license number in addition to the last 4 digits of the elector's social security number required to be provided under current law. Specifies that, if the elector has a current and valid identification card issued by the department of revenue instead of a driver's license, the elector may provide the number of such identification card instead of a Colorado driver's license number along with the last 4 digits of the elector's social security number.
- In the case of an applicant for voter registration who has not been issued a current and valid Colorado driver's license, a current and valid identification card issued by the department of revenue, or a social security number, requires the secretary to assign the applicant a number that will serve to identify the applicant for voter registration purposes. Insofar as the department of state has created a computerized statewide voter registration list in accordance with the requirements of the act and the list assigns unique identifying numbers to registrants, specifies that the number assigned is to be the unique identifying number assigned under the list.
- No later than January 1, 2006, requires the secretary to implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system (centralized statewide registration system) defined, maintained, and administered at the state level, which system is required to contain a computerized statewide voter registration list maintained by the secretary that contains the name and registration information of every legally registered voter in the state and that assigns a unique identifier to each legally registered voter.
- Specifies that the centralized statewide registration system is to replace the voter registration and election management system that was required to be developed or acquired prior to the effective date of the act. On or before January 1, 2006, requires the centralized statewide registration system and the computerized statewide voter registration list to be fully compliant with all applicable requirements specified in HAVA.
- Makes the department responsible for the cost of acquiring computer hardware for the centralized statewide registration system. Requires the secretary to promulgate rules specifying whether such hardware is owned by the department or the counties or whether and to what extent ownership may be shared between the department and the counties. Authorizes the secretary to promulgate rules providing that the county clerks and recorders shall be solely responsible for the support and maintenance of the hardware. Requires the department to make system software available at no charge to the counties.
- Specifies certain requirements applicable to maintenance of the computerized statewide voter registration list on the part of the secretary.
- Authorizes the secretary to electronically cancel the registration of deceased persons and persons convicted of a felony.
- At the earliest practical time, requires the secretary and the executive director of the department of revenue to match information in the database of the

centralized statewide registration system with information in the database of the motor vehicle business group to the extent required to enable each department to verify the accuracy of the information provided on applications for voter registration in conformity with the requirements of HAVA.

- Requires the department of revenue to enter into an agreement with the federal commissioner of social security for the purpose of verifying applicable information in accordance with the requirements of HAVA.
- Requires the secretary to provide adequate technological security measures to prevent the unauthorized access to the computerized statewide voter registration list.

Voter registration by mail and voting by first-time voters

- In connection with the application form to be filled out by a person by mail, requires the form to include the questions: "Are you a citizen of the United States?" and "Will you be 18 years of age on or before election day?", with boxes for the applicant to indicate his or her responses to these questions.
- Requires the form to include a statement informing the applicant that, if the form is submitted by mail and the applicant is registering to vote for the first time in the state of Colorado, the appropriate information required under the act is to be submitted with the mail-in registration form to avoid the additional identification requirements for applicants voting for the first time imposed by the act.
- Specifies that, if an applicant for registration fails to answer on the mail registration form the question relating to American citizenship, the election official is to notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for federal office.
- Subject to the requirements of the act, in addition to the identifying information required to be provided by an elector under existing statutory provisions, requires any person who desires to register to vote by mail to submit with such registration:
 - A copy of identification as defined under state election law; or
 - At least the last 4 digits of the person's social security number.
- Specifies that a Colorado driver's license number, the number of an identification card issued by the department of revenue, or the last 4 digits of the person's social security number shall only be received in satisfaction of the requirements of the act where the state or local election official matches the number of the driver's license or identification card or the person's social security number with an existing state identification record bearing the same number, name, and date of birth as provided in the registration information.
- Requires any such new voter who intends to cast his or her ballot in person to present to the appropriate election official at the polling place identification as defined under state election law.
- Requires any such new voter who intends to cast his or her ballot by mail to submit with his or her mail or absentee ballot a copy of identification as defined under state election law.
- Allows any new voter who desires to cast his or her ballot in person but does not satisfy these requirements to cast a provisional ballot. Allows any person who desires to cast his or her ballot by mail or absentee ballot but who does not satisfy these requirements to cast such ballot by mail or absentee ballot, and specifies that the ballot shall be treated as a provisional ballot.
- Requires the designated election official to include with a mail or an absentee

- ballot written instructions to enable a 1st-time voter to comply with requirements for new voters intending to cast a mail or absentee ballot.
- Directs state and local election officials to implement the requirements applicable to new voters in a uniform and nondiscriminatory manner.

Requires the executive director of the department of revenue, as the official responsible for the motor vehicle business group, to enter into an agreement with the federal commissioner of social security for the purpose of verifying applicable voter registration information.

Clarifies the definition of "identification" under state election law to specify that a valid identification card means a valid identification card issued by the department of revenue. Expands the definition of "identification" to include a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.

For the fiscal year beginning July 1, 2003, appropriates:

- From the department of state cash fund to the federal elections assistance fund, \$1,371,270. Specifies that the general assembly anticipates that, for the fiscal year beginning July 1, 2003, the department of state will receive \$36,729,252 in federal funds under the provisions of the federal "Help America Vote Act of 2002". Although the federal funds are not appropriated in the act, states that such funds are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.
- Out of any moneys in the federal elections assistance fund, to the department of state, \$1,836,463.
- To the department of law, \$26,910 and 0.3 FTE for the provision of legal services to the department of state. Specifies that such sum shall be from cash funds exempt received from the department of state out of the appropriation made to the department of state by the act.
- To the department of public safety, \$14,220 for the verification of voter registration information. Specifies that such sum shall be from cash funds exempt received from the department of state out of the appropriation made to the department of state by the act.
- To the department of revenue, \$65,000 for the extraction of signature information from the drivers license database. Specifies that such sum shall be from cash funds exempt received from the department of state out of the appropriation made to the department of state by the act.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

FINANCIAL INSTITUTIONS

S.B. 03-16 Industrial banks - entities - financial holding companies. On and after July 1, 2003, prohibits an entity from acquiring control of an industrial bank unless the entity is only a financial holding company under federal law.

APPROVED by Governor April 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1106 Banking board - issuance of charters - limited liability company. On and after July 1, 2003, authorizes the banking board in the division of banking to issue a state bank charter, an industrial bank charter, or a trust company charter to a limited liability company. Authorizes the banking board to promulgate rules related to the issuance of these charters to limited liability companies. Subjects limited liability companies chartered as state banks, industrial banks, and trust companies to the same requirements as corporations that are so chartered, and provides rules of construction applying the provisions of the Banking Code to such entities in similar fashion.

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

H.B. 03-1257 Recodification - banking statutes. Repeals and relocates the provisions of certain banking statutes in articles 1 through 10 and 11, 20, 22, 23, and 25 of title 11, Colorado Revised Statutes, to new articles in title 11, Colorado Revised Statutes. Repeals portions of the current statutes containing the provisions being relocated. Repeals certain provisions not being relocated.

APPROVED by Governor April 17, 2003

EFFECTIVE July 1, 2003

GENERAL ASSEMBLY

S.B. 03-44 Rules of conduct for members of the general assembly. In the state code of ethics, adds a new rule of conduct for members of the general assembly prohibiting a member of the general assembly from lobbying, soliciting lobbying business or contracts, or otherwise establishing a lobbying business or practice respecting issues before the general assembly prior to the expiration of his or her term. Where the member tenders his or her resignation prior to the expiration of his or her term, makes such prohibition applicable up through the date of the member's resignation from office.

APPROVED by Governor April 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1165 Colorado revised statutes - unofficial copies - permission to publish, reprint, or distribute. Changes who must apply to the committee on legal services (committee) for permission to publish, reprint, or distribute copies of the Colorado revised statutes (statutes) from persons who publish, reprint, or distribute all or any part of the statutes to persons who publish, reprint, or distribute all or a substantial part of the statutes. Defines a "substantial part of the statutes" to mean 200 or more sections of the statutes.

Eliminates the exception that allows a person to copy parts of the official statutes for his or her own personal use without committee approval. Eliminates the committee's power to exempt a person who reproduces, reprints, or distributes parts of the statutes for bona fide teaching or educational purposes from the statutory requirements relating to committee approval. Specifies that any person, agency, or political subdivision who publishes, reprints, or distributes less than a substantial part of the statutes may do so without committee approval.

APPROVED by Governor April 1, 2003

EFFECTIVE August 6, 2003

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

GOVERNMENT - COUNTY

S.B. 03-29 Compensation of county officers - pay schedule - county officers paid at least one time each month. Changes the pay schedule for deputies, assistants, and employees appointed by the county clerk and recorder, county treasurer, county assessor, and county coroner from monthly to at least once each month. Changes the pay schedule for undersheriffs and deputy sheriffs appointed by county sheriffs from monthly to at least once each month.

APPROVED by Governor March 28, 2003

EFFECTIVE July 1, 2003

S.B. 03-35 Classification of Alamosa county. Changes Alamosa from a category IV county to a category III county for purposes of establishing salaries of county officers.

APPROVED by Governor March 28, 2003

EFFECTIVE March 28, 2003

S.B. 03-42 County clerk and recorder - exclusion from surcharge. Clarifies that the one dollar surcharge collected on each document received for recording or filing in a county clerk and recorder's office shall not apply to any filing received by the clerk and recorder as an authorized agent of the executive director of the department of revenue.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

S.B. 03-67 Procedures to be followed in connection with the merging of parcels of land. Requires that where a county merges 2 or more parcels of land for the purpose of eliminating interior lot lines, obsolete subdivisions, or otherwise, county subdivision ordinances, regulations, or resolutions shall provide that:

- Prior to the completion of the merger, in addition to any public notice required under law, the county is required to send notice of the county's intent to complete the merger to the owner of each of the affected parcels by certified mail.
- Requires the notice to specify that each such owner may request a hearing on the proposed merger and to specify action to be taken by the owner to request the hearing, including, without limitation, the requirement that the owner is required to request the hearing within 120 days of the date of the required notice.
- Prior to the completion of the merger, where the owner of each affected parcel has timely requested a hearing on the proposed merger, provides that a public hearing on the merger is to be held before the board of county commissioners of the county. Specifies that the hearing is to be conducted for the purpose of allowing the board to discuss with the owner of each affected parcel its reasons for proceeding with the merger and to give each owner the opportunity to submit any basis provided under law for challenging the merger. States that, in such case, notice of the time, place, and manner of the hearing is to be provided to the owner of each affected parcel and is also to be published in a newspaper of general circulation in the county in a manner sufficient to notify the public of the time, place, and nature of the hearing.
- Where the owner of each affected parcel fails to timely request a hearing on

the proposed merger, specifies that no such hearing is required, and the affected parcels shall be merged in accordance with the requirements of the act.

- In order to give the owner of the parcels the opportunity to take whatever remedial action is allowed under law, specifies that the hearing authorized by the act is to take place no sooner than 90 days after the required notice of the hearing.
- Specifies that no merger of parcels shall be effective unless the owner of the parcels has given consent to the merger of the parcels and the merger has been approved by a majority of the board of county commissioners.
- Specifies that, upon completion of any merger of parcels in accordance with the requirements of the act, the county shall, for purposes of the levying and collection of the tax on real and personal property, assess the merged parcels as one parcel of real property and file of record a notice of merger in the office of the clerk and recorder of deeds for the county in which the merged parcels of real property are located. Specifies that such notice shall constitute prima facie evidence that all of the requirements of the act have been satisfied.
- Specifies that the requirements of the act do not apply to any merger of parcels of land that is requested in writing by each owner of an affected parcel.
- Specifies that nothing in the act shall be construed to abrogate or otherwise diminish or expand any rights a landowner may have under existing statutory provisions pertaining to vested property rights.

APPROVED by Governor April 17, 2003

EFFECTIVE October 1, 2003

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

S.B. 03-344 Retirement plan or system - audit. Requires the state auditor to conduct a financial audit of any retirement plan or system of retirement benefits established and maintained by any county in conjunction with another county. Specifies the contents of the audit. Requires the results of the audit to be reported to the legislative audit committee, the speaker of the house of representatives, the president of the senate, and the boards of county commissioners of each county that participates in the plan or system.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1018 Limit on aggregate amount of indebtedness to be issued by a county. Authorizes county governments to increase the limit on the aggregate amount of indebtedness that may be issued by a county, currently set at one and one-half percent of the valuation for assessment, to 3% of the actual value, as determined by the assessor, of the taxable property in the county.

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

H.B. 03-1105 Coroners - qualifications - training. States that to be eligible for the office of coroner, a person must:

- Be a United States citizen and a resident of the state and of the county in which

- the person will serve as coroner;
- Have a high school diploma or its equivalent or a college degree; and
- Have a set of fingerprints taken by a law enforcement agency.

Requires a person nominated for the office of coroner to submit proof that fingerprints were taken along with the written acceptance of the nomination. States that a county may not appoint a person to fill a vacancy in the office of coroner unless the person has submitted proof that fingerprints were taken.

Directs a law enforcement agency that takes fingerprints from a coroner nominee or appointee to submit the fingerprints to the Colorado bureau of investigation (CBI). Directs the CBI to analyze the fingerprints and available records to determine if the person has ever been convicted of or pled guilty or nolo contendere to a felony. States that a person who has been convicted of or pled guilty or nolo contendere to a felony is ineligible for the office of coroner unless pardoned.

Creates the Colorado coroners standards and training board (C.C.S.T. board) in the department of public health and environment (department). Specifies that the C.C.S.T. board shall have 8 members:

- A coroner of a county with a population of 50,000 or more;
- A coroner of a county with a population of less than 50,000 but more than 15,000;
- A coroner of a county with a population of 15,000 or less;
- A county commissioner of a county with a population of 50,000 or more;
- A county commissioner of a county with a population of less than 50,000;
- A pathologist who performs postmortem examinations and is a member of the Colorado medical society;
- A chief of police or a county sheriff; and
- A district attorney.

Specifies that the governor shall appoint the members of the C.C.S.T. board for staggered 3-year terms.

Authorizes the executive director of the department to accept gifts, grants, and donations to cover the costs of establishing and operating the C.C.S.T. board. States that if the total amount of such gifts, grants, and donations is less than \$20,000 on July 1, 2005, the provisions on the C.C.S.T. board and the training requirements for coroners shall be repealed.

Directs the department, in coordination with the C.C.S.T. board, to hire an independent contractor to administer the C.C.S.T. board.

Directs the C.C.S.T. board to develop a training course for new coroners, approve the qualifications of teachers, and approve training programs for annual in-service training.

Requires a new coroner to attend a training course unless the C.C.S.T. board decides that the coroner's education, training, and experience satisfy the training requirement. Requires new coroners to obtain certification in basic medical-legal death investigation.

Requires each coroner to complete annual in-service training unless the C.C.S.T. board decides that the coroner's education, training, and experience satisfy the training requirement.

States that each county shall pay the costs of training for its coroner. Specifies that the fees charged by the C.C.S.T. board for training programs may include the costs of establishing and operating the C.C.S.T. board.

Creates the coroner training fund, in which gifts, grants, donations, and fees for training programs shall be deposited.

Directs the board of county commissioners to suspend the salary of a coroner who fails to comply with the training requirements. Requires the board of county commissioners to reinstate the salary with back pay when a coroner complies with the requirements.

APPROVED by Governor May 21, 2003

EFFECTIVE August 6, 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. 03-1111 County government authority - violations of the county's building code. Repeals and reenacts the existing statutory section containing penalty provisions for violations of a county's building code to more closely mirror the existing statutory section containing penalties for violations of a county's zoning resolutions. Among other things, the repealed and reenacted section:

- Makes it unlawful to erect, construct, reconstruct, or alter any building or structure in a manner that violates a legally enforceable building code.
- Preserves existing statutory provisions specifying that any person, firm, or corporation violating the building code is guilty of a misdemeanor and, upon conviction, is to be punished by a fine not to exceed \$100 or by imprisonment of not more than 10 days, or by both such fine and imprisonment.
- Makes it unlawful to use any building or structure in violation of a legally enforceable building code. Specifies that any person, firm, or corporation committing such unlawful use is guilty of a misdemeanor and, upon conviction, is to be punished by a fine not to exceed \$100 or by imprisonment of not more than 10 days, or by both such fine and imprisonment. Specifies that nothing in the act is to be construed to prohibit the use of any building or structure in violation of an otherwise applicable building code where the use complies with any building code that was in effect at the time the building or structure was erected, constructed, reconstructed, or altered.
- Requires a county building inspector who has personal knowledge of an improper use in violation of the building code to give written notice to the violator to correct the violation within 30 days of the notice. If the violator fails to cure the violation, authorizes the building inspector to request the county sheriff to issue a summons and complaint to the violator. Specifies information to be contained in the summons and complaint. Specifies procedures to be followed in connection with the service of said summons and complaint.
- Places responsibility with the county attorney for enforcing provisions of the act addressing an illegal construction or use. Specifies that the board of county commissioners of the county may appoint the district attorney of the judicial district to perform such enforcement duties in specified circumstances.
- In the case where a building or structure is, or is proposed to be, constructed or used in violation of a legally enforceable building code, authorizes the

county attorney in which such building or structure is situated, in addition to any other legal remedies, to institute an appropriate legal action to prevent, enjoin, abate, or remove such construction or use.

Specifies that the provisions of the act apply to offenses committed on or after October 1, 2003.

APPROVED by Governor May 21, 2003

EFFECTIVE October 1, 2003

H.B. 03-1239 Minor boundary adjustments - parks and open space. States that if a county to which territory will be added under the procedure for minor boundary adjustments agrees to use the territory solely for park and open space purposes, the requirement of a petition signed by all landowners of the territory and a hearing by the board of county commissioners does not apply and the prohibition on minor boundary adjustments involving residential territory does not apply.

Eliminates the repeal date of the statute on minor boundary adjustments.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 2003

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

GOVERNMENT - LOCAL

S.B. 03-96 County and Municipality Development Revenue Bond Act - definitions. Makes the following modifications to the definitions section of the "County and Municipality Development Revenue Bond Act" (Act):

- Modifies existing language to exclude "other working capital" as among the types of enumerated assets that form part of the definition of "project" under the Act.
- Expands a provision in the Act listing facilities for the furnishing of water as among the uses of various assets that constitute a project to include facilities for the storage of water.
- Expands a provision in the Act listing facilities for private institutions of higher education as among the uses of various assets that constitute a project to include facilities for private and not-for-profit educational institutions.

Modifies the legislative declaration in the Act to further specify the enumerated list of types of business enterprises that the general assembly intends to locate, expand, or remain in the state by means of the Act.

APPROVED by Governor March 20, 2003

EFFECTIVE July 1, 2003

S.B. 03-326 Modifications to Colorado Library Law - establishment of regional library authorities - creation of Library Capital Facilities Districts Act - creation of Children's Internet Protection Act. In connection with the "Colorado Library Law":

- Clarifies the duties of the state librarian with respect to the state library and other publicly-supported libraries in the state.
- Authorizes the state librarian to make reasonable rules for state institutional libraries. Expands the duties of the state librarian to include the development and promulgation of service standards for school, public, and institutional libraries.
- Makes the state librarian, instead of the state board of education, the state agency to receive and administer state or federal funds that may be appropriated to further library development within the state.
- Clarifies existing statutory provisions governing the formation of new libraries to include the formation of new library districts.
- Specifies that the costs of the election to form a library district may be assumed by an existing library where the assumption of the costs has been approved by the board of trustees of the library.
- As part of the initial appointment of the board of trustees of public libraries, specifies that in a library district appointed by one governmental unit, the governing body of the governmental unit shall decide the number of members to be appointed to a committee that shall appoint the initial board of trustees. Clarifies that, in the case of a library district, the length and number of terms of a trustee are set by the bylaws adopted by the board.
- Modifies public-reporting requirements applicable to specified libraries and any library district. Expands the reporting requirements applicable to the board of trustees of every public library.
- Authorizes any combination of 2 or more governmental units acting through their governing bodies by contracting with or among each other to form a

separate governmental entity to be known as a regional library authority. Specifies that the authority may be used by the contracting parties to effect the acquisition, construction, financing, operation, or maintenance, of publicly-supported library services on a regional basis within the jurisdiction of the authority. Specifies procedures to be followed in connection with the establishment of the authorities. Specifies items that shall be included in any contract establishing the authority.

- Specifies general powers of the authority.
- Permits the authority to levy, in all of the area within the boundary of the authority, a sales or use tax, or both, at a rate not to exceed 1%. Specifies that any sales tax authorized shall not be levied on the sale of tangible personal property under specified conditions. Authorizes the authority to levy, in all of the area within the boundaries of the authority, an ad valorem tax. Specifies procedures to be followed in connection with the collection, administration, and enforcement of these taxes. Specifies that no action by the authority to establish or increase any tax shall take effect unless first submitted to a vote of the registered electors residing within the boundaries of the authority in which the tax is proposed to be collected. Specifies procedures governing the elections.
- Clarifies that, whenever the board of trustees of a library district determines that the interest of the district and the public interest or necessity requires the creation of general obligation indebtedness of a particular county on behalf of the district, the board of trustees shall adopt a resolution requesting the board of county commissioners of said county to submit the question of creating such indebtedness at the next general election or on the election held on the first Tuesday in November of odd-numbered years. Requires the board of county commissioners to either adopt the resolution subject to mutually agreed upon changes or reject the resolution. When the board of county commissioners adopts the resolution, it shall order an election on the question of incurring said indebtedness. Specifies procedures to be followed in connection with the conduct of said election.
- Authorizes a library district to issue general obligation indebtedness in its own name to finance the acquisition, construction, expansion, or remodeling of any real or personal property for library purposes of the district. Specifies that the district shall submit to the registered electors residing in the district the question of whether the district shall incur the proposed indebtedness. Specifies that the process of incurring the debt shall commence with the passage of a resolution. Specifies the contents of the resolution. Specifies procedures to be followed in connection with the conduct of the election.
- In addition to the board of county commissioners, authorizes the board of trustees of a library district to levy an ad valorem tax on all taxable property within the county within which the district is located to pay the indebtedness of the district.
- Specifies the information that shall be included in a contract to receive library service.
- Specifies that a plan for the provision of a regional library service system shall be approved by the state librarian. Specifies that the bylaws of each system shall provide for a governing board. Specifies that the board shall consist of representatives from specified types of publicly-supported libraries participating in the system. Specifies that the bylaws of a regional library service system may provide for membership in the system by libraries that are not publicly-supported. Specifies that the board shall be elected by a system

membership council, and further specifies the entities that shall form said council. Eliminates existing statutory provisions preventing the board from holding or acquiring title to its own land or buildings. Clarifies that dissolution of such system shall be undertaken pursuant to regulations established by the state board of education. Clarifies that the membership council may, in its sole discretion by a specified vote, dissolve the system and file with the state library a plan for effectuating such dissolution with the approval of the state board of education.

- In connection with the privacy of library user records, adds an exception to the list of existing statutory provisions authorizing disclosure in the case of a custodial parent or legal guardian who has access to a minor's library card or its authorization number for the purpose of accessing by electronic means library records of the minor.

In connection with statutory provisions governing the state publications depository and distribution center:

- Requires the center to ensure that all state publications are available to residents of Colorado through a system of depository libraries. Specifies the purposes of the center.
- Specifies the manner by which copies of various state publications, whether produced in print or in electronic form, are to be deposited with the center.
- Requires the center to coordinate permanent public access to state publications with state agencies, depository libraries, or other entities.
- Requires the center to maintain an on-line catalog providing free public access to state publication records.

In connection with statutory provisions governing the Colorado computer information network:

- Renames the network as the Colorado virtual library (library).
- Requires the library to provide electronic resources to libraries. Specifies required components of the library. Subject to available appropriations, requires the state librarian to procure on-line databases necessary to provide on behalf of all publicly-supported libraries indexes and databases that are a required component of the library.
- Provides that access to the library by any person within the state shall be through the world wide web or successive technology.

Creates the "Library Capital Facilities District Act". In connection with the act:

- Authorizes the board of trustees of a library district to establish one or more facilities districts within the boundaries of the library district for the purpose of financing the acquisition, construction, installation, operation, or maintenance of any real or personal property, improvement, or facility, including, without limitation, land, buildings, site improvements, equipment, furnishings, or collections that are directly related to any service that a library district is authorized to provide, together with any necessary costs related to the acquisition, construction, installation, operation, or maintenance of the property, improvement, or facility.
- Specifies procedures to be followed in connection with the organization of a library capital facilities district. Requires a public hearing prior to the

establishment of the facilities district, after notice, and specifies the contents of the notice. Authorizes the board of trustees to order that the question of the organization of the facilities district, the issuance of bonds, or other matters for which voter approval is required be submitted to the registered electors residing within the boundaries of the proposed facilities district. Specifies procedures to be followed in connection with the conduct of the election.

- Specifies that, at the election, the registered voters residing within the boundaries of the proposed facilities district shall vote for or against the organization of the district and other matters, including, without limitation, the issuance of bonds of the library district or facilities district or other matters for which voter approval is required under the TABOR amendment to the state constitution.
- Specifies that the board of trustees of the library district that creates the facilities district shall constitute the governing body of the facilities district. Specifies the powers and duties of the board as the governing body of the facilities district.
- Specifies general powers of the facilities district. Subject to the voter approval requirements of the TABOR amendment to the state constitution, authorizes the board of trustees to levy and collect ad valorem taxes on and against all taxable property located within the boundaries of the facilities district. Specifies that the rate of levy to be submitted to the registered electors for their approval shall be specified in the resolution creating the facilities district.
- Authorizes the governing body to fix a rate of levy upon the taxable property within the facilities district to finance organizational expenses of the facilities district and costs incurred in connection with the acquisition, financing, installation, operation, or maintenance of library capital facilities. Authorizes the governing body to make additional levies as necessary to cover deficiencies.
- Authorizes the governing body to issue bonds of the library district or facilities district for the purpose of financing the acquisition, construction, installation, operation, or maintenance of library capital facilities. Specifies certain required procedures to be followed in connection with the issuance of the bonds.
- Specifies procedures to be followed in the case of the dissolution of a facilities district. Specifies that income or other revenues of the library or facilities district, any property owned by the library or facilities district, and any income from any bonds issued by the library or facilities district shall be exempt from taxation. Requires any legal or equitable action brought with respect to certain acts or proceedings in connection with certain action taken under the act to be commenced within 30 days after the performance of such action.

Creates the "Children's Internet Protection Act". In connection with the act:

- Requires the governing body of each school district by December 21, 2003, to adopt and implement a policy of internet safety for minors that includes the operation of a technology protection measure for each computer operated by the school district that allows for access to the internet by a minor. After the adoption and implementation of the internet safety policy, requires the governing body of each school district to continue to enforce the operation of the technology protection measure for each computer operated by the school district that allows for access to the internet by a minor.
- Allows the technology protection measure to be temporarily disabled to enable

access to the internet by an adult for bona fide research or other lawful purposes or by a minor for bona fide research or other lawful purposes where the internet use is supervised by an administrator, supervisor, or other authorized person.

- Provides that the requirements of the act pertaining to internet protection shall not be construed to apply to any library facility maintained by any postsecondary educational institution. Provides that nothing in the requirements shall be construed to require any additional action on the part of any school district that is already in compliance with the requirements of the act as of July 1, 2003.
- Precludes the state board of education from waiving any of the internet safety requirements contained in the act.
- Precludes a charter school from operating free of the internet safety requirements contained in the act.

Repeals existing statutory provisions concerning metropolitan library districts and participation by established libraries.

APPROVED by Governor June 5, 2003

EFFECTIVE August 15, 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. 03-1077 Resolution of disputes - petition for annexation of land located within the boundaries of a development plan. Requires the parties to an intergovernmental agreement establishing a development plan to provide notice and a copy of the agreement, together with a map demonstrating the territory covered by the agreement, to each neighboring jurisdiction.

Requires each municipality that has received a petition for annexation that covers territory included within the boundaries encompassed within a development plan to which the municipality is not a party and that has received notice and a copy of the plan to provide to the parties to the development plan written notice of the petition for annexation and a copy of the petition prior to the referral of the petition by the municipal clerk to the governing body of the municipality. Where any portion of the area to be annexed under the petition is located within the boundaries of a development plan, requires each neighboring jurisdiction that is a party to such plan to file with the governing body of the annexing municipality a written objection to the petition no later than 30 days after receipt of the petition. In the written objection filed, authorizes the neighboring jurisdiction to additionally request that the annexing municipality participate in a mediation of the dispute arising out of the petition with the assistance of a qualified professional from the list of such professionals maintained by the department of local affairs. Requires the annexing municipality to participate in the mediation upon the request of any neighboring jurisdiction that is a party to the development plan.

Prohibits a municipal clerk from referring to a petition for annexation to the governing body of the municipality for any action until the mediation is completed or not less than 90 days have passed from the date on which the municipality was notified of a request to mediate by a neighboring jurisdiction in accordance with the requirements of the act.

Specifies that the costs of obtaining the assistance of a qualified professional for the mediation are to be assumed by the neighboring jurisdiction requesting the mediation. Where

more than one neighboring jurisdiction requests the mediation, specifies that the costs of obtaining the assistance of a qualified professional are to be allocated pro rata between or among all such jurisdictions.

APPROVED by Governor April 9, 2003

EFFECTIVE August 6, 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. 03-1124 Local government budget law - expenditures - exclusion of pass-through moneys. Clarifies that, for purposes of the "Local Government Budget Law of Colorado", the term "expenditure" does not include the payment or transfer of moneys by the office of the public trustee that are received from and required to be paid to another person or entity.

APPROVED by Governor March 21, 2003

EFFECTIVE August 6, 2003

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

GOVERNMENT - MUNICIPAL

S.B. 03-56 Fire and police pension association - new hire plans - membership - affiliation. Expands the definition of "member" in the statutory provisions governing police officers' and firefighters' new hire pension plans to include:

- An active employee who works less than 1,600 hours per year but otherwise qualifies as a member and whose employer elects to treat all such other similar employees as members; and
- Clerical or other personnel employed by a fire protection district, fire authority, or county improvement district, whose services are auxiliary to fire protection but only certain specified plans.

Exempts members who serve less than 1,600 hours from the statewide defined benefit plan and provides that such members shall be covered by the statewide money purchase plan.

Permits any county that covers salaried employees whose duties are directly involved with the provision of law enforcement or fire protection, as certified by the county under the federal "Social Security Act", to affiliate with the fire and police pension association either as to coverage under the statewide death and disability plan or as to retirement under the statewide defined benefit plan, or as to both. Requires 65% of the employees eligible to participate in the statewide defined benefit plan to approve affiliation prior to it becoming effective.

Excludes from eligibility for disability and survivor benefits any member whose employer has affiliated with the public employees' retirement association for the purpose of administering retirement benefits.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-57 Fire and police pension association - money purchase plan alternative - statewide hybrid plan. Allows an employer of police officers and firefighters that has established a local money purchase plan, an alternative exempt local money purchase plan, or that participates in the statewide money purchase plan to apply to the board of directors of the fire and police pension association (board) to cover the existing members of the money purchase plan under either the statewide hybrid plan or the statewide defined benefit plan.

Specifies procedures related to the application for coverage under the hybrid plan. Directs the board to promulgate rules for certain procedures related to the hybrid plan. Authorizes the board to create a plan document for a statewide hybrid plan that offers a combination of defined benefit and defined contribution benefits and that is intended to comply with the qualification requirements established in the federal internal revenue code. Specifies the items that the plan document shall cover.

Creates the fire and police members' statewide hybrid plan benefit fund. Specifies that each member covered by the statewide hybrid plan shall pay 8% of salary paid into the fund and that for each member the employer shall pay 8% of salary paid to such member. Provides for local election to increase the contribution rates. Changes the vesting period

under the statewide defined benefit plan to 5 years.

BECAME LAW March 25, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-263 FY 2003-04 budget reduction bill - fire and police pension association - state contribution to old hire plans eliminated for 2003-04 and 2004-05 fiscal years - appropriation. For the 2003-04 and 2004-05 state fiscal years, eliminates the state's annual contribution to the fire and police pension association (FPPA) to assist in amortizing the unfunded accrued liability of old hire pension plans.

Resumes the state's annual contribution to the FPPA beginning in the 2005-06 state fiscal year and extends such annual contribution through the 2011-12 state fiscal year. For the annual state contribution to the FPPA for the 2005-06 through the 2011-12 state fiscal years, changes the date that the contribution is made from September 30 to April 30.

Specifies that the state shall be responsible for any additional liability that may accrue as a result of the suspension of the state contribution to the fire and police members' benefit fund. Requires the actuarial study filed with the FPPA to include the amount of unfunded liability that accrues as a result of such suspension. Specifies that the state shall maintain its authority to evaluate the advisability of the statutory contribution to the old hire pension plans in light of its own fiscal situation.

Makes an adjustment to the 2003 general appropriations act by decreasing the general fund appropriation for the FPPA, unfunded liability - old hire plans by \$25,312,019.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

H.B. 03-1009 Statewide health care defined benefit plan - creation - election. Authorizes the board of directors of the fire and police pension association (board) to develop, maintain, and amend a statewide health care defined benefit plan (plan) that will provide a defined benefit to assist in paying for the cost of health care for each retired eligible member.

Authorizes the board to conduct an election of all eligible members, who are all members who participate in the statewide retirement plans administered by the board, to determine if such members want to participate in the plan. Requires the board to certify the results of the election, and to mail a copy of the certification to each employer within 10 days after the certification. Requires all eligible members to participate in the plan if 65% of all eligible members vote in favor of participating in the plan; except that, if less than a majority of an employer's eligible members vote in favor of participating in the plan, the employer, on behalf of its eligible members, may elect not to participate in the plan.

Establishes that contributions to the fund shall be the responsibility of the eligible members unless an eligible member's employer elects to pay all or a portion of his or her contribution. Specifies that all contributions made to the plan shall be credited to the fire and police members' benefit fund.

Requires the board to administer the plan on an actuarially sound basis. Specifies that

neither the state nor the employer shall be liable for any unfunded accrued liability of the plan.

BECAME LAW March 25, 2003

EFFECTIVE August 6, 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. 03-1104 Fire and police pension association - old hire pension plans - modifications to plans - eligibility for election to board of trustees of the firefighters' old hire pension fund. Requires the board of trustees of the fire and police pension association, upon the request of an employer, to permit the modification of any provision of an old hire pension plan necessary to comply with state or federal law. Establishes that such modification may be made without the approval of the active old hire members.

Permits retired old hire members to be eligible to be elected by the active old hire members of a fire department to serve on the board of trustees of the firefighters' old hire pension fund.

APPROVED by Governor April 1, 2003

EFFECTIVE April 1, 2003

GOVERNMENT - SPECIAL DISTRICTS

H.B. 03-1070 Regional transportation district - inclusion of new areas in district upon approval of majority of registered electors in such area voting in such election. Clarifies existing statutory requirements to specify that areas in specified unincorporated portions of any county or of a specified municipality or portion thereof within the regional transportation district may be included in such district where the inclusion is approved by a majority of the registered electors who reside within the geographic boundaries of such area and who vote in such election.

APPROVED by Governor April 1, 2003

EFFECTIVE April 1, 2003

H.B. 03-1103 Regional transportation district - service provided by qualified business. Increases the percentage of the regional transportation district's (district) service that must be provided by qualified private businesses pursuant to competitively negotiated contracts from 35% to 50%. Applies the increased percentage to all of the district's vehicular service instead of bus service only.

Defines "vehicular service" to mean any service provided by the district that involves transporting the general public by means of any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways.

Requires the district to request proposals from private providers for 50% of vehicular service, as measured by vehicle hours or vehicle hour equivalents by March 31, 2004. Requires the district to establish reasonable standards for vehicle hour equivalents for all vehicular services that are not ordinarily measured by vehicle hours. Requires each request for proposals to specify all of the evaluation factors to be used by the district in awarding the contract and the weight to be given by the district for each factor. Establishes evaluation factors to be considered by the district when awarding a contract. Prohibits a district from awarding a contract based on cost to the district alone, and limits cost from being weighted more than 35% in awarding a contract.

APPROVED by Governor May 21, 2003

EFFECTIVE May 21, 2003

H.B. 03-1207 Special district wholly contained within a municipality - approving authority. Allows the governing body of a special district to petition a municipality to accept a designation as the approving authority for the special district if the special district was originally approved by a board of county commissioners but has since become wholly contained within the boundaries of the municipality by annexation or boundary adjustment. Allows the municipality to accept the designation through the adoption of a resolution of approval by the governing body of the municipality. Transfers all powers and authorities vested in the board to the governing body of the municipality upon the adoption of the resolution. Establishes that the governing body of the municipality shall thereafter be the approving authority for the special district.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 2003

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. 03-33 Management of public records by governmental entities. Requires each state agency, which includes any department, division, board, bureau, commission, institution, or agency of the state, to establish and maintain a records management program that satisfies the procedures established by the executive director of the department of personnel (executive director). Requires each state agency to document the policies and procedures of such program.

Requires each state agency to designate a records liaison officer or officers from the agency's existing personnel. Establishes the following duties for a records liaison officer:

- Coordinating the retention and disposition of the state agency's records with the executive director;
- Reviewing the state agency's records management program to ensure that such program efficiently manages the state agency's records and complies with all state and federal law;
- Establishing an inventory of the state agency's records;
- Establishing retention and disposition schedules for the state agency's records;
- Providing information about the storage of the state agency's records to the executive director; and
- Ensuring adequate security, public access, and proper storage of the state agency's records.

Exempts the department of corrections from instituting a records management program or designating a records liaison officer until July 1, 2008.

Requires every public officer of a state agency to consult every 2 years, beginning on January 1, 2005, with the department of personnel and the attorney general to determine the value of the public records in his or her custody. Permits the storage of public records at storage vendors approved by the executive director.

Authorizes the governor to direct any political subdivision of the state to designate a records administrator to cooperate with and assist and advise the executive director in the performance of the duties and functions concerning state archives and public records and to provide such other assistance and data to the department of personnel.

APPROVED by Governor May 22, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-34 State buildings - facility management plans. Requires a state department, agency, or institution that controls a vacant facility to submit a facility management plan to the department of personnel (department) for approval within 30 days after the facility becomes vacant. Defines "vacant" to mean:

- Unoccupied;
- Unused in whole or in part for the purposes for which the improvement was designed, intended, or remodeled; or

- Without current defined plans by the state department, agency, or institution for the next fiscal year.

Specifies that a facility management plan shall include:

- A financial analysis of the possible uses of the vacant facility;
- Plans for the disposal of the vacant facility;
- If there are no plans for disposal of the vacant facility, a plan for the proposed controlled maintenance necessary to avoid the deterioration of the facility; and
- Whether the facility has or is eligible to receive a national, state, or local historic designation or listing.

On or before November 1 of the year following the approval of a facility management plan and each November 1 thereafter until such time that the facility is no longer vacant, requires a state department, agency, or institution to submit an annual facility management plan update. Requires the update to include all actions taken by the state department, agency, or institution within the last year consistent with the facility management plan and any proposed changes to the facility management plan.

States that no state department, agency, or institution shall be eligible for capital construction appropriations until the department has approved a facility management plan for each vacant facility controlled by that state department, agency, or institution, unless exempted by the capital development committee.

APPROVED by Governor April 17, 2003

EFFECTIVE July 1, 2003

S.B. 03-52 Public safety communications trust fund - reporting requirement. Eliminates the report from the executive director of the department of personnel to the state auditor concerning the public safety communications trust fund.

APPROVED by Governor March 20, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-58 State government efficiency - alternative procurement methods - cooperative purchasing - emissions inspections exception. Defines the term "grant" for purposes of the "Procurement Code" and clarifies that the code does not apply to grants. Authorizes the executive director of the department of personnel to establish other competitive procurement methods, including reverse auctions, in order to provide alternative procurement methods to promote the purposes of the code. Requires the state auditor to review competitive procurement methods established by the executive director.

Allows state public procurement units, upon prior written approval of the executive director of the department of personnel and under procedures established by rule, to purchase goods or services under the terms of a contract between a vendor and an external procurement activity or a local public procurement unit without complying with specified provisions of the "Procurement Code" concerning source selection and contract formation.

Specifies that when the legal ownership of a motor vehicle is transferred merely for

purposes of a financing or refinancing agreement, but the physical possession or use of the vehicle is unchanged, the vehicle is not subject to motor vehicle emissions inspections requirements. Makes this provision effective only if House Bill 03-1016 does not become law.

APPROVED by Governor May 2, 2003

EFFECTIVE May 2, 2003

NOTE: House Bill 03-1016 was signed by the Governor May 2, 2003.

S.B. 03-62 Accounts and control - procedures - warrants - moneys from certain warrants not presented to state treasurer for payment subject to unclaimed property law. Requires that a warrant, drawn on a fund containing moneys that do not revert to the state general fund, shall be subject to the unclaimed property laws of the state if the warrant has not been presented to the state treasurer for payment by the end of the fiscal year in which it was issued.

Requires that moneys transferred into the Pinnacol Assurance fund from warrants that have not been presented to the state treasurer for payment shall be subject to the unclaimed property laws of the state. Specifies that for treating such moneys as unclaimed property, Pinnacol Assurance shall be considered an insurance company as defined in the unclaimed property laws of the state.

APPROVED by Governor March 20, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-98 Public employees' retirement association - inclusion of Colorado association of school executives - confidentiality of member records - purchase of service credit - amounts paid upon death of retiree - modification of benefit option upon dissolution of marriage - exception from reduction in retirement benefits if filling vacancy left by employee in armed forces - election to participate in or withdraw from the public officials' and employees' defined contribution plan - withdrawal of local government from participation in a retirement association with other local governments. Includes the Colorado association of school executives in the definition of "employer" for purposes of the statutory provisions governing the public employees' retirement association (PERA).

Requires all information, rather than specified information, contained in the records of members and retirees of PERA to be kept confidential.

Allows service credit to be purchased for employment in a foreign country. Requires a portion of the amount paid by a PERA member to purchase service credit to be transferred to the PERA health care trust fund. Limits the amount of service credit that may be purchased to 10 years. Provides an exception for members who apply to purchase service credit by October 31, 2003. Specifies that members employed by a political subdivision of the state that affiliates with PERA will have 3 years from the date of affiliation to complete or commence payments on purchases of service credit in excess of 10 years.

Limits eligibility to make direct payments to PERA in lieu of member contributions to vested inactive members who terminate PERA membership before July 1, 2003.

Increases the amount paid to beneficiaries if, upon the death of persons receiving retirement benefits, the total amount of benefits paid does not exceed the amount of moneys credited to the member contribution account.

Specifically authorizes the court in a dissolution of marriage action to modify or allow a retiree to modify the selected benefit option to no longer provide a continuing benefit to a spouse named as a cobeneficiary in the event of the retiree's death.

Allows a retiree to work in a position without a reduction in retirement benefits if the position has been temporarily vacated by an employee called into active duty in the armed forces of the United States.

Removes the requirement that an election to join the public officials' and employees' defined contribution plan shall be a one-time irrevocable election. Specifies that any member of PERA who is eligible to participate in the defined contribution plan may make a written election during the month of January of any year to participate in the plan.

Allows employees who participate in the public officials' and employees' defined contribution plan to terminate future contributions to the plan and instead participate in PERA by making a written election during the month of January of any year. Allows employees who make such election to purchase service credit in PERA.

Allows a local government that participates in a retirement association with other local governments to withdraw from its participation in and contributions to the association. Specifies procedures for and the effective date of such withdrawal. Requires at least 65% of all active members employed by the local government to approve the withdrawal. Allows employees who have terminated contributions to a local government retirement plan to elect to have a rollover distribution paid to an eligible retirement plan in accordance with federal law. Specifies a time limit for making the distribution.

APPROVED by Governor June 5, 2003

PORTIONS EFFECTIVE June 5, 2003

PORTIONS EFFECTIVE July 1, 2003

PORTIONS EFFECTIVE November 1, 2003

S.B. 03-101 Public employees' retirement association - amortization of liabilities - contributions - purchase of service credit. Removes the maximum 40-year period for amortization of liabilities of the public employees' retirement association (association) and provides that liabilities shall be amortized through the adjustment of contribution rates.

Changes the due date for contributions to the association from the 10th calendar day of each month to 5 days after the date members are paid. Requires that contributions be reported to the association after each payday, rather than on a monthly basis.

Reduces the existing employer contribution rates in specified divisions by a specified percentage of salary. Requires the board of trustees of the association (board) to reduce the employer contribution rates when the funded ratio of the association is greater than 110% and to increase the employer contribution rates when the funded ratio of the association is less than 95%. Specifies that in no event shall any division's employer contribution rate increase by more than .625% per year. Specifies that in any case, the current employer contribution rates in effect for state and school division and for judicial division employers shall remain in effect through June 30, 2004. Specifies that the contribution rate for municipal division

employers for the year beginning January 1, 2004, shall not exceed the rate specified under existing law.

Provides that matching employer contributions on members' voluntary contributions to tax-deferred retirement programs shall terminate on December 31, 2003, and thereafter resume only when the association's assets exceed 110% of actuarial liabilities. Repeals the one percent of salary limit on year-to-year changes in the amount of matching contributions.

Removes the minimum reduction in employer contribution rates due to overfunding.

Requires a specified portion of the amount paid by a member to purchase service credit to be transferred to the association's health care trust fund.

VETOED by Governor May 22, 2003

S.B. 03-103 Department of law - peace officers standards and training board - motor vehicle registration fee to fund peace officer training - appropriation. States that in addition to any other fee imposed on the registration of a motor vehicle, a fee of 25 cents shall be collected at the time of registration of every item of class A, B, or C personal property required to be registered. Specifies that the fee shall be transmitted to the state treasurer who shall credit the same to the peace officer standards and training (P.O.S.T.) board cash fund. States that all of the moneys in the fund shall be subject to appropriation by the general assembly to be used by the P.O.S.T. board. Specifies the purposes for which the moneys in the P.O.S.T. board cash fund may be used by the P.O.S.T. board.

Appropriates \$937,592 and 2.0 FTE to the department of law for the implementation of the act.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

S.B. 03-121 State agencies - rule-making - procedures - proposed rules - cost-benefit analysis - termination under sunset law. Declares that state agency rules can negatively impact the state's business climate by impeding the ability of local businesses to compete with out-of-state businesses, by discouraging new or existing businesses from moving to this state, and by hindering economic competitiveness and job creation.

Requires an agency to submit a draft of a proposed rule or amendment to an existing rule to the executive director (director) of the department of regulatory agencies (department) to determine if the rule may have a negative impact on economic competitiveness or small business in Colorado. Allows the director to require the submitting agency to prepare a cost-benefit analysis of the rule or amendment. Requires such agency to make the analysis available to the public and the director. Specifies what needs to be included in the analysis.

Allows the director to urge the agency to revise the rule or amendment, if necessary, to eliminate or reduce the negative economic impact.

Specifies that if an agency makes a good faith effort to prepare the cost-benefit analysis, the rule or amendment shall not be invalidated on the grounds that the analysis is insufficient or inaccurate. Allows for the adoption of a temporary or emergency rule prior to compliance with the cost-benefit analysis requirements.

Allows the director to work with the secretary of state to make the code of Colorado regulations and the Colorado register available to the public in an electronic format.

Terminates the cost-benefit analysis requirements on July 1, 2006, pursuant to the provisions of the sunset law.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

S.B. 03-135 Outdated statutory provisions - amendments - repeals. Repeals or amends outdated provisions in the Colorado revised statutes regarding:

- References to the city of Denver as a part of Arapahoe county;
- Penalty for judges unlawfully acting as attorneys;
- Recovery of attorney fees from unlicensed persons;
- Law schools that maintain legal aid dispensaries;
- Terms of the initial members of the state electrical board;
- The sale and use of fireworks in the state;
- Membership of the Colorado podiatry board;
- The effective date for certain examination qualifications for podiatrists;
- Requirements of persons holding office on the Colorado state board of chiropractic examiners;
- Termination of the physicians' peer health assistance fund;
- Membership of the Colorado state board of medical examiners;
- Membership of the state board of nursing;
- Registration requirements for advanced practice nurses;
- Membership of the impaired professional diversion program committee;
- Members serving on the board of examiners of nursing home administrators;
- The financial assistance program for students attending institutions of higher education;
- The low-level radioactive waste advisory committee;
- Housing preferences for world war II veterans;
- Establishment of poorhouses by counties;
- Fines on claim jumpers; and
- Limitations of actions affecting real property.

APPROVED by Governor April 7, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-143 Office of economic development - transfer of employees to Colorado tourism office. Transfers a specified number of employees of the Colorado office of economic development who promote the motion picture and television industry in the state to the Colorado tourism office in the office of the governor. Repeals a prohibition on the appropriation of moneys in the Colorado travel and tourism promotion fund to meet the administrative expenses of the tourism office.

APPROVED by Governor March 18, 2003

EFFECTIVE March 18, 2003

S.B. 03-178 FY 2002-03 budget reduction bill - telecommunications revolving fund - moneys collected for state public safety and radio systems. For fiscal years 2002-03 to 2005-06, requires moneys collected by the department of personnel for public safety and radio systems of a state agency or other state entity to be credited to the telecommunications revolving fund along with other charges for telephone and data communication services currently transferred to the fund.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-179 FY 2002-03 budget reduction bill - capital construction fund - corrections expansion reserve fund - works of art in public places fund - transfers - appropriations. Amends the 2002 general appropriations act to decrease the total appropriation for capital construction projects. Reduces the general fund appropriation to the capital construction fund for certain capital construction projects. Transfers moneys from the capital construction fund to the general fund.

Directs the state treasurer and controller to transfer to the general fund interest earned on the capital construction fund from the start of the 2002-03 state fiscal year until February 28, 2003. On and after March 1, 2003, directs the state treasurer and controller to transfer monthly to the general fund interest earned on the capital construction fund.

Repeals certain transfers to the capital construction fund and repeals certain transfers from the capital construction fund to the correctional expansion fund.

Exempts certain public construction projects from the required set aside of 1% of total capital construction for the acquisition of art.

Transfers \$145,138 from the works of art in public places fund to the general fund.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-182 FY 2002-03 budget reduction bill - consolidation of programs that regulate manufactured structures. Consolidates separate programs for the regulation of factory-built structures, multi-family structures where no standards exist, manufactured home installations, and sellers of manufactured homes into a single program by repealing statutes currently located in various parts of the Colorado revised statutes, and creating similar new provisions in a single new part of the Colorado revised statutes for the purpose of addressing cyclical program needs and achieving long-term administrative efficiencies.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-184 FY 2002-03 budget reduction bill - state treasurer - fees for cash management transactions - exceptions. Starting with the 2002-03 fiscal year, authorizes the state treasurer to assess a per transaction fee for performing cash management transactions for state departments and agencies. Specifies that the fee will be deducted from the interest earnings attributable to the fund for which the transaction was performed. Requires the amount of the fee to be determined annually by dividing the amount of the appropriation made to the department of the treasury (department) for administration for the current fiscal year by the number of transactions performed in the prior fiscal year.

Specifies that the fee is subject to annual appropriation by the general assembly to the department to fund the administration of the department. Prohibits the assessment of a fee against the:

- State education fund;
- Highway users tax fund;
- Great outdoors Colorado trust fund;
- Public school fund;
- Old age pension fund; and
- Any other fund against which the assessment of a fee would violate the state constitution.

Requires the state treasurer to notify each state department and agency of the amount of fees to be deducted by July 1 of the fiscal year in which the deductions will occur.

Reduces the general fund appropriation to the department for administration by \$587,116 and adds a cash fund appropriation to the department in a corresponding amount.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-190 FY 2002-03 budget reduction bill - transfers of tobacco litigation settlement moneys. For purposes of augmenting the amount of state general fund moneys for the 2002-03 state fiscal year:

- Requires the state treasurer to transfer \$33,226,778 from the tobacco litigation settlement cash fund to the general fund on the effective date of the act.
- Makes moneys available for the transfer by reducing 2002-03 fiscal year appropriations as follows:
 - Reduces the appropriation to the department of public health and environment for the Colorado nurse home visitor program from \$6,297,110 to \$5,577,035;
 - Reduces the appropriation to the department of public health and environment for the state dental loan repayment program from \$200,000 to \$177,130.
 - Reduces the appropriation to the department of higher education for the tobacco-related and tobacco-focused research grant program from \$7,918,729 to \$3,000,000.
 - Reduces the appropriation to the department of public health and environment for the tobacco education, prevention, and cessation grant program from \$14,847,618 to 12,998,723.
 - Reduces the appropriation to the department of education for the read-to-achieve grant program from \$18,806,982 to \$15,990,420.
 - Reduces the appropriation to the department of human services for the comprehensive primary and preventative care grant program from \$5,939,047 to \$5,259,917.
- Requires all tobacco settlement payments, other than attorney fees and costs, including payments that are currently credited to the tobacco litigation settlement trust fund, that may be made to the state treasurer after the effective date of the act, but before the end of the 2002-03 fiscal year, to be credited to the tobacco litigation settlement cash fund.
- Requires the state treasurer to transfer to the general fund the balance of the

- tobacco litigation settlement trust fund, \$2,001,125 from the children's basic health plan trust, and \$2,280,900 from the Colorado state veterans trust fund.
- Provides authorization for the state treasurer to invest moneys transferred on July 5, 2002, from the tobacco litigation settlement trust fund to the general fund in any manner in which the trust fund moneys may be invested.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-191 FY 2002-03 budget reduction bill - transfers to augment general fund. For purposes of augmenting the amount of revenues in the state general fund for the 2002-03 state fiscal year, requires the state treasurer to transfer the following amounts of moneys from the specified funds to the state general fund:

- \$100,000 from the uniform consumer credit code cash fund;
- \$6,000,000 from the workers' compensation cash fund;
- \$20,000,000 from the subsequent injury fund;
- \$150,000,000 from the major medical insurance fund;
- \$5,400,000 from the employment support fund;
- \$120,000 from the collection agency cash fund;
- \$3,200,000 from the real estate recovery fund;
- \$980,396 from the Colorado children's trust fund;
- \$1,440,621 from the read-to-achieve cash fund;
- The balance of moneys from the teacher development fund;
- \$143,535 from the educator licensure cash fund;
- \$886,189.51 from the advanced technology fund;
- \$500,000 from the department of state cash fund;
- \$1,468,152 from the waste tire cleanup fund;
- \$1,000,000 from the capital account of the species conservation trust fund;
- The balance of moneys from the state grants to publicly-supported libraries fund;
- \$300,000 from the supplier database cash fund;
- \$763,680 from the vital statistics records cash fund;
- \$7,100,000 from the operational account of the severance tax trust fund;
- \$1,300,000 from the public utilities commission motor carrier fund;
- \$1,132,416 from the Colorado disabled telephone users fund;
- \$1,000,000 from the alcohol and drug driving safety program fund; and
- \$357,000 from a specified portion of the law enforcement assistance fund.

Provides for such transfers to occur on March 5, 2003; except that the transfers from the subsequent injury fund and the major medical insurance fund shall be made on May 1, 2003, and except that the transfers from the waste tire cleanup fund and the operational account of the severance tax trust fund shall be made on June 30, 2003. Directs the state controller to transfer \$10,000,000 from the general fund to the major medical insurance fund on July 1, 2003.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-197 FY 2002-03 budget reduction bill - payment of monthly and certain bi-monthly salaries for June on first working day of July - restriction of general fund surplus - appropriations. Specifies that:

- Monthly salaries of state personnel system and nonstate personnel system employees for the month of June shall be paid on the 1st working day of July;
- Salaries of state personnel system and nonstate personnel system employees paid on a bi-weekly basis for the pay period commencing May 31, 2003, and ending on June 13, 2003, shall be paid on July 1, 2003; and
- Effective July 1, 2003, salaries of state personnel system and nonstate personnel system employees paid on a bi-weekly basis for the 14-day pay period preceding the first 14-day pay period for which salaries paid on a bi-weekly basis for any work performed during the month of June are paid on or after July 1 shall be paid on the 1st working day of July.

Creates an exception to the requirement that the general fund surplus be determined based on the accrual system of accounting so that general fund revenues are restricted only when:

- The monthly salaries of state employees for the month of June are paid from general fund revenues on the 1st working day of July; and
- The bi-monthly salaries of state employees for which all or a portion thereof is for work performed during the month of June are paid in July.

Amends the 2002 general appropriation act to decrease the total appropriations for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado to correspond with the change in the pay day for monthly salaries and certain bi-weekly salaries for June. Decreases the general fund, cash funds exempt, and federal funds portions of the appropriations.

Provides that section 8 of the act shall only take effect if Senate Bill 03-170 is enacted and becomes law.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

NOTE: Senate Bill 03-170 was signed by the Governor March 5, 2003.

S.B. 03-222 Determination of general fund surplus by accrual accounting. For state fiscal years commencing on or after July 1, 2003, requires the general fund surplus to be determined based upon the accrual system of accounting, as enunciated by the governmental accounting standards board. Repeals a statutory provision that requires the state to reserve a specified amount of the general fund surplus in the year in which it is accrued until such time as 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.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

S.B. 03-230 Electronic transactions - rules - appropriation. Authorizes the secretary of state to promulgate rules pursuant to the "Uniform Electronic Transactions Act". Deletes requirements that the secretary of state consult with the office of innovation and technology in promulgating such rules. Deletes requirements that local governments comply with standards established by the office of innovation and technology in accepting and distributing electronic records.

Appropriates \$194,517 to the department of state for the implementation of the act.

APPROVED by Governor June 5, 2003

EFFECTIVE January 1, 2004

S.B. 03-233 Public employees' retirement association - inclusion of employees of a district attorney. Allows the counties in a judicial district, in consultation with the district attorney for the judicial district, to authorize any assistant district attorney, chief deputy district attorney, or deputy district attorney in the judicial district to elect to become a member of the public employees' retirement association (PERA) or participate in the state defined contribution plan. Requires counties to grant such authority on or before January 1, 2004, unless it was not fiscally appropriate to do so. Specifies that assistant district attorneys, chief deputy district attorneys, and deputy district attorneys hired prior to the date an election is authorized shall have 60 days to make such election or, in the absence of such election, shall continue to participate in their existing retirement system. Specifies that assistant district attorneys, chief deputy district attorneys, and deputy district attorneys hired on or after the date an election is authorized shall have 60 days after commencing employment to make such election or, in the absence of such election, shall be a member of PERA.

Allows the counties in a judicial district, in consultation with the district attorney for the judicial district, to elect to have other employees of the district attorney become members of PERA or participate in the state defined contribution plan. Requires such election to be approved by not less than 65% of the employees. Requires the election to be made prior to January 1, 2004, unless it was not fiscally appropriate to do so. Requires the counties to further specifically determine whether to have employees become members of PERA or participate in the defined contribution plan and requires such determination to also be approved by not less than 65% of the employees. Specifies that an employee hired prior to the date that the employees approve the determination shall have sixty days to elect to become a member of PERA or participate in the defined contribution plan in accordance with the determination or, in the absence of such election, shall continue to participate in his or her existing retirement plan. Provides that all employees hired after the date the employees approve the determination shall become members of PERA or participate in the defined contribution plan in accordance with the determination.

Specifies procedures for the boards of county commissioners of the counties within a judicial district to terminate affiliation with PERA or the state defined contribution plan.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-235 Right to display United States flag - person or property - reasonable regulations. States that a person's right to display reasonably the United States flag is not to be infringed with respect to the display:

- On an individual's person;
- Anywhere on an individual's personal or real property; and
- In the buildings or on the grounds of any tax-supported property in the state; except that the state or political subdivision may adopt reasonable regulations regarding the display.

Regarding real property only, makes the right to display the flag subject to any restrictive covenants. Clarifies that a homeowners' association cannot prohibit a display consistent with the United States Code, but permits the association, the state, or a political subdivision to adopt reasonable regulations regarding the display of the flag.

Specifies that a reasonable display of the flag is presumed to include a display consistent with the United States Code. Specifies the right is deemed a protected form of expression under the constitutions of the United States and Colorado.

APPROVED by Governor May 14, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-242 Department of law - peace officers standards and training board - membership. Modifies the membership of the peace officers standards and training board by adding 3 active peace officers with a rank of sergeant or below to the membership of the board. Eliminates the requirement that the governor shall make appointments to the board so that there is equal representation from departments that have and do not have their own training academy.

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

S.B. 03-243 Statewide travel management program - report - repeal. Requires the department of personnel to submit a written report to the legislative audit and joint budget committees of the general assembly by December 1, 2003, on methods for improving travel management within the state by enhancing or modifying the existing statewide travel management program or by implementing an alternative program.

Effective July 1, 2004, repeals the existing statewide travel management program and the authority of the department of personnel to implement the program.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

S.B. 03-249 State leveraged leasing agreements. Authorizes the executive director of the department of personnel (executive director), with the approval of the director of the office of state planning and budgeting and the state treasurer, to enter into leveraged leasing agreements on behalf of the state under which the state can generate new revenues by:

- Leasing qualified state assets to private persons who can depreciate the assets for federal income tax purposes in exchange for lump sum consideration; and
- Entering into shorter-term sublease agreements under which the state subleases the qualified state assets back from such persons.

Allows the executive director to retain attorneys, consultants, or financial professionals to the extent necessary to protect the interests of the state and to ensure the proper execution of a leveraged leasing agreement. States that a sublease contract entered into as part of a leveraged leasing agreement is to require an amount of the state proceeds from a leveraged leasing agreement that is adequate to meet all lease payments to be made

by the state under the terms of the sublease contract to be deposited into a specified account established pursuant to the sublease contract as adequate cash reserves pledged irrevocably for sublease payments in all future fiscal years. Requires all other state proceeds from a leveraged leasing agreement to be deposited into the controlled maintenance trust fund.

Requires the executive director to use a competitive selection process approved by the director of the office of state planning and budgeting to select any attorneys, consultants, and financial professionals to be retained, but specifies that the execution of retention agreements is not subject to the "Procurement Code". Requires any fees charged by any persons retained to be paid from the lump sum paid to the state in connection with the leveraged leasing agreement.

Requires a qualified state capital asset that is the subject of a leveraged leasing agreement to be treated for tax purposes as tax-exempt property owned by the state. Specifies that the lease of a qualified state capital asset by the state to a private person and the sublease of the asset back to the state by the private person pursuant to a leveraged leasing agreement shall not cause the private person to whom the qualified state capital asset is being leased to incur any liability in tort by virtue of the private person's status as a lessor under the leveraged leasing agreement.

Requires a leasehold interest in property that is owned by the state or a political subdivision of the state and that has been leased to a private person, the use and possession of which has been leased back to the state or a political subdivision of the state, to be exempt from property taxation during the term of use and possession by the state or political subdivision. Requires property that is the subject of a leveraged leasing agreement executed by a political subdivision of the state to be treated as tax-exempt property owned by the state for purposes of any state or local tax. Specifies that the lease of property by a political subdivision of the state to a private person and the sublease of the property back to the political subdivision of the state pursuant to a leveraged leasing agreement shall not cause the private person to whom the property has been leased to incur any liability in tort by virtue of the private person's status as a lessor under the leveraged leasing agreement.

Declares that:

- The proceeds of a leveraged leasing agreement are state revenues from a property sale and are therefore excluded from state fiscal year spending.
- Although the sublease of a qualified state capital asset from a private person to the state under a leveraged leasing agreement is a multiple-fiscal year financial obligation of the state, the state may enter into a leveraged leasing agreement without voter approval in advance because a leveraged leasing agreement requires the state to deposit into a specified account adequate cash reserves pledged irrevocably for sublease payments in all future fiscal years.

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

S.B. 03-261 FY 2003-04 budget reduction bill - department of local affairs - division of property taxation - assessment of fees - appropriation. Authorizes the department of local affairs to charge an administrative fee, in addition to the existing application fee, to entities other than local governments that receive private activity bonding authority from the bond allocations committee. Specifies that such authority is repealed on July 1, 2005. Creates the private activity bond allocations fund in the state treasury, and states that all application and

administrative fees collected by the committee shall be deposited into the fund.

Increases the application fee for property owners claiming initial exemption of real and personal property from general taxation pursuant to state property tax laws to \$150. Increases the fee that shall accompany the annual report that an owner of property tax exempt real or personal property is required to file with the property tax administrator to \$53. Increases the fee for the late filing of such report to \$150. Creates the property tax exemption fund in the state treasury, and specifies that all application, report, and late filing fees collected in connection with property tax exemptions shall be deposited into the fund.

Increases the filing fee that shall accompany a request by any person, other than a taxpayer pro se, for a hearing before the board of assessment appeals regarding valuation of property set by the assessor to an amount equal to 75% of the docket fee in the district court for each tract, parcel, or lot of real property and for each schedule of personal property included in the request. Requires that a request for a hearing before the board by any person, other than a taxpayer pro se, regarding any matter be accompanied by a filing fee in an amount equal to 75% of the docket fee in the district court for each tract, parcel, or lot of real property and for each schedule of personal property included in the request. For any person requesting a hearing before the board who is a taxpayer pro se, allows the taxpayer to request 2 appeals within a fiscal year at no cost and requires that each additional request for appeal within such fiscal year be accompanied by a filing fee in an amount equal to 75% of the docket fee in the county court for each tract, parcel, or lot of real property and for each schedule of personal property included in the request.

For the fiscal year beginning July 1, 2003, appropriates \$635,300 to the department of local affairs from the property tax exemption fund for the division of property taxation and \$71,000 from the private activity bond allocations fund for the division of housing for costs associated with the private activity bond allocations committee. For the fiscal year beginning July 1, 2003, reduces the general fund appropriation made in the general appropriations act to the department of local affairs by \$635,300 for the division of property taxation and \$71,000 for the division of housing for costs associated with the private activity bond allocations committee.

APPROVED by Governor May 1, 2003

EFFECTIVE July 1, 2003

S.B. 03-262 FY 2003-04 budget reduction bill - capital construction funds. For the 2003-04 state fiscal year, reduces the total transfers from the general fund to the capital construction fund to \$9,420,498. Repeals transfers for the 2003-04 state fiscal year from the capital construction fund to the corrections expansion reserve fund. Delays the transfers of moneys from the general fund to the controlled maintenance trust fund for one year.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-268 FY 2003-04 budget reduction bill - tobacco litigation settlement revenues - securitization - use of revenues - appropriation. For the purpose of allowing the state to sell a portion of the tobacco settlement revenues owed to the state in future years under the master settlement agreement reached in the tobacco litigation (tobacco settlement revenues) to fund a cash flow reserve to be used only to resolve cash flow emergencies, and to maximize its net proceeds from the sale:

- Creates the tobacco litigation settlement financing corporation (corporation) as an instrumentality of the state subject to open meetings and open records requirements and as an enterprise that is exempt from constitutional fiscal year spending and revenue limits so long as it meets specified criteria, and sets forth the general powers of the corporation and the membership, qualifications, terms, compensation, and powers and duties of the board of directors of the corporation.
- Authorizes the state treasurer to enter into one or more property sale contracts with the corporation to sell the state's right to receive one or more portions of the tobacco settlement revenues to the corporation in exchange for cash and other adequate consideration subject to the following requirements:
 - The state treasurer must enter into the 1st property sale contract before November 30, 2003;
 - The state treasurer may sell no more than 60% of the state's right to receive tobacco litigation settlement revenues; and
 - The state treasurer may sell only the portion of the state's right to receive tobacco litigation settlement revenues necessary to generate aggregate net proceeds to the state of \$160,000,000 and to pay the costs of the corporation in issuing bonds, capitalized interest, operating expenses of the corporation, and the funding of reserves.
- Authorizes the corporation to issue bonds to generate the moneys needed to pay consideration owed to the state under the terms of a property sale contract and to exercise specified powers related to the issuance of bonds, and specifies that bonds, the transfer of bonds, and any income from bonds are exempt from state income tax.

Requires the state treasurer to deposit net property sale contract proceeds into the tobacco litigation settlement trust fund. Requires the net proceeds to be designated as a cash flow reserve and allows the reserve to be expended only by the state treasurer in consultation with the governor and the office of the state controller and to resolve a cash flow emergency declared by the state treasurer in consultation with the office of the governor. Requires the replenishment of moneys expended from the cash flow reserve during a state fiscal year no later than the last day of the following state fiscal year.

Prohibits the cash flow reserve from being used to meet any other constitutional or statutory reserve requirement. Allows the general assembly to appropriate interest or income derived from the deposit or investment of net proceeds of a property sale contract to fund any programs or funds authorized by law to be funded by tobacco litigation settlement moneys. Allows the state treasurer to invest moneys in the tobacco litigation settlement trust fund in any type of security in which a public entity may invest public funds. Specifies that property sale contract proceeds are both proceeds from a property sale and a damage award or interest thereon and are therefore exempt from the constitutional limitation on state fiscal year spending.

Modifies the level of appropriations of tobacco litigation settlement moneys annually received by the state for the 2004-05 fiscal year and succeeding fiscal years as follows:

- Eliminates funding for the tobacco-related and tobacco-focused research grant program.
- Specifies that the Colorado nurse home visitor program is to receive \$9,577,035 for fiscal year 2004-05, \$11,570,818 for fiscal year 2005-06, \$13,549,637 for fiscal year 2006-07, \$15,549,637 for fiscal year 2007-08,

\$17,549,637 for fiscal year 2008-09, and \$19,000,000 for fiscal 2009-10 and for each succeeding fiscal year.

- Changes the amount of annual funding for the read-to-achieve program from the lesser of 19% of the total amount of tobacco litigation settlement moneys annually received by the state or \$19,000,000 to the lesser of 21% of such moneys or \$15,000,000.
- Changes the amount of annual funding for the comprehensive primary and preventative care grant program from the lesser of 6% of the total amount of tobacco litigation settlement moneys annually received by the state or \$6,000,000 to the lesser of 10% of such moneys or \$10,000,000.

Requires the joint budget committee of the general assembly to comprehensively review, during its consideration of state budget requests and its development of the state budget for the 1st state fiscal year that commences after the state has fulfilled all of its obligations under any property sale contract, the new allocation of tobacco litigation settlement moneys annually received by the state to determine whether and to what extent the allocation should be changed.

Repeals all new statutory provisions on December 15, 2003, if the state treasurer and the corporation do not execute a property sale contract before November 30, 2003.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-271 FY 2003-04 and FY 2004-05 budget reduction bill - transfers to augment general fund - increase in surcharges on criminal actions, traffic offenses, and traffic infractions. For purposes of augmenting the amount of revenues in the state general fund for the 2003-04 and 2004-05 state fiscal years, requires the state treasurer to transfer the following amounts of moneys from the specified funds to the general fund on the specified dates:

- Up to \$1,000,000 from the victims and witnesses assistance and law enforcement fund on June 30, 2004;
- \$240,000 from the infant immunization fund on July 1, 2003;
- The balance of moneys from the advanced technology fund each quarter of fiscal year 2003-04;
- \$700,000 from the off-highway vehicle recreation fund on January 1, 2004;
- \$486,613 from the emergency response cash fund on July 1, 2003; and
- \$4,600,000 from the operational account of the severance tax trust fund on June 30, 2004.

Increases the surcharge levied on criminal actions and traffic offenses and the surcharge levied against penalty assessments for class A or class B traffic infractions and class 1 or class 2 misdemeanor traffic offenses by 30%. Directs that the portion attributable to the increase in such surcharges be credited to the general fund.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-273 FY 2003-04 budget reduction bill - personnel system - annual total compensation - one year delay in recommended changes to salaries - teachers employed by Colorado school for the deaf and blind exempt - appropriation. States that for the 2003-04

fiscal year and every fiscal year thereafter, the changes to salaries recommended by the state personnel director shall be effective on July 1 of the fiscal year following the fiscal year for which the recommended changes were made unless the general assembly, acting by bill, establishes a different effective date for that fiscal year or the governor orders otherwise and such order is adopted by the general assembly through a joint resolution declaring a fiscal emergency and approved by the governor in accordance with the state constitution.

States that the one year delay in salary increases for employees in the state personnel system shall not affect the salary increases for teachers employed by the Colorado school for the deaf and blind who are compensated in accordance with the salary schedule for the school district in which such school is located.

For the fiscal year beginning July 1, 2003, reduces the appropriations made in the annual general appropriation act for salary survey and senior executive service by \$45,625,968.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-277 FY 2002-03 and 2003-04 budget reduction bill - public employees' retirement association - furlough - calculation of highest average salary. Allows a member of the public employees' retirement association to elect to include the amount of the member's salary that was reduced as a result of a furlough during the 2002-03 or 2003-04 state fiscal years when calculating the member's highest average salary for retirement benefit purposes. Requires the payment of employer and employee contributions on the amount if such election is made.

Expresses the determination of the general assembly that this act can be implemented within existing appropriations and, therefore, no separate appropriation of state moneys is necessary.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-282 FY 2002-03 and 2003-04 budget reduction bill - tobacco settlement moneys - modification of funding levels for various programs. For the 2002-03 fiscal year, reduces the appropriation from the tobacco litigation settlement cash fund for the tobacco education, prevention, and cessation grant program by \$5,651,105 and transfers such amount to the general fund. Of the amount of tobacco settlement moneys received by the state treasurer in April 2003 and deposited in the cash fund to fund programs in the 2003-04 fiscal year, transfers \$21,660,609 from such fund to the general fund for use in the 2002-03 fiscal year.

For the 2003-04 fiscal year:

- Modifies the prioritization of the allocation of tobacco settlement moneys to require the state controller to allocate funding for the children's basic health plan prior to allocating tobacco settlement moneys for any other programs;
- Reduces the amount of tobacco litigation settlement moneys appropriated for the Colorado nurse home visitor program to \$6,926,714;
- Reduces the amount of tobacco litigation settlement moneys appropriated for the state dental loan repayment program to \$182,834;
- Reduces the amount of tobacco litigation settlement moneys appropriated for the tobacco education, prevention, and cessation grant program to \$5,312,665,

less \$273,636 to fund the "Child Mental Health Treatment Act", and less \$500,000 to fund the medicaid mental health capitation program, and less \$100,000 for the state council on the arts, and less \$500,000 for the provision of legal services to victims of family violence;

- Reduces the amount of tobacco litigation settlement moneys appropriated for the read-to-achieve grant program to \$11,798,410, and further reduces the amount of moneys available for the grant program by appropriating from the read-to-achieve cash fund \$600,000 for regional library service systems and \$500,000 for the juvenile diversion program;
- Reduces the amount of tobacco litigation settlement moneys appropriated to the Colorado state veterans trust fund to \$902,681;
- Reduces the amount of tobacco litigation settlement moneys appropriated for the comprehensive primary and preventative care grant program to \$5,416,086;
- Increases the amount of tobacco litigation settlement moneys appropriated to the children's basic health plan trust to \$18,500,000;
- Eliminates funding for the tobacco-related and tobacco-focused research grant program from tobacco litigation settlement moneys; and
- Requires the lesser of 50% of all unexpended and unencumbered moneys and all moneys not appropriated for the 2004-05 fiscal year from the tobacco litigation settlement cash fund, or \$7,594,816, to be transferred from the cash fund to the general fund and continuously appropriated for the implementation of the Tony Gramsas youth services program.

Allows the moneys in the Colorado state veterans trust fund to be expended for costs incurred by the division of veterans affairs rather than for veterans outreach programs administered by the division. For the 2003-04, 2004-05, and 2005-06 fiscal years, allows the division, subject to appropriation by the general assembly, to expend 75% of the amount of annual appropriations made to the trust fund from the tobacco litigation settlement cash fund and 100% of the interest earned on the moneys in the trust fund, to programs administered by the division, and retains 25% of such annual appropriations in the trust fund.

Specifies that certain appropriations will only take effect if Senate Bill 03-083 becomes law and that certain appropriations will only take effect if Senate Bill 03-083 does not become law.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-285 FY 2002-03 budget reduction bill - general fund - reduction of reserve for FY 2002-03. For the 2002-03 state fiscal year, reduces the required general fund reserve from 4% of the amount of general fund appropriations for the fiscal year to 3% of said general fund appropriations reduced by \$31,175,000. Specifies that the amount of general fund moneys made available for appropriation by this reduction in the required reserve may be appropriated during the fiscal year for any lawful purpose.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-300 FY 2003-04 budget reduction bill - investment of state moneys - state treasurer - management fee. Imposes a monthly management fee of 15% of the investment earnings

during the preceding calendar month on state moneys invested by the state treasurer. Directs the state treasurer to credit the fee to the general fund.

Exempts the following funds and accounts from the management fee:

- Any fund or account whose investment earnings are credited to the general fund;
- The highway users tax fund and any fund or account on which the imposition of the fee would be contrary to the state constitution;
- The brand assessment account for the 1st year of a 5-year assessment period;
- The wildlife cash fund and any fund or account where, in the attorney general's opinion, the imposition of the fee would result in the loss of federal funds;
- Funds invested on behalf of state universities and colleges;
- The student loan guarantee fund and the Colorado student obligation bond authority fund;
- The correctional industries account;
- The CoverColorado cash fund; and
- Any account in the Colorado water conservation board construction fund.

Repeals the management fee provision, effective July 1, 2004.

APPROVED by Governor May 1, 2003

EFFECTIVE July 1, 2003

S.B. 03-336 Statewide internet portal - commission on information management - development and plan for implementation - submittal of plan to general assembly - rule-making. Requires the commission on information management (commission) to guide the development of a statewide internet portal to provide for the exchange and retrieval of state agency information and public access to state agency information, products, and services that are created, generated, collected, maintained, or distributed in electronic form to the public through electronic access via the world wide web. Directs the commission to provide oversight and technical support for the development of the statewide internet portal to ensure compliance with the state's strategic information technology plan.

Requires the commission to adopt a plan for implementing the statewide internet portal no later than July 1, 2004. Specifies certain elements the plan must contain. Directs the commission to submit the plan for implementing the statewide internet portal to the general assembly no later than July 15, 2004.

Authorizes the commission to create and appoint nonvoting advisory boards or panels as necessary from specified persons and groups from which the commission may seek advice on the establishment and maintenance of the statewide internet portal.

Directs state agencies to cooperate with the commission by making public information available to the commission upon terms mutually agreed upon by the commission and any such state agency. Specifies that state agencies that pursue the implementation of e-commerce projects that are separate from the statewide internet portal shall ensure that such projects comply with the standards adopted by the commission.

Authorizes the commission to promulgate rules that are necessary to implement and operate the statewide internet portal.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-342 FY 2003-04 budget reduction bill - sale and lease back of eligible state facilities - establishment of cash flow reserve. On or before January 1, 2004, authorizes the executive director of the department of personnel (executive director) to sell a legal interest in one or more eligible state facilities to raise up to \$160 million of net proceeds for the state. Defines an "eligible state facility" as any financially unencumbered building, structure, or facility that is owned by the state, including state institutions of higher education. Allows such a sale only if, simultaneous with the execution of the sale, the state leases back the same facility pursuant to a lease-purchase agreement. Requires the director of the office of state planning and budgeting (director) and the state treasurer to approve any property sale agreement or lease-purchase agreement.

Authorizes the executive director to execute a lease-purchase agreement for up to 20 years, subject to annual renewal, for any legal interest in a property that the executive director has sold as authorized by this act. Establishes that the sole security for a lease-purchase agreement is the legal interest in the property that is the subject of such agreement. Permits lease payments to be made from any moneys transferred to the state general fund from the unexpended and unencumbered moneys in the tobacco litigation settlement cash fund, any of the moneys in the general fund, or any other legally available source.

Requires a lease-purchase agreement to specifically authorize the state to receive fee title or all remaining leasehold interests to all real property that is the subject of the lease-purchase agreement on or prior to the expiration of the term of the lease-purchase agreement upon payment of all rentals and other amounts due pursuant to the terms of the lease-purchase agreement. Permits a lease-purchase agreement to provide for the issuance, distribution, and sale of instruments by the lessor evidencing rights to receive rentals and other payments made and to be made under the lease-purchase agreement, but specifies that such an issuance, distribution, or sale does not create a relationship between the purchasers of the instruments and the state or create any obligation on the part of the state to the purchasers.

Specifies that interest paid under a lease-purchase agreement is exempt from state income tax. Authorizes the executive director to execute ancillary agreements in connection with a lease-purchase agreement and retain attorneys, consultants, and financial professionals pursuant to a competitive selection process approved by the director.

Requires the executive director to report to the joint budget committee of the general assembly of his or her intentions regarding the execution of a property sale agreement and a lease-purchase agreement no later than November 1, 2003.

Creates a cash flow reserve in the controlled maintenance trust fund that shall consist of the proceeds of the sale of eligible state facilities and \$40 million transferred from the general fund. Specifies that the cash flow reserve may only be expended by the state treasurer to resolve a cash flow emergency declared by the state treasurer in consultation with the governor under specified circumstances.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-348 FY 2002-03 budget reduction bill - modifications to FY 2002-03 state

emergency reserve designation. For purposes of designating the state emergency reserve for the 2002-03 fiscal year, on and after June 5, 2003:

- Eliminates the designation of the statutory reserve.
- Adds the balance of the tobacco settlement litigation cash fund and a specified amount of state properties as designated by the governor, or such portion of state properties as is necessary to satisfy the state emergency reserve requirement.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-349 FY 2002-03 budget reduction bill - general fund - revenue shortfall in FY 2002-03 - disbursement of statutory reserve - transfers to general fund. For the fiscal year 2002-03, if the June 2003 revenue estimate indicates that general fund expenditures based on appropriations then in effect will exceed the amount of general fund revenues available, excluding the statutory reserve, requires the governor, from time to time during the period beginning on June 20, 2003, and ending on June 30, 2003, to:

- Direct the treasurer to disburse an amount of general fund moneys otherwise comprising such reserve as is necessary to cover any appropriations then in effect made from the general fund not to exceed \$132 million; and
- In the event that the disbursements of general fund moneys comprising the reserve are insufficient to cover any such appropriations, direct the treasurer and controller to transfer to the general fund an amount from the local government severance tax fund not exceeding \$18,000,000 or an amount from the local government mineral impact fund not exceeding \$9,000,000, or amounts from both such funds, as is required to meet general fund appropriations.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1036 Lottery winnings offset against restitution in criminal cases. Authorizes the use of lottery winnings to offset restitution in criminal cases. Clarifies that if a lottery winner owes both child support and restitution, then the state shall first offset the person's child support obligation and then offset the restitution obligation against his or her lottery winnings. Enables the lottery winner notified of the restitution offset to object to the offset and to request an administrative review.

APPROVED by Governor March 20, 2003

EFFECTIVE August 6, 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. 03-1069 Warrants to pay money - procedures for the issuance of duplicate warrants. Eliminates the requirement that a duplicate warrant, drawn and issued upon proof of loss or destruction of the original warrant, be marked "Duplicate - The original is now void" across its face. States that the state agency that issued the warrant shall void the original warrant

after the duplicate is drawn and issued.

APPROVED by Governor March 7, 2003

EFFECTIVE August 6, 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. 03-1109 Status offender - definition. Defines "status offender" for purposes of compliance with federal law.

APPROVED by Governor April 1, 2003

EFFECTIVE April 1, 2003

H.B. 03-1204 Investments - public entities - disclosures. Requires investment firms offering investment products consisting of corporate securities to disclose to the state treasurer, the board of the public employees' retirement association, the board of the fire and police pension association, and any public entity whether the investment firm has an agreement with a for-profit corporation that is not a government-sponsored enterprise that may create a conflict of interest involving any of the securities being offered for sale by the investment firm.

APPROVED by Governor March 20, 2003

EFFECTIVE August 6, 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. 03-1224 Identification documents - governmental immunity - forgery. Creates the "Secure and Verifiable Identity Document Act" (act).

Prohibits a public entity that provides services from accepting, relying upon, or utilizing an identification document to provide services unless the document is secure and verifiable. Prohibits a public entity or public official that is issuing an identification card, license, permit, or official document from accepting documents that are not secure and verifiable.

Requires a peace officer who utilizes an identification document that is not secure and verifiable to gather all information from such document and take fingerprints if the law enforcement agency requires fingerprinting. Requires such identification information to be retained as a public record for 3 years. Requires fingerprints to be kept as criminal justice records for one year.

Abrogates governmental immunity for actions knowingly taken that violate the act. Exempts peace officers who comply with the information-gathering requirements, crime reports, the provision of services to infants and children born in the United States, the provision of emergency medical services, and instances when a federal law mandates acceptance of a document.

Creates the presumption that a person who gives a forged document to a peace officer intended to defraud the officer.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1238 Determination of general fund surplus by accrual accounting. For state fiscal years commencing on or after July 1, 2003, requires the general fund surplus to be determined based upon the accrual system of accounting, as enunciated by the governmental accounting standards board. Repeals a statutory provision that requires the state to reserve a specified amount of the general fund surplus in the year in which it is accrued until such time as 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.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1256 Lease-purchase agreements - Colorado state penitentiary II and Fitzsimons academic facilities. Authorizes the executive director of the department of corrections to enter into a lease-purchase agreement for up to 15 years for construction of a high-custody correctional facility. Authorizes the regents of the university of Colorado, on behalf of the state, to enter into lease-purchase agreements for up to 25 years for the construction of specified academic facilities for the health sciences center at Fitzsimons ("Fitzsimons campus").

For the lease-purchase agreements, specifies:

- The total amount of the lease-purchase agreements;
- Allowable provisions of the lease-purchase agreements; and
- A requirement for provisions to allow the state to pay the lease-purchase agreements early.

Clarifies that, prior to the state entering into a lease-purchase agreement, the agreement must be approved in a bill other than the annual general appropriations bill or a supplemental appropriations bill. Authorizes the Colorado educational and cultural facilities authority to act as lessor under a lease-purchase agreement with a participating institution.

Requires the university of Colorado ("CU") to develop a master plan and to enter into an agreement with a third-party master developer for the development, sale, or use of the health sciences center campus at 9th Avenue and Colorado boulevard ("old campus"). Specifies that the first \$15 million of the net proceeds from the sale, ground lease, or other disposition of the old campus be deposited into the general fund and that net proceeds in excess of \$15 million be equally divided between CU for the development of the Fitzsimons campus and the general fund.

In any year in which money is due to a lessor under a lease-purchase agreement for academic facilities at the Fitzsimons campus, of the amount of tobacco settlement moneys that would have been deposited in the tobacco- and substance abuse-related research fund, transfers the amount due to the lessor up to \$8 million to the capital development fund to make the lease payments.

APPROVED by Governor April 28, 2003

EFFECTIVE April 28, 2003

H.B. 03-1267 Alternative forms of payment - surcharge. Authorizes state and local governmental entities to impose a surcharge on any person who uses an alternative form of payment such as a credit or debit card to make a payment to the state. Limits the amount of the surcharge to the actual additional cost to the governmental agency to process the transaction by alternative form of payment. Specifies that a state agency may impose a surcharge only in accordance with the master agreement negotiated by the state treasurer and the rules of the alternative payment provider. Requires any surcharge imposed by a local governmental entity to be imposed in accordance with the rules of the alternative payment provider.

APPROVED by Governor April 29, 2003

EFFECTIVE April 29, 2003

H.B. 03-1274 Interest-free loans to school districts - tax and revenue anticipation notes. Permits the state treasurer to issue tax and revenue anticipation notes (notes) for school districts for the purpose of alleviating temporary cash flow deficits of such school districts by making interest-free loans. Establishes the powers of the state treasurer in connection with issuance of notes.

Specifies that the proceeds of notes may be used to make interest-free loans to school districts to alleviate cash flow deficits, to pay note issuance costs and attendant expenses, and to pay the principal, premium, if any, and interest on notes. Permits the state treasurer to invest the proceeds of the notes pending use, and specifies that investment earnings may be used to pay principal, premium, if any, interest, and issuance costs of notes. Specifies the sources from which the state treasurer may pay the notes. Specifies that a financial obligation to repay the notes shall be deemed discharged on any date on which moneys or investments in an amount sufficient for the total repayment of the notes is on deposit in one or more segregated and restricted accounts that are pledged irrevocably for the purpose of repayment. Creates the school district tax and revenue anticipation notes repayment account in the state general fund, and specifies that the account consists of all moneys paid by school districts as repayment for the loans made to the school districts.

Establishes specifications for notes. Generally, requires notes to mature on or before August 31 of the fiscal year immediately following the fiscal year in which the notes are issued, but allows notes to have a date of maturity that is after the end of the fiscal year in which the notes are issued if an amount sufficient for the total repayment of the notes is deposited in one or more special segregated and restricted accounts and pledged irrevocably to the payment of the principal, premium, if any, and interest related to the notes.

Requires notes to be paid solely from the revenues pledged thereto. States that the notes shall not constitute a debt or an indebtedness of the state or any school district within the meaning of any applicable provision of the state constitution or state statutes. Specifies that the issuance of notes constitutes a contract between the state treasurer and note holders, and prohibits impairment of such a contract. Specifies that notes are exempt from all state and local taxes.

Requires interest-free loans made by the state treasurer to a school district to be made from note proceeds. Requires a school district seeking a loan from the state treasurer to submit any actual or projected financial or budgetary statements required by the state treasurer to determine that the district will have a general fund cash deficit and that the district will be able to repay the loan by June 25 of the state fiscal year in which the loan shall

be made. If a school district seeks to have notes issued on its behalf, requires the chief financial officer of the district and the district superintendent to request and obtain prior approval from the district board of education and to include specified need-related information in the request. Specifies that interest shall accrue on the loans, if the loans are not repaid on or before the repayment date.

Permits the state treasurer to make a low-interest, emergency loan to a school district that has a cash flow deficit and that does not receive enough moneys from interest-free loans made from note proceeds. Establishes the interest rate for low-interest loans.

APPROVED by Governor June 3, 2003

EFFECTIVE July 1, 2003

H.B. 03-1288 Colorado governmental immunity act - definitions. Modifies the definitions of "dangerous condition" and "operation" for purposes of the "Colorado Governmental Immunity Act" (Act). Adds new definitions of "maintenance", "public sanitation facility", and "public water facility" to the Act.

APPROVED by Governor April 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1290 Definition of "disaster" for purposes of statutory provisions governing disaster emergencies - repeal. Expands the existing statutory definition of "disaster" for purposes of statutory provisions governing disaster emergencies to include a condition of riot, insurrection, or invasion existing in the state or in any county, city, town, or district in the state.

Repeals existing statutory provisions authorizing the governor to prohibit certain activity in connection with firearms or ammunition in the event of a riot, insurrection, or invasion, and requiring any person to obtain a permit from the governor to undertake certain activity in connection with any firearm or ammunition in such circumstances.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

H.B. 03-1301 Penalties for persons issuing checks to the department of revenue returned as unpaid. Expands the existing civil penalty assessed by the department of revenue against persons issuing a check returned for insufficient funds to include persons who issue checks returned because of a closed account or a stop payment order. Increases the penalty from \$15 to \$41.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1302 Government - local - applications for development - notice to mineral owners. For purposes of a requirement that applicants for property development notify the owners of severed mineral rights of the application, clarifies that the definition of "application for development" applies only to applications that were filed on or after July 1, 2001. Restricts the remedy available to mineral estate owners that were entitled to but did not receive notice of applications for development for linear projects such as pipe and electric transmission lines that were approved after August 7, 2002, to damages rather than equitable relief.

APPROVED by Governor February 26, 2003

EFFECTIVE February 26, 2003

H.B. 03-1315 Lease-purchase agreements - nonprofit lessor. Effective July 1, 2003, replaces the 3 state officials currently serving as the board of directors for the nonprofit corporation created to act as the lessor on lease-purchase agreements with the state ("corporation") with 5 persons appointed by the officials. Requires the corporation's bylaws to include provisions specifying procedures for appointment and replacement of the directors. Specifies qualifications for the persons initially appointed to serve on the board of directors.

Repeals language prohibiting the issuance of certificates of participation ("instruments") prior to receipt of a court decision upholding the constitutionality of the instruments. Clarifies that instruments may be issued only by the corporation and do not constitute debt of the state or a multiple-fiscal year financial obligation for purposes of section 20 (4) (b) of article X of the state constitution. Clarifies that a lease-purchase agreement entered into by the state does not constitute a multiple-fiscal year financial obligation for purposes of section 20 (4) (b) of article X of the state constitution. Provides that prior to entering into a lease-purchase agreement, a state agency shall request from the state treasurer technical support on the financial aspects of the agreement.

When specifically authorized by bill, allows a state agency that has statutory authority to enter into lease-purchase agreements to enter into the agreements in cooperation with the corporation without participation by the executive director of the department of personnel. Clarifies that lease-purchase agreements are subject to the provisions of the master lease program.

VETOED by Governor May 22, 2003

H.B. 03-1316 State employee compensation - annual compensation process - salaries, state contributions for group benefit plans, and performance awards - effective dates. Modifies the process for determining annual compensation for state employees as follows:

- Broadens the definition of "total compensation" to include, without limitation, salary, group benefit plans, retirement benefits, performance awards, incentives, premium pay practices, and leave;
- Specifies that for purposes of the total compensation process, "group benefit plans" means group benefit coverages for medical, dental, and life benefits.
- Authorizes the state personnel director (director), in addition to reviewing the results of appropriate surveys by public or private organizations, to directly conduct surveys in determining and maintaining salaries, state contributions for group benefit plans, and performance awards that are comparable to public and private employment;
- Relocates a statutory provision concerning required performance evaluations within the job evaluation and compensation statute and consolidates the reporting requirements of the provision with reporting requirements related to the performance pay system;
- Specifies that the penalty for the failure of a supervisor to evaluate subordinate employees only applies to supervisors who are state employees;
- Modifies the membership of the total compensation advisory council to reduce the number of members from 11 to 10, to eliminate the state controller and the attorney general, to eliminate the election of 5 state personnel system

employees, to allow the president of the senate and the minority leader of the senate to each appoint one personnel system employee member and the speaker of the house of representatives to appoint 2 personnel system employee members, and to allow the director to appoint 2 members, one of which must be a state personnel system employee;

- Clarifies that the director is required to prepare an annual compensation report based on an analysis of compensation surveys, including surveys conducted by the director, and specifies that the report is to reflect adjustments necessary to maintain salary structure, state contributions for group benefit plans, and performance awards for the next fiscal year;
- Alters the frequency of performance audits required to be conducted with regard to the procedures and application of data by the director, and adds that such audits shall include any surveys conducted by the director;
- Specifies the date by which the director must submit a report, recommendations, and estimated costs to the governor and the joint budget committee regarding state employee compensation for the next fiscal year covering salaries, state contributions for group benefit plans, and performance awards;
- Requires the director's recommendations to reflect consideration of the results of the annual compensation survey, fiscal constraints, the ability to recruit and retain state employees, appropriate adjustments with respect to state employee compensation, and other specified costs;
- Requires the annual compensation report to include survey results for prevailing total compensation and the reasons for any deviation from prevailing total compensation in the director's recommendations;
- Specifies that, to the extent funded, the recommended changes in state contributions for group benefit plans and any adjustments thereto made by the general assembly in the annual general appropriations act for the next fiscal year take effect January 1 of the next fiscal year;
- Specifies that, to the extent funded, the recommended changes in salaries and any adjustments thereto made by the general assembly in the annual general appropriations act take effect July 1 of the fiscal year following the fiscal year for which the recommendations were made, and the recommended changes in state employee performance awards and any adjustments thereto made by the general assembly in the annual general appropriations act take effect July 1 of the next fiscal year, unless the general assembly acting by bill or the governor, upon declaration of a fiscal emergency, specifies another date;
- Prohibits the use of moneys appropriated for state employee salaries, state contributions for group benefit plans, and performance awards to achieve parity for employees outside the state personnel system; and
- With regard to performance pay, clarifies that the director is to adopt procedures for granting periodic salary increases based on performance, eliminates provisions authorizing the withholding of periodic salary increases based on unsatisfactory performance and the awarding of incentives for state employees as part of performance pay, but allows the director to develop and maintain incentive awards for state personnel system employees as part of total compensation, requires the department of personnel to develop guidelines and coordinate a performance system for state employees, specifies that the performance system is to prohibit forced distribution of performance ratings and to allow both individual and group performance awards, and repeals the provision requiring submission of a performance plan to the joint budget committee by September 1, 2000, and the provision requiring that the

performance plan be cost neutral.

Authorizes the director, instead of the state personnel board, to adopt procedures establishing the voluntary separation incentive program, which is to be used in lieu of layoffs when necessitated by a shortage of work, a shortage of funds, or a reorganization. Clarifies that voluntary incentives do not constitute perquisites.

With regard to group benefit plans offered to state employees:

- Modifies the definition of "short-term disability plan" to eliminate specifications regarding the length of short-term disability coverage and the maximum amount of the benefit and to specify eligibility for the plan is based on completion of any required waiting period;
- Requires the director, when feasible, to enter into contracts or renewals for group benefit plans that are self-funded;
- Specifies that the level of the state contribution for group benefit plans for state personnel system employees is to be determined by the director pursuant to the employee compensation process established in law;
- Requires the total premium and the state contribution for each group benefit plan offered to state personnel system employees and for each tier within a plan to be the same for all eligible employees, and specifies that "tier" means the coverage options of single employee, employee with one covered dependent, and employee with 2 or more covered dependents; and
- Removes the statutory cap on the level of the state contribution for group benefit plans.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1335 Public records - exception for security arrangement or investigation records. Clarifies that records received by or provided to the office of preparedness, security, and fire safety (office) in the department of public safety from any source and any records received by any state agency or political subdivision of the state from or on behalf of the office in connection with the performance of its duties constitute specialized details of security arrangements or investigations and are not available for inspection by the public.

APPROVED by Governor May 2, 2003

EFFECTIVE May 2, 2003

H.B. 03-1341 Department of revenue - annual licenses, registrations, and certifications - renewal date. Authorizes the executive director of the department of revenue (department) to change the renewal date of an annual occupational license, registration, or certificate issued by the department to ensure that an equivalent number of licenses, registrations, or certificates are renewed each month. Requires that the fees for such licenses, registrations, or certificates be prorated.

Removes the cash fund reserve limit on the auto dealers license fund until July 1, 2006.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1350 Secretary of state - code of Colorado regulations and Colorado register - electronic publication. Extends the date for the secretary of state to produce an electronic publication of the code of Colorado regulations and the Colorado register. Specifies that in the event of a discrepancy between the printed and electronic versions of the code or the register, the printed version shall prevail unless it is shown to be erroneous.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1354 Microenterprise development - advisory council created. Establishes a microenterprise development advisory council (council) to assist the director of the office of economic development in integrating the principles of microenterprise development into small business development and assistance programs in Colorado.

Specifies the number of members that shall serve on the council and states that members shall have backgrounds in specified industries or organizations. States that the members shall be appointed by the governor.

Requires the council to produce an annual report that shall be submitted to the general assembly detailing the status of microenterprises in Colorado and recommending the best practices available for microenterprise development. States that the report shall be funded through gifts, grants, and donations. Authorizes the council to receive financial and administrative support from non-profit organizations and specifies that council members shall serve without compensation.

APPROVED by Governor June 5, 2003

EFFECTIVE August 6, 2003

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

HEALTH AND ENVIRONMENT

S.B. 03-2 Powers and duties - reorganization of statutes. Reorganizes the statutory section that contains the list of powers and duties of the department of public health and environment and relocates the section into a new article.

APPROVED by Governor March 20, 2003

EFFECTIVE July 1, 2003

S.B. 03-9 Emergency medical technicians - certification - criminal history record checks - rule-making. Requires the state board of health, when adopting provisions governing the department of public health and environment's ("department") use of results of national and state criminal history record checks of emergency medical technician ("EMT") applicants, to allow the department to consider whether the applicant has been convicted of a felony or misdemeanor involving moral turpitude and the pertinent circumstances connected with the conviction and to make a determination whether any such conviction disqualifies the applicant from certification.

Requires all initial emergency medical technician ("EMT") certificate applicants who have lived in Colorado for more than 3 years to undergo a fingerprint-based criminal history record check upon application for an initial EMT certificate. Eliminates the criminal history name check procedure from the initial EMT certification process. Eliminates the requirement for a subsequent fingerprint-based criminal history record check if the certificated EMT has submitted to a fingerprint-based criminal history record check either at initial certification or certification renewal.

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

S.B. 03-19 Tobacco settlement programs - program reviews - appropriation. Clarifies how the department of public health and environment gets paid for monitoring programs that receive tobacco settlement moneys beginning July 1, 2003. Beginning July 1, 2003, changes how the state auditor's office is paid for tobacco settlement program review from a proportion of the amount received by each tobacco settlement program to one-tenth of one percent of the total amount of moneys received by the state pursuant to the master settlement agreement. Specifies that the amount to be appropriated to the state auditor's office shall come from a proportionate reduction in the amounts annually appropriated to each tobacco settlement program that is reviewed by the state auditor's office.

Specifies that the breast and cervical cancer prevention and treatment program is subject to the annual financial and compliance audit of the "Colorado Medical Assistance Act" performed by the state auditor's office and is not subject to review as a tobacco settlement program.

Makes various adjustments to the 2003 general appropriations act to reflect the proportionate reduction of the audit expenses from each tobacco settlement program subject to review by the state auditor's office, and makes a corresponding appropriation of \$98,743 from the tobacco litigation settlement cash fund to the state auditor's office for such reviews.

APPROVED by Governor May 14, 2003

EFFECTIVE July 1, 2003

S.B. 03-66 Motor vehicles - fees - air conditioning. Repeals a \$2 fee on new motor vehicles with air conditioning.

APPROVED by Governor March 20, 2003

EFFECTIVE July 1, 2003

S.B. 03-175 FY 2002-03 budget reduction bill - nursing facilities - use of nursing home penalty cash fund - appropriation. For fiscal year 2002-03, authorizes the use of the nursing home penalty cash fund for the purpose of inspecting and investigating complaints of nursing facilities that have been previously cited pursuant to state or federal law.

Makes adjustments to the fiscal year 2002-03 general appropriations act to reflect this change.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-260 FY 2003-04 budget reduction bill - wholesale food manufacturers and storage facilities - appropriation. Declares that the regulation and registration of wholesale food manufacturers and storage facilities is necessary to protect the public health, to benefit consumers, to assist retailers, and to contribute to the economic health of the state.

Beginning July 1, 2003, and on each July 1 thereafter, requires the owner of a wholesale food manufacturing or storage facility to register with the department of public health and environment. Requires the payment of a registration fee of \$175 for small facilities and \$245 for medium to large facilities. Allows the department to adjust the fee on or after July 1, 2005, upon the fulfillment of certain requirements as determined by the state board of health. Requires the department to collect a fee of \$300 for the issuance of a certificate of free sale.

Creates the wholesale food manufacturing and storage protection cash fund. Credits such fund with fees collected pursuant to this act for the regulation of wholesale food manufacturing and storage facilities.

Diverts fees collected pursuant to the "Shellfish Dealer Certification Act" from the food protection cash fund to the wholesale food manufacturing and storage protection cash fund.

Decreases the FY 2003-04 general fund appropriation to the department of public health and environment by \$160,906 and increases the cash fund appropriation to the department by \$196,788 for the implementation of this act.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-276 FY 2003-04 budget reduction bill - water quality - discharge permit fee increase - drinking water provider fee - appropriation. Increases fees for issuance or revision of water quality control discharge permits by 66.2%. Requires the division of administration in the department of public health and environment to submit a report to the general assembly by December 1, 2004, concerning the fees. Repeals the increase on July 1, 2005.

Creates the drinking water cash fund. Establishes annual fees for suppliers of

drinking water based on the size and nature of the suppliers' public water systems. Deposits the fees in the drinking water cash fund and authorizes use of the fund for the administration of the department's drinking water program. Requires the division of administration in the department of public health and environment to submit a report to the general assembly by December 1, 2004, concerning the fees. Repeals the increase on July 1, 2005.

Makes adjustments to the 2003 general appropriations act.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-280 FY 2003-04 budget reduction bill - hazardous substance response fund - tipping fee increase - use for litigation - repeal - appropriation. Allows moneys in the hazardous substance response fund to be appropriated for litigation arising under the state or federal hazardous substance laws up to an amount equal to newly increased fees. Increases solid waste tipping fees, 70% of which are deposited in the fund, by 1¢ per load transported by car or truck, and 2¢ per cubic yard per load for commercial vehicles. Repeals the increased fee on July 1, 2006. Provides for general fund moneys to be appropriated to the department of law if the repeal date is not extended past July 1, 2006.

Makes adjustments to the 2003 general appropriations act.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-287 FY 2003-04 budget reduction bill - health facilities - license fee. Increases the annual license fee paid by health facilities from \$150 to \$360.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

H.B. 03-1015 Air pollution - rules - cost-benefit analysis - permit fee credit program - repeal. Delays for 5 years (until July 1, 2008) the first of a series of cumulative economic analyses of all air pollution control measures adopted by the state, to be undertaken by the department of public health and environment after public comment and review.

Repeals a permit fee credit program for permittees that reduce their baseline level of emissions of regulated pollutants.

APPROVED by Governor April 7, 2003

EFFECTIVE April 7, 2003

H.B. 03-1026 Bioterrorism - release of information. Authorizes the state department of public health and environment and local departments of health to release medical and epidemiological information to peace officers, federal law enforcement agencies, and prosecutors for any investigation or prosecution related to bioterrorism. Provides that reasonable efforts shall be made to limit the disclosure of personal identifying information to the minimal amount necessary to accomplish the law enforcement purpose. Defines bioterrorism to include the use of biological microorganisms or toxins and chemical or radiological agents to cause death or disease among humans or animals.

Specifies that the release of such information does not constitute the theft of medical

records or medical information.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

H.B. 03-1056 Hazardous waste sites - solid waste user fees - repeal - extension - appropriation. Extends from January 1, 2004, to January 1, 2009, 2 repeal dates relating to the expenditure of solid waste fees to fund response actions at solid waste landfills and national priority list sites.

Appropriates \$125,000 to the department of public health and environment, hazardous materials and waste management division, for implementation of the act.

APPROVED by Governor May 21, 2003

EFFECTIVE May 21, 2003

H.B. 03-1101 Hazardous waste sites - voluntary clean-up program - application process - fees. Under the existing voluntary clean-up program for sites and facilities contaminated by hazardous substances or petroleum products, allows the department of public health and environment to recover direct and indirect costs from applicants when the department's costs of reviewing the application exceed the standard \$2,000 application fee. Limits such cost recovery to an additional \$1,000 (for a total fee of \$3,000) unless the department notifies the applicant that the charges will exceed this amount and offers the applicant an opportunity to either negotiate a higher limit or withdraw the application.

APPROVED by Governor April 1, 2003

EFFECTIVE August 6, 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. 03-1255 Quality management information - submission to nongovernmental entity - confidentiality. Establishes that the confidentiality of quality management information relating to the evaluation or improvement of quality health care services that is collected by a health care facility shall not be impaired or otherwise adversely affected solely by the reason of submission of that information to a nongovernmental entity to conduct studies that evaluate, develop, and analyze the information. Specifies that the findings, conclusions, or recommendations contained in the studies conducted by the nongovernmental entity shall not be deemed to establish a standard of care for health care facilities.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

H.B. 03-1283 Alcohol and drug abuse - treatment services - designation of public agencies. Allows a public agency to be designated by the division of alcohol and drug abuse in the department of human services as a designated managed service organization for the purpose of purchasing treatment services for the treatment of alcohol and drug abuse.

APPROVED by Governor April 7, 2003

EFFECTIVE April 7, 2003

H.B. 03-1329 Waste tires - surcharge - recycling. Imposes an additional 25¢ surcharge on

the disposal of motor vehicle tires. Credits such surcharge to a new fund, designated the processors and end users of waste tires cash fund. Requires 72% of such cash fund to be used to reimburse processors and end users of raw waste tires and 28% of such cash fund to be used for tire reuse or recycling incentives in public projects.

APPROVED by Governor May 22, 2003

EFFECTIVE January 1, 2004

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

H.B. 03-1340 Air quality - state implementation plans - legislative review - exemptions. Authorizes the air quality control commission (commission) to revise the motor vehicle emission budgets contained in the carbon monoxide maintenance plans for the Longmont and Denver metropolitan areas in 2003 by using the latest mobile source emissions model and guidance issued by the federal environmental protection agency. Exempts the revision from the general assembly's state implementation plan review process, but prohibits the commission from submitting the revision to the environmental protection agency unless the legislative council approves the revision by September 30, 2003. Repeals the act on December 31, 2003.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1351 Retail food establishments - fees. Increases the annual license fees for retail food establishments. Increases the amount of the fee that is credited to the food protection cash fund from an establishment that prepares food for immediate consumption from \$20 to \$25.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1358 Radioactivity - classified materials - disposal requirements - notice and comment. Changes the term "classified waste" to "classified material" and expands the definition to include type 2 byproduct materials, naturally occurring or technologically enhanced naturally occurring radioactive materials, non-11 e (2) materials, and ores. Exempts certain technologically enhanced or naturally occurring radioactive materials from the definition.

Prohibits a facility from disposing of or receiving for storage incident to disposal or processing at the facility any classified materials unless the facility is licensed to do so with respect to the specific type of classified material. Exempts bench- and pilot-scale projects and de minimis amounts from the licensing requirement. Requires a facility that, as of the effective date of the act, is in the process of renewing its license to comply with its current license and to provide to a local library a copy of the applicable material acceptance reports. If the facility proposes to accept a type of classified material for which a material acceptance report has not already been provided, requires a 60-day notice to the department of public health and environment and the board of county commissioners of the county in which the classified material is proposed to be accepted. Gives the public 30 days to file written comments with the department, and then gives the department 30 days to determine whether the acceptance of the proposed classified material is subject to the facility's license.

Requires a facility that wishes to renew its license or to be licensed for a new type of classified material to submit a written application to the department and to hold 2 public meetings concerning the application. Allows the board of county commissioners of the county in which the classified material is proposed to be accepted 90 days after the first public meeting on the application to file a response to the applicant's environmental assessment. Requires the applicant to pay the board \$50,000 to assist the board in responding to the application. Expands the items required to be addressed in the environmental assessment of the application.

In deciding whether to grant the application, directs the department to consider the facility's compliance with financial assurance requirements and the board of county commissioners' response to the environmental assessment, and allows the department to order reasonable mitigation to address substantial impacts identified in the response. Requires the department to grant or deny the application as a whole. Conditions approval of the application on proof that the processing or disposal of the radioactive materials at the facility will not adversely affect the federal department of energy's receipt of title to the facility or site pursuant to the federal "Atomic Energy Act", will protect worker safety, and will not cause unpermitted releases to the environment.

Applies to approvals of applications to dispose of, or to receive for storage incident to disposal or processing at a facility, classified waste occurring or required on or after June 3, 2003.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

H.B. 03-1370 Trauma facilities - review process. Eliminates the 3-year review requirement for designated trauma facilities. Requires the state board of health to adopt an ongoing periodic review process for designated trauma facilities.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1371 Department of public health and environment - contract vaccines - repeal. Repeals the authority of the department of public health and environment to contract with a private or nonprofit entity to arrange for the cost-effective ordering, distribution, and accounting of vaccines.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

HEALTH CARE POLICY AND FINANCING

S.B. 03-11 Medicaid - prescription drugs - use of generic equivalent - mail order - appropriation. Requires the medical services board ("board") to include in rules governing the reimbursement of medications under medicaid, the requirement that the generic equivalent of a brand-name drug be prescribed if the generic equivalent is a therapeutic equivalent to the brand-name drug. Allows an exception to this requirement if the patient has been stabilized on a medication and a transition to the generic equivalent of the brand-name drug would be unacceptably disruptive. Specifies that this requirement shall not apply to medications for the treatment of biologically based mental illness, the treatment of cancer, the treatment of epilepsy, or the treatment of HIV/AIDS. Specifies that a generic equivalent to a brand-name drug will not be required when reimbursement to the state for the use of a brand-name drug makes the drug less expensive than the cost of the generic equivalent. Authorizes the department of health care policy and financing ("department") to use savings in the medical services premiums appropriations to fund the administrative review of these exception requests.

Authorizes the department to ensure that if a federal medicare prescription drug benefit is passed, that any state medicaid recipient that is eligible for medicare participate in this new federal benefit.

Requires the board to adopt by rule a system to allow medical assistance recipients to receive maintenance medications through mail order, if the person suffers from a physical hardship that prohibits the person from obtaining prescriptions from a local pharmacy. Specifies that the board shall require, to the extent possible, the use of local pharmacies that are able to provide the same services as mail order.

Requires the department to develop and implement a drug utilization review process for the fee-for-service and primary care physician programs. Authorizes the department to use savings in the medical services premiums appropriations to fund the development and implementation of this process.

Makes various adjustments to the 2003 general appropriations act to reflect the administrative costs of implementing the provisions of this act and the savings to the medical assistance program. Specifies which appropriations clause takes effect conditioned upon Senate Bill 03-294 becoming law.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

NOTE: Senate Bill 03-294 was signed by the Governor June 5, 2003.

S.B. 03-13 Comprehensive primary and preventive care grant program - comprehensive primary care - definition. Specifies that comprehensive primary care includes providing or arranging for the provision of specified health care services on a year-round basis. Defines the phrase "arranging for the provision" for the purposes of further defining comprehensive primary care under the grant program. Specifies that the advisory council and the department of health care policy and financing shall consider rural areas when awarding grants under the

comprehensive primary and preventive care grant program.

APPROVED by Governor April 7, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-22 Old age pension health and medical care programs - transfer - appropriation. Effective July 1, 2003, transfers the authority to administer the old age pension health and medical care program, the supplemental old age pension health and medical care program, and the corresponding funds from the department of human services to the department of health care policy and financing.

Transfers the fiscal year 2003-04 health and medical care fund appropriations from the department of human services to the department of health care policy and financing.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-112 Medically indigent - health care program - department procedures and policies - provider contracts - modifications. Simplifies the current reporting requirements for the program for the medically indigent ("program") in the department of health care policy and financing ("department"). Eliminates numerous references to provisions required to be in each provider contract and requires the department to establish these provisions as overall procedures and policies for the program that would be applicable to each provider. Specifies that when adopting or modifying procedures under the program, the department is required to notify each provider under the program 30 days prior to implementation of a new procedure.

Consolidates line items pertaining to contract amounts under the program that are currently required to be in the general appropriations act. Repeals the requirement that providers receive monthly reimbursement checks. Eliminates a provider's ability to pay its reimbursement payments to providers in other regions of the state. Repeals obsolete statutory provisions related to the program.

APPROVED by Governor April 7, 2003

EFFECTIVE April 7, 2003

S.B. 03-173 FY 2002-03 budget reduction bill - medicaid - nursing facility payments - appropriation. For fiscal year 2002-03, repeals the requirement that the medical services board in the department of health care policy and financing adopt rules to determine and pay nursing facility providers a reasonable share of the amount by which the reasonable costs of the categories of administration, property, and room and board, exceed the actual costs in these categories. Repeals the definition of "reasonable share".

Modifies the fiscal year 2002-03 general appropriations act to reflect this change.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-176 FY 2002-03 budget reduction bill - medicaid - eligibility - legal immigrants-appropriation. Repeals the eligibility of legal immigrants who qualify for medical assistance as an optional group. Authorizes the department of health care policy and financing to amend the state's medicaid plan to conform with these changes.

Makes adjustments to the fiscal year 2002-03 general appropriations act to reflect this change in medicaid eligibility.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-187 FY 2002-03 budget reduction bill - medicaid - enrollment choices - appropriation. Repeals the provision requiring the department of health care policy and financing to consider a consumer's usual and historic sources of care, linguistic needs, special medical needs, and transportation needs when informing a medical assistance recipient of enrollment choices in the recipient's area.

Modifies the fiscal year 2002-03 general appropriations act to reflect this change.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-259 FY 2003-04 budget reduction bill - medicaid - children's home- and community-based waiver programs - monthly premium fee - sliding fee scale - appropriation. Beginning July 1, 2003, requires the department of health care policy and financing ("department") to collect a monthly premium fee ("fee") to pay for a portion of the direct and indirect costs of the children's home- and community-based services and the children's extensive support waiver programs. Specifies that the fee shall be charged on a sliding fee scale basis to families of children who are enrolled in either the children's home- and community-based services waiver program or the children's extensive support waiver program. Specifies that the fee shall only be charged to a family with an income of greater than 300% of the federal poverty level and outlines parameters for which the sliding fee scale shall be based upon.

Requires the medical services board ("board") to establish the sliding fee scale for the fee by rule. Requires that the rules promulgated by the board also establish a process for a family to appeal the family's fee amount. Authorizes the department to collect any unpaid fees and specifies that the department may also collect unpaid fees by means of intercepting a family's state income tax refund or the garnishment of wages and other earnings, as currently authorized by law. Authorizes the department to recover from a family, who terminates or declines existing or readily available employer-based health insurance coverage for the sole purpose of avoiding multiple monthly premium payments, medical assistance payments made on behalf of an enrolled child for the applicable time period. Authorizes the department to make the determination of whether a family with an enrolled child deliberately declined or terminated existing or readily available employer-based health insurance coverage and to increase the family's fee by 10% in such case.

Makes various adjustments to the 2003 general appropriations act to reflect the

moneys generated from the fees collected under this act.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-266 FY 2003-04 budget reduction bill - medicaid - nursing facility providers - provider fee - quality of care grant program - state nursing facility service program - legal immigrants - appropriation. Beginning July 1, 2003, requires the department of health care policy and financing ("department") to collect a fee from nursing facility providers ("provider") and specifies that the fee shall be charged to a provider on a per patient per day basis. Specifies that the fee to be charged shall not exceed \$6.50 per patient per day for each provider. Specifies that the fee shall not be charged to: A provider that is licensed by the department of public health and environment but does not accept state or federal assistance moneys for the services it provides to the facility's residents; a provider that does not receive payment for services pursuant to Title XIX of the social security act; or to a nursing facility that is owned by a governmental entity. Authorizes the department to seek the appropriate federal waiver for the imposition of a provider fee.

Establishes the nursing facility cash fund ("fund") for the deposit of the provider fees and specifies that the fund may be used for the nursing facility quality of care grant program and the state nursing facility service program, which are established in this act. Prohibits the department from collecting the provider fee for the purpose of funding the state nursing facility service program, unless the program is implemented.

Requires the department to establish a nursing facility quality of care grant program ("grant program") for the purpose of maintaining the continuity and quality of care for medicaid nursing facility patients. Requires the department to distribute grants under the grant program to providers on the basis of medicaid patient days and no more than 14 days after the receipt of the provider fee charged. Specifies that the authorization for the provider fee and the grant program are contingent on one another.

Contingent on the implementation of Senate Bill 03-176, establishes the state nursing facility service program ("program") for specified legal immigrants who lost eligibility for medical assistance due to the repeal of legal immigrants as an optional medicaid group. Defines who is eligible to receive services under the program. Authorizes the department to pay a provider for services given on the implementation date of Senate Bill 03-176, and each day thereafter to an eligible person until that person is discharged from nursing facility care. Specifies the services to be provided under the program and the rate to be paid by the department for those services. Sunsets the program, effective July 1, 2008.

Makes various adjustments to the 2003 general appropriations act to reflect the implementation of the nursing facility provider fee, the quality of care grant program, and the state nursing facility service program.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

NOTE: Senate Bill 03-176 was signed by the Governor March 5, 2003.

S.B. 03-279 FY 2003-04 budget reduction bill - medical assistance - limitation of services. To stay within approved appropriations, authorizes the medical services board ("board") to

limit services under the medical assistance program by rule so long as the services provided are sufficient in amount, duration, and scope to reasonably achieve their purpose as required by federal law or regulation. If services are limited by rule, directs the board to provide a summary report to the health, environment, welfare and institutions committees.

APPROVED by Governor May 1, 2003

EFFECTIVE July 1, 2003

S.B. 03-288 FY 2003-04 budget reduction bill - medical assistance - private-duty nursing services - limitation. If Senate Bill 03-107 does not become law, from July 1, 2003, to June 30, 2006, limits the provision of private-duty nursing services under the medical assistance program to no more than 112 hours per week.

APPROVED by Governor May 1, 2003

EFFECTIVE July 1, 2003

NOTE: Senate Bill 03-107 became law without the Governor's signature April 29, 2003.

S.B. 03-291 FY 2003-04 budget reduction bill - children's basic health plan - suspend prenatal program - state-only prenatal program. Suspends enrollment of pregnant women in the prenatal program of the children's basic health plan ("plan") on the effective date of the act and during fiscal year 2003-04. Provides that a pregnant woman who was determined to be eligible prior to the effective date of the act, or who was already enrolled in the plan prior to the effective date of the act shall continue to be eligible for prenatal care and postpartum care under the plan until November 1, 2003. Creates a state-only prenatal program to continue to provide prenatal care and postpartum care for such women on or after November 1, 2003, and until the last woman eligible for the state-only prenatal program has received care. Authorizes the medical services board to adopt rules necessary to implement the state-only prenatal program.

Authorizes the general assembly to set enrollment caps on the number of pregnant women who may enroll in the prenatal program under the plan.

Requires the department to report quarterly to the joint budget committee on any enrollment caps that have been instituted for the plan and on the number of children that are on waiting lists to receive services under the plan.

Adjusts the 2003 general appropriation act to decrease the children's basic health plan trust by \$5,822,908, to decrease the children's basic health plan, administration, by \$368,899, to decrease the children's basic health plan, premium costs, by \$16,085,746, and to decrease the children's basic health plan, dental benefit costs, by \$227,289. Adjusts the 2003 general appropriation act to increase the children's basic health plan trust by \$300,000, to increase the children's basic health plan, premium costs by \$761,503, and to increase the children's basic health plan costs, dental benefit costs, by \$95,134, and provides that such appropriations shall be derived from savings generated by the passage of Senate Bill 03-101. Appropriates \$484,000 to the children's basic health plan trust, \$1,228,503 to the children's basic health plan, premium costs, and \$153,475 to the children's basic health plan, dental benefits costs and provides that such appropriations shall be derived from savings generated by the passage of Senate Bill 03-107.

States the assumptions for the 2003 general appropriation act for the average annual medical costs per child on the plan, the average monthly caseload, average dental costs,

member months of prenatal care, and the number of births.

Appropriates \$43,700 to the department of health care policy and financing for the purpose of funding the state-only prenatal program and provides that such appropriations shall be derived from savings generated from the passage of Senate Bill 03-101.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

NOTE: Senate Bill 03-107 became law without the Governor's signature April 29, 2003. Senate Bill 03-101 was vetoed by the Governor May 22, 2003.

S.B. 03-294 FY 2003-04 budget reduction bill - prescription drugs - prior authorization - rules. Allows the department of health care policy and financing (the department) to implement utilization mechanisms that include, but are not limited to, prior authorization. Requires the department to develop a process by which interested parties will be notified and may provide comment to the department before the class is prior authorized. Requires the department to report to the health, environment, welfare, and institutions committees for the house of representatives and the senate no later than December 1, 2003, and each December 1 thereafter, on the time frames for implementing utilization mechanisms and expected savings associated with each utilization mechanism.

Adjusts the FY 2003-04 general appropriation act to account for the implementation of the act.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1028 Pilot program - teen pregnancy and dropout prevention - continuation. Continues the existence of the statewide pilot program for teen pregnancy and dropout prevention ("pilot program") serving teenagers who are medicaid recipients for 3 more years.

Continues the requirement for the state department of health care policy and financing to provide a report to the general assembly demonstrating the effectiveness of the pilot program, and states that the next report shall be provided to the general assembly no later than September 1, 2005.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1107 Medicaid - consumer-directed attendant support program - extension. Repeals the 150-person limit on the number of persons who can participate in the consumer-directed attendant support program ("program") under medicaid. Specifies that the program allows persons to participate in the program to the extent authorized by the federal waiver.

Makes modifications to the current reporting requirements under the program. Extends the scheduled July 1, 2003, repeal date of the program to July 1, 2009.

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

H.B. 03-1292 Intermediate care facilities for the mentally retarded - service fee -

appropriations. Beginning in fiscal year 2003-04, and for each fiscal year thereafter, authorizes the department of human services to charge both privately owned intermediate care facilities for the mentally retarded and state-operated intermediate care facilities for the mentally retarded a service fee. Establishes that the service fee shall be charged for the purposes of maintaining the quality and continuity of services provided by intermediate care facilities for the mentally retarded. Specifies that the service fee shall not exceed 5% of the costs incurred by the intermediate care facility for the fiscal year in which the fee is charged. Requires the department of human services to transfer the moneys collected to the state treasurer, for credit to the service fee fund. Specifies that the moneys in the service fee fund shall be subject to annual appropriation by the general assembly to the department of health care policy and financing in order for the moneys to be applied toward the state match for the federal financial participation for payment to intermediate care facilities for the mentally retarded. Requires the state board of human services to adopt rules consistent with federal law to implement the act.

Adjusts various appropriations made to the department of human services and the department of health care policy and financing in the annual general appropriation act for the fiscal year beginning July 1, 2003, to facilitate the state match for the federal financial participation and the reimbursement of intermediate care facilities for the mentally retarded.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1359 Medicaid - in-home support services - discontinuation of services. Requires the in-home support services rules of the medical services board to establish that an in-home support service agency ("agency") can involuntarily discontinue a client from services only in the following circumstances: When equivalent care in the community has been secured for the client or after the client has exhibited documented prohibited behavior involving attendants and dispute resolution has failed. Specifies that the department of health care policy and financing shall determine whether an agency has made adequate attempts at resolution.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

HUMAN SERVICES - MENTAL HEALTH

S.B. 03-83 Child mental health treatment services - continuation. Continues the "Child Mental Health Treatment Act" until July 1, 2004. Makes the implementation of the act contingent upon the passage of and receipt of funding through Senate Bill 03-282.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

NOTE: Senate Bill 03-282 was signed by the Governor on June 5, 2003, and the final fiscal estimate showed sufficient funds.

HUMAN SERVICES - SOCIAL SERVICES

S.B. 03-37 Colorado child care assistance program - county maintenance of effort - transition period. Changes the county maintenance of effort requirement for purposes of the Colorado child care assistance program ("program") to reflect the following:

- Requires a county to maintain the current required level of spending for the program for fiscal years 1996-97 through 2002-03;
- For a 2-year transition period (fiscal years 2003-04 and 2004-05), directs the department of human services to equitably phase-in the permanent maintenance of effort calculation;
- For fiscal year 2005-06 and for each fiscal year thereafter, requires each county to meet the level of spending for the program that is equal to the county's proportionate share of the total county funds allocated for the program for that fiscal year.
- Authorizes the state department of human services to adjust a county's maintenance of effort so that the percentage equals the county's proportionate share of the total state and federal funds appropriated for the program for that fiscal year.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-130 Home health services - pilot program - advisory committee. Repeals the home health services pilot program advisory committee.

APPROVED by Governor April 7, 2003

EFFECTIVE July 1, 2003

S.B. 03-196 FY 2002-03 budget reduction bill - restriction of general fund surplus for medicaid reimbursements - cash system of accounting for department activities related to medical services premiums and medicaid programs - appropriation. Creates an exception to the requirement that the general fund surplus be determined based on the accrual system of accounting so that general fund revenues are restricted only when the department of health care policy and financing issues a commitment voucher to the controller for payment of a sufficient claim that warrants reimbursement from general fund revenues for specified medicaid services. Requires the department of health care policy and financing to use the cash system of accounting, regardless of the source of revenues involved, for all activities related to the financial administration of medical services premiums and medicaid programs administered by the department of human services, except for administrative costs of such programs.

Amends the 2002 general appropriation act to decrease the total appropriation to the department of health care policy and financing. Decreases the general fund and federal funds portions of the appropriation. Amends the 2002 general appropriation act to decrease the total appropriation to the department of human services. Decreases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-246 FY 2002-03 budget reduction bill - public assistance programs - electronic benefits transfer - fee - repeal. Authorizes the department of human services to charge a \$1 per month administrative fee to public assistance recipients who receive assistance payments through the electronic benefits transfer service for the Colorado works program, old age pension, aid to the needy disabled, aid to the blind, low-income energy assistance, and child care assistance. Specifies that the administrative fee shall be deducted from the aggregate assistance payment to be received each month by a public assistance recipient in such programs. Requires the administrative fee to be transferred to the electronic benefits transfer service fund for the purpose of defraying the cost of administering the electronic benefits transfer service system.

Repeals the authorization for the administrative fee, effective July 1, 2006.

APPROVED by Governor May 2, 2003

EFFECTIVE May 2, 2003

S.B. 03-295 FY 2003-04 budget reduction bill - older Coloradans fund - reduce transfer. For the 2003-04 and 2004-05 fiscal years, reduces the allocation of sales and use tax revenues to the older Coloradans fund from \$2 million to \$1.5 million.

For the 2003-04 budget year, reduces the general fund appropriation for community services for the elderly by \$500,000.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-299 FY 2003-04 budget reduction bill - supplemental old age pension health and medical care fund - sales and use tax allocation - appropriation. Beginning in fiscal year 2003-04, and for each fiscal year thereafter, reduces the amount of sales and use tax to be allocated to the supplemental old age pension health and medical care fund from one million dollars to \$750,000.

Decreases the fiscal year 2003-04 appropriation to the department of human services for the supplemental old age pension health and medical care fund by \$250,000.

APPROVED by Governor May 1, 2003

EFFECTIVE July 1, 2003

H.B. 03-1038 Colorado works - domestic violence extensions - clarification of treatment under federal law. Clarifies the treatment of domestic violence extensions under the Colorado works program for persons who have reached the 60-month lifetime limit for receipt of TANF assistance to be consistent with the federal law.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1050 Business Enterprise Program Act - state vending facility program - cash fund. Effective July 1, 2003, creates the business enterprise program cash fund for the purposes of administering the state's vending facility program.

APPROVED by Governor April 7, 2003

EFFECTIVE July 1, 2003

H.B. 03-1081 Foster care - conflicts of interest - misuse of public funds - recovery and withholding. Prohibits a person from operating a foster care home that is certified by a county department of social services ("county") if such person is a relative of any employee of the child welfare division or unit of the certifying county. Requires the county to refer the applicant to another county or child placement agency ("CPA") for certification and supervision. Defines the term "relative".

Prohibits a person from operating a foster care home that is certified by a CPA if such person is a relative of any owner, officer, executive, member of the governing board, or employee of the certifying CPA. Requires the CPA to refer the applicant to another CPA or county.

Prohibits any owner, officer, executive, member of the governing board, or employee of a CPA, or any relative of such person, from holding a beneficial interest in any property operated, or intended to be operated, as a foster care home, when the property is certified by the CPA.

Allows the state department to deny, suspend, revoke, or make probationary, the license of any facility or assess a fine against the licensee, an affiliate, an employee, or a resident of the facility for misusing any public funds provided to a foster care home or CPA. Directs the state board of human services to promulgate rules defining the term "misuse".

Requires the state department of human services to seek recovery from a CPA of any public funds that have been misused. Requires a provision in the contract that allows the county to recover any misused funds and to withhold subsequent payments. Requires an appeal provision in the contract.

APPROVED by Governor April 7, 2003

EFFECTIVE August 6, 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. 03-1151 Child care - out-of-home placement provider consortia - regulation. Authorizes the state board of human services to promulgate rules to regulate the operation of out-of-home placement provider consortia. Specifies that the regulation shall not include licensure.

APPROVED by Governor March 7, 2003

EFFECTIVE March 7, 2003

H.B. 03-1246 Colorado works - eligibility standards - rules - redeterminations. Eliminates outdated references to eligibility for the Colorado works program that tied eligibility to the former aid to families with dependent children ("AFDC") program. Replaces outdated references with the actual eligibility requirements and the needs standard from rules that have been adopted by the state board of human services ("state board") for the Colorado works program or that previously were adopted and existed for the former AFDC program. Directs the state board to adopt new rules relating to eligibility determinations for the Colorado works program that incorporate former eligibility standards. Adds definitions relating to the determination of eligibility for the Colorado works program.

Requires a county department of social services to perform an annual face-to-face

redetermination for all assistance units receiving cash assistance.

APPROVED by Governor March 25, 2003

EFFECTIVE August 6, 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. 03-1346 Old age pension - dental assistance program - changes in administrative operation. In order to comply with the federal "Health Insurance Portability and Accountability Act of 1996" (HIPAA), changes the existing dental assistance program for providing dental and oral health services to old age pensioners from a claims processing system to a system that disburses the funds for providing services through grants.

Authorizes the department of public health and environment ("department") to award service grants and to contract with providers selected to provide dental and oral health services or to administer the grants. Eliminates the regional dental committees. Creates a dental advisory committee, appointed by the governor, which shall review and make recommendations to the department on the awarding of service grants.

Authorizes the department to develop rules, procedures, and application forms to govern the awarding of service grants. Allows the department to seek alternatives for program administration and funding, including federal waivers. States that nothing precludes a grantee from charging an eligible senior a co-payment, but any co-payment assessed shall not exceed 20% of the cost of the services provided. Maintains the current maximum fees if a qualified grantee awarded a service grant provides services to eligible seniors using a fee-for-service payment system. States that a grantee's administrative costs shall not exceed 10% of the grant amount awarded.

Requires grantees to report semi-annually to the department regarding the number of eligible seniors served, the types of services provided, and co-payments charged. Changes the reporting time frame and what is reported by the department to the joint budget committee about the dental assistance program.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

INSURANCE

S.B. 03-59 Division of insurance - creation - termination. Recreates and reenacts the functions and duties of the division of insurance as outlined in article 1 of title 10, Colorado Revised Statutes, prior to its automatic repeal on July 1, 2002. Amends the dates on which sunset reviews are conducted by the department of regulatory agencies so as to implement a staggered schedule of reviews, dealing with one of 4 categories of regulatory activity every 2 years, starting in 2004.

APPROVED by Governor March 18, 2003

EFFECTIVE July 1, 2003

S.B. 03-68 Commission on mandated health insurance benefits - creation - cash fund - appropriation. Creates the commission on mandated health insurance benefits (commission) to assess the impact of existing and future mandated health care benefits. Requires the appointment of 11 members to the commission as follows:

- One member of the senate business affairs and labor committee, appointed by the president of the senate in consultation with the minority leader;
- One member of the house of representatives business affairs and labor committee, appointed by the speaker of the house in consultation with the minority leader;
- One employee of the division of insurance (division), appointed by the governor;
- One member who represents the health insurance industry, appointed by the governor;
- One member who represents a health maintenance organization, appointed by the governor;
- 2 members who represent health care providers, appointed by the governor;
- 2 private citizens, appointed by the governor, one with an interest in mandated health insurance benefits, and one who represents a consumer health advocacy group; and
- 2 members who are business owners with less than 50 employees each, appointed by the governor.

Requires the commission to meet regularly and at the request of the speaker of the house or the president of the senate. Allows members to be reimbursed for travel and expenses incurred for no more than 8 meetings per year in the performance of their duties.

Requires the division staff to assist the commission. Requires the commission to:

- Review and evaluate statutorily mandated health care coverage provisions;
- Advise the division on matters relating to health insurance mandates;
- Request information and prescribe the time frame and format in which it shall be submitted;
- Assist the commissioner in assessing proposed and existing mandated health benefits;
- Provide information and recommendations relating to mandated health insurance benefits to the governor or the general assembly upon request;
- Recommend a standard health benefits plan for Coloradans;
- Report annually to the general assembly on commission activities;
- Make recommendations to the applicable legislative committees regarding the

- implementation of legislation; and
Prepare a study that assesses the social and financial impact of any proposed mandate addressed in proposed legislation to the appropriate legislative committee at the request of the speaker of the house or president of the senate.

Funds the activities of the commission through a fee assessment payable by insurers and deposited in a newly created cash fund. Repeals the commission, effective July 1, 2005.

Appropriates \$18,144 to the department of regulatory agencies for the implementation of the act.

APPROVED by Governor May 20, 2003

EFFECTIVE May 20, 2003

S.B. 03-312 Health care coverage - fee-for-service dental plans. Clarifies that offering a fee-for-service dental plan where no premium is charged is not considered transacting the business of insurance. Requires the offeror of a fee-for-service dental plan to advise the consumer that the plan is not an insurance plan and that the consumer is responsible for all charges.

APPROVED by Governor May 14, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-331 Health benefit coverage - duties of the commissioner - investigation of denial of benefits - reporting requirement. Allows the insurance commissioner (commissioner) to investigate denial of health benefit claims filed by health care providers against a health benefit plan. States that the commissioner is not prohibited from enforcing the laws related to health benefit coverage. Beginning October 1, 2004, requires the commissioner to report annually to the business affairs and labor committees of the house of representatives and the senate on the number, nature, and outcome of complaints filed against health insurers for the previous year.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-345 Compulsory motor vehicle coverage - self-insurers. Clarifies that certain compulsory motor vehicle coverage requirements do not apply to any person who has received a certificate of self-insurance from the commissioner of insurance (commissioner). Clarifies that the commissioner may issue a certificate of self-insurance to a person if the commissioner is satisfied that such person is able and will continue to be able to pay benefits for any basic coverage required.

States that this act shall take effect only if House Bill 03-1188 becomes law.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

NOTE: House Bill 03-1188 was signed by the Governor May 2, 2003.

H.B. 03-1033 Health benefit coverage - procedure for the denial of benefits. Harmonizes provisions of law concerning the procedure for denying health benefits with the federal "Employee Retirement Income Security Act" (ERISA). Requires the insurance commissioner to promulgate rules that reflect the requirements of ERISA rules. Outlines the specific information that must be included in a denial of health benefit coverage.

APPROVED by Governor April 29, 2003

EFFECTIVE January 1, 2004

H.B. 03-1163 Health insurance - individual - CoverColorado. Deletes obsolete definitions. Allows the CoverColorado board (board) to issue policies to dependents of eligible individuals at premiums and in health benefit plan designs that are different from those offered to eligible individuals. Allows the board to offer health benefit plans with deductibles greater than \$5,000 to eligible individuals. Limits the period for excluding a federally eligible individual's preexisting conditions under certain circumstances. Clarifies that the special fee assessed against health benefit carriers to fund CoverColorado is based on Colorado covered lives. Allows the board to obtain more current information from carriers on the number of covered lives for the purposes of the special fee to be assessed. Deletes the provision that requires an insurer to recoup from its covered lives the amount of the assessment for CoverColorado.

Makes the act apply to premium taxes, fines, and penalties assessed against health insurers authorized to conduct business in this state and to coverage under CoverColorado on or after May 21, 2003.

APPROVED by Governor May 21, 2003

EFFECTIVE May 21, 2003

H.B. 03-1164 Small employer health insurance - premium adjustments - mandatory coverages - study of ceding risk to CoverColorado - pilot program of multiple employer welfare arrangements - individual health benefit plans - direct contracting with providers for the purposes of medicaid - confidentiality of health information - appropriation. Makes legislative findings that the assessment paid by insurers to CoverColorado should not be the exclusive method of funding CoverColorado. Requires the board of directors of CoverColorado (board) to increase premiums for CoverColorado to 150% of the standard risk rate on July 1, 2003. Also requires that the board evaluate a reduction in benefits before it assesses insurers on or after July 1, 2003. Requires the board, in consultation with the insurance commissioner (commissioner), to evaluate the impact of small employer carriers ceding to CoverColorado any insurance risk of a business group of one who is presumptively eligible for CoverColorado. Requires the board to submit a report to the business affairs and labor committees of the house of representatives and the senate no later than February 1, 2004. Allows the board to build the cost of the evaluation to cede risk into the assessment paid by insurers.

Allows a small employer carrier that currently provides group coverage to a small employer to market individual health benefit plans to ineligible employees and dependents with the permission of the employer. Allows a small employer to set valid and acceptable standards for employee eligibility for health benefit coverage based on the terms and conditions of employment. Allows a small employer carrier to provide different benefits for insureds and dependents covered under the same policy and encourage health care condition management based on clinical guidelines.

Allows for rating flexibility for small employer health benefit coverage based on health status, claims experience, standard industrial classification, and other factors. Phases in rating flexibility over 2 years. Allows for a separate rating adjustment based on smoking status. Requires the commissioner to evaluate how rating flexibility affects the small group market. Requires the commissioner to report his or her findings to the business affairs and labor committees of the house of representatives and the senate no later than January 15, 2007.

Allows a small employer carrier to offer a basic plan that does not include mandated health benefits for the following:

- Low-dose mammography screening;
- Mental illness;
- Prostate screening;
- Hospitalization and general anesthesia for dental procedures for minors;
- The availability of treatment for alcoholism; and
- The availability of hospice care.

Requires the commissioner to survey small employer carriers to determine the range of benefits available annually. Requires the commissioner to implement a basic plan that approximates the lowest level of coverage and a standard plan that approximates the average level of coverage. Specifies that the commissioner shall amend rules related to basic and standard health benefit plans no more frequently than every 2 years. Describes the plan types that constitute a basic and standard health benefit plan.

Creates a pilot program for up to 18 multiple employer welfare arrangements (MEWAs) to be created statewide. Allows these MEWAs to be fully insured or self-funded plans. Defines terms. Requires MEWAs participating in the pilot program to have a professional affiliation. Allows pilot program MEWAs to offer health benefit coverage to member employers. Specifies that once an employer participates in a MEWA, the employer may not withdraw until the end of the contract term. Requires each MEWA to accept all employers within the MEWA's professional affiliation regardless of the health status of individuals within the small employer group or size of the small employer group. Clarifies that MEWAs created pursuant to this act are not multiple employer health trusts.

Requires the commissioner to monitor MEWAs participating in the pilot program. Mandates the department of regulatory agencies to evaluate the pilot program before October 15, 2007, and report to the general assembly concerning:

- The number of persons insured through a MEWA;
- The cost of insurance premium rates for MEWA participants compared to other group insurance;
- Whether MEWAs have affected the insurance market either positively or negatively; and
- Any other factors deemed necessary by the division.

Clarifies that the MEWA pilot program shall be cash funded and that the cost of the evaluation by the department of regulatory agencies shall be paid from moneys in the multiple employer welfare arrangement cash fund. Creates such cash fund.

Allows an insurer to offer one or more health coverage plans that contain deductibles and coinsurance without any limitation on the maximum out-of-pocket payable by the

insured.

Allows health maintenance organizations to comply with new federal regulations concerning the "Health Insurance Portability and Accountability Act of 1996" (HIPAA). Clarifies that "covered entities" as defined in federal regulations for HIPAA are not subject to the criminal provisions concerning medical record theft.

Allows the department of health care policy and financing to contract with one or more providers who are able to provide cost-effective and quality health care through a capitated partial risk program. Specifies that a provider or entity participating in such a program is not engaged in transacting insurance.

Makes an appropriation of \$27,117 to the division of insurance in the department of regulatory agencies for the implementation of the MEWA pilot program.

Takes effect July 1, 2003; except that the provisions related to marketing individual policies to ineligible employees and dependent of a small employer, market of different benefits for insureds and dependents covered under the same policy, the encouragement of appropriate management of health care conditions through the use of clinical guidelines, and the offering of no limits on the out-of-pocket maximums for deductibles and coinsurance are effective January 1, 2004, and shall apply to health benefit plans issued or renewed to small employers on or after said date.

APPROVED May 20, 2003

PORTIONS EFFECTIVE July 1, 2003
PORTIONS EFFECTIVE January 1, 2004

H.B. 03-1188 Automobile insurance - required coverage - optional coverage. Requires the commissioner of insurance to administer and enforce the motor vehicle insurance laws and to promulgate any rules necessary for such administration and enforcement.

Relocates certain provisions of the "Colorado Auto Accident Reparations Act" to part 6 of article 4 of title 10. Requires every owner of a motor vehicle to carry minimum basic motor vehicle coverage as follows:

- \$25,000 legal liability coverage for bodily injury or death, to any one person in any one accident;
- \$50,000 legal liability coverage for bodily injury or death, to all persons in any one accident; and
- \$15,000 for property damage in any one accident.

Allows insurers to offer enhanced benefits that are more extensive than the required minimum coverages. Requires insurers to offer collision coverage.

APPROVED by Governor May 2, 2003

EFFECTIVE July 1, 2003

H.B. 03-1253 Motor vehicle insurance - repair businesses. Prohibits a motor vehicle insurer from:

- Requiring that appraisals or repairs to motor vehicles be made or not be made

- by a specified motor vehicle repair business (business);
- Representing to a claimant that the use of or the failure to use a particular business may result in nonpayment or delayed payment;
- Coercing or inducing by incentive a claimant to use a particular business for repairs;
- Contracting with an agent for the insurer on the condition a business does claims work at a price established by the insurer;
- Using disincentives to discourage a claimant from using a business;
- Soliciting a referral fee in exchange for referring the claimant to a business;
- Requiring the claimant to travel an unreasonable distance to choose a business;
- Misinforming a claimant to induce the use of a particular business; or
- In the settlement of a claim by a third party against a claimant, requiring a third-party claimant to have repairs done by a particular business.

Requires a motor vehicle insurer to:

- Supply the claimant with a copy of the estimate upon which a settlement is based;
- Require that any estimate prepared by or for the insurer covering visible damages is adequate to restore the motor vehicle within a reasonable time to its condition before the loss;
- Pay for repair services and products based on the prevailing competitive price;
- Disclose to a claimant that the claimant may freely choose any business;
- Assume all reasonable costs sufficient to pay for the claimant's repairs, less any deductible;
- Provide notice to the claimant within 3 business days after the claim is made of the prohibitions and requirements of the act;
- Promptly pay the cost of motor vehicle repair, less the deductible according to the terms of the insurance policy at no less than the prevailing competitive market price; and
- Disclose any ownership interest in, or ownership by or through an affiliation with, a recommended business.

Clarifies that an insurer is not required to furnish required written notices more than once to each claimant for each claim.

Authorizes a claimant or business to submit a written complaint to the commissioner of insurance alleging a violation of this section.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

H.B. 03-1273 Motor vehicle insurance - credit scoring - notice requirements. Requires an insurer who uses credit scoring to notify applicants or policyholders. Upon request, requires an insurer to provide an explanation of the significant characteristics of the credit information that impact the insurance score. Requires an insurer to comply with the federal "Fair Credit Reporting Act" if the credit information results in an adverse action to a consumer. Requires the notice to include:

- The name, address, and telephone number of the credit reporting agency;
- The consumer's right to receive a free credit report; and

- The right to dispute erroneous information.

APPROVED by Governor April 1, 2003

EFFECTIVE July 1, 2004

H.B. 03-1294 Health insurance - small employer plans. Allows insurers to require that small employers who have elected to purchase health care coverage from the individual health insurance market or who have self-insured be subject to the following for the first 12 months:

- Underwriting based on health status; and
- Premium rate increases up to 35% of the modified community rate at the time of entry.

Requires premium adjustments for health status to be used only for the calculation of small group premiums and not used for acceptance or rejection of a small group by a carrier.

Allows small employer groups that left the small group health insurance market prior to January 1, 2004, to reenroll in the small group market prior to July 1, 2004, without underwriting for health status used for purposes of establishing the premium for the group for 12 months.

Requires that small business groups that have a gap in health insurance coverage be subject to underwriting for health status to establish the premium for the small business group. Limits the premium increase a small employer carrier may charge to business groups that have a gap in health insurance coverage to 35% for 12 months.

Exempts small employers who are excluded from health insurance coverage within a small group and who have no prior group coverage from underwriting for health status to determine the premium for the group.

Allows for a premium discount for nonsmoking.

APPROVED by Governor June 7, 2003

EFFECTIVE January 1, 2004

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

H.B. 03-1299 Life - annuity - minimum legal return. Lowers from 3% to 1.5% the minimum legal return on a life insurance annuity until July 1, 2006.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 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. 03-1348 Domestic life insurance companies - funds - separate account contracts. Codifies a domestic life insurance company's authority to accumulate or hold funds paid pursuant to funding agreements or guaranteed investment contracts in a separate account subject to certain criteria. Defines "separate account contract".

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1360 Sickness, health, and accident insurance - small group marketplace - data collection - analysis - repeal. Declares that the shrinking small group health insurance marketplace needs to be studied in order to determine if there is a crisis that needs to be addressed in order to ensure that health insurance is available and affordable to Colorado consumers.

Authorizes the division of insurance (division) to collect information regarding the small group health insurance marketplace. Upon approval of the division and contingent upon available funds for data collection and analysis, makes the data available to a private foundation for analysis and the analysis available to the public. Authorizes the division to accept and expend gifts, grants, and donations for the purpose of the data collection and analysis.

Repeals the act, effective July 1, 2010.

APPROVED by Governor May 22, 2003

EFFECTIVE August 6, 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. 03-106 Workers' compensation - third-party claims - subrogation - limits on recovery by insurer. In cases of on-the-job injury or death caused by a third party not in the same employ, allows the claimant to collect workers' compensation benefits and also sue the third party for any damages not covered under workers' compensation. Where benefits have been paid to the claimant by a workers' compensation insurer, allows the insurer to recover the amount of such benefit payments from the third party unless such recovery would be from damages awarded to the injured worker for noneconomic damages such as pain and suffering. Allows the court to reduce the insurer's recovery by the amount of the injured worker's attorney fees if the injured worker pursues a third-party claim and the insurer waits more than 90 days to intervene.

Requires notice of any such third-party claim to be given to the insurer, the third party, and the division of workers' compensation. Prohibits the compromise or settlement of any third-party claim for less than the amount of the benefits provided under the workers' compensation act without approval from the insurer. If notice is not given or approval not obtained, eliminates liability for claimant attorney fees on the portion of the settlement equal to the assigned and subrogated interest. Applies to injuries occurring on or after July 1, 2003.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

S.B. 03-118 Workers' compensation - exclusion - race meet employee. Excludes a person who performs duties for more than one employer at a race meet or a horse track from the definition of "employee" for the purposes of the "Workers' Compensation Act of Colorado".

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

S.B. 03-224 Workers' compensation - accreditation of physicians - medical treatment guidelines - continuation under sunset law. Continues the physician accreditation program for the purposes of workers' compensation and the medical treatment guidelines until July 1, 2004, pursuant to the provisions of the sunset law.

APPROVED by Governor April 7, 2003

EFFECTIVE July 1, 2003

S.B. 03-240 Workers' compensation - independent medical examination - payment - examiner selection. Requires a party requesting an independent medical examination to settle a dispute regarding medical impairment to pay the costs of such exam except when the claimant has established that he or she is indigent.

Requires the parties selecting an independent medical examiner (IME) to select such examiner no earlier than the 14th day after the notice of a request for an independent medical examine is mailed. Requires the division of workers' compensation (division) to select 3 IMEs from its list of physicians for consideration by the parties. Allows the requesting party to strike one IME from the list of 3 IMEs, followed by the opposing party who shall then be given the same opportunity. If either party does not strike an IME from the list, allows the division to make the selection. The remaining IME shall be designated by the division to conduct the independent medical examination.

Requires the insurance carrier to provide medical records to the IME within 14 days prior to the scheduled examination. If the insurance carrier fails to provide records in a timely manner, allows the claimant to ask the division to cancel the examination or provide his or her own available records. Allows the defaulting party to supplement records submitted by the claimant.

APPROVED by Governor May 14, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-296 FY 2003-04 budget reduction bill - unemployment tax surcharge - allocation. Diverts 1/2 of the 0.22% unemployment tax surcharge from the unemployment compensation fund to the general fund. Beginning July 1, 2004, allocates such amount of the tax surcharge back to the unemployment compensation fund.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-302 FY 2003-04 budget reduction bill - workers' compensation - data collection - delay - appropriation. Delays for 2 years the authority of the commissioner of insurance to promulgate rules for collecting data and statistics regarding the workers' compensation system of Colorado and the insurance companies covering such risk. Delays for 2 years the requirement that the executive director of labor and employment collect data for the purpose of studying workers' compensation.

Reduces the appropriation to the department of regulatory agencies, division of insurance, for workers' compensation, by \$67,725.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-324 Petroleum storage tank fund - environmental surcharge. Authorizes the use of moneys in the petroleum storage tank fund to administer the environmental response surcharge. Repeals prohibition on using the petroleum storage tank fund to supplant moneys received from the statewide indirect cost allocation agreement with the federal government.

Clarifies that a railroad exemption to the environmental surcharge only applies to fuel prepared for railroad equipment and locomotives. Moves back, from 2004 to 2007, the date after which the environmental response surcharge is not collected if the petroleum storage tank fund has a balance greater than \$8,000,000. Changes from revenue to available fund balance the \$30,000,000 limit on the amount in the petroleum storage tank fund before the environmental surcharge is not collected.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1099 Liquefied petroleum gas - administration - civil penalties - rules - fee - cash fund - appropriation. Determines that the duties of the director (director) of the division of oil and public safety (division) would be appropriately funded with a surcharge on odorized liquefied petroleum gas (propane). Finds that the surcharge will ensure that the division

continues to perform its duties of protecting the public without imposing additional duties upon the director.

Deletes the duty of the director to promulgate and enforce rules regarding transporting liquefied fuel products by tank truck or tank trailer.

Deletes the authority of the district attorneys and the attorney general to sue to enforce the regulation of propane and grants such authority to the director. Authorizes the director to issue a notice of violation of the act. Allows an alleged violator to request a conference with the director within 10 days or the notice becomes final. If a conference is held, requires the director to uphold, modify, or strike the allegations and allows the director to issue an enforcement order with 20 days. Allows an adversely affected person to appeal to the executive director of the department of labor and employment. Requires such executive director to hold a hearing and resolve the dispute in accordance with the "State Administrative Procedure Act". Allows an enforcement order to impose a civil penalty not to exceed \$500 per violation for each day of the violation, except that there may be a penalty not to exceed \$1,000 per violation for each day the violation may result in serious bodily injury.

Deletes the authority of the general assembly to appropriate moneys from the highway users tax fund for the administration of propane.

Requires information regarding liquefied petroleum gas (LPG) storage tanks to be public information except as indicated by state or federal law.

Requires every first purchaser of propane to pay to the executive director of the department of revenue (executive director) a fee set by the executive director. Creates the LPG inspection fund to consist of such fees collected, civil penalties, general assembly appropriations, and federal moneys for the administration of the LPG inspection program. Requires the executive director to adjust the fees so the amount in the fund does not exceed a reserve needed to pay administrative costs for 2 months. Specifies how the moneys in the fund may be used.

Deletes the criminal penalties for a violation of the act.

Requires the use of propane to conform to the 2001 edition of the national fire code instead of the most current edition. Allows any changes in such code to be reviewed by the director and adopted by rule.

Prohibits the use or installation of appliances and components unless they are certified by or listed in standards established by rules of the director. Requires the director to review any standards promulgated by the gas processors association and allows their adoption by rule.

Appropriates \$2,302 to the department of revenue for the implementation of the act. Appropriates \$143,823 to the department of labor and employment for the implementation of the act.

APPROVED by Governor May 21, 2003

EFFECTIVE May 21, 2003

H.B. 03-1206 Wages - compensation - paycheck deductions - penalty for nonpayment of wages - payment to legal heir - legal action. Includes bonuses and vacation pay in the definition of "wages" and "compensation". Specifies that an employer is not required to provide paid vacation for an employee. Specifies that the definition of wages and compensation does not include severance pay.

Allows an employer to deduct the amount of unpaid money or the value of unreturned property from a terminated employee's paycheck if the employee has failed to properly pay or return the amount due to the employer. Clarifies that deductions below minimum wage in violation of the federal "Fair Labor Standards Act of 1938" are not authorized.

Requires an employer to pay a penalty to the employee if the employer does not mail wages or compensation due to the employee within 10 days after demand.

Requires an employer to pay wages and compensation due to a deceased employee to the employee's surviving spouse or other legal heir. Specifies that the payment to the surviving spouse or heir shall operate as a full and complete discharge of the employer's indebtedness.

Specifies that if an employer makes legal tender to an employee for an amount the employer reasonably thinks is due, the employer shall not be liable for more than the amount tendered unless a greater amount is awarded to the employee in a legal action. Requires the employee to pay court costs and attorney fees if the employee recovers an amount equal to or less than the amount tendered. Requires the employer to pay court costs and attorney fees if the employee recovers more than the amount tendered in a legal action.

Relocates statutory provisions.

APPROVED by Governor May 21, 2003

EFFECTIVE May 21, 2003

H.B. 03-1220 Public utilities - high power lines - proximity - notice. Prohibits a person from working near high voltage lines until the utility notifies such person that the lines have been cleared.

Increases the \$1,000-penalty to \$2,000 and imposes liability for attorney fees and prosecution costs for repeat violations of the high voltage laws. Imposes liability for damages to overhead line facilities and indemnification to the facility owner for such violations that cause contact with such lines.

Prohibits operation of a highway vehicle within 4.5 feet of a high voltage line unless appropriate safeguards are in place or the utility is notified and allowed to clear the lines or it is a Colorado department of transportation vehicle responding to emergency situations.

APPROVED by Governor April 29, 2003

EFFECTIVE April 29, 2003

H.B. 03-1221 Accessible housing - standards. Requires design criteria for residential projects for persons with disabilities to comply with the 1998 version of the "American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People".

Requires the jurisdiction responsible for enforcing residential accessibility standards to appoint a board of appeals to hear and resolve appeals concerning accessible housing. Grants responsibility for the enforcement of accessibility standards in factory-built housing and in political subdivisions with no building code to the division of housing. Grants the authority in a political subdivision with a building code to the building department of the subdivision.

Requires alterations to buildings to comply with accessibility standards unless the alteration is technically infeasible. Requires building projects to include a certain number of accessible residential units based upon the total number of units in the project.

Requires a builder to create an implementation plan that specifies the number of accessible units and guarantees their timely and evenly phased delivery. Requires approval of the plan by the jurisdiction responsible for enforcement. Requires such approval before a building permit may be issued.

APPROVED by Governor April 29, 2003

EFFECTIVE April 29, 2003

H.B. 03-1222 Workers' compensation - electronic filings - notice to claimant. Allows for electronic filing of documents with the division of workers' compensation (division). Clarifies that the rejection of an electronic filing by the division on the basis of technical errors does not invalidate the filing of the same document with another party. Eliminates the requirement that an insurer notify the division of cancellation of an employer's workers' compensation coverage.

APPROVED by Governor April 1, 2003

EFFECTIVE August 6, 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. 03-1322 Workers' compensation - hearings. Authorizes a claimant to withhold filing a request for a hearing until after the completion of a division of workers' compensation's independent medical examination. Grants a claimant 30 days after the date the respondents file the revised final admission or application for hearing to file an application for a hearing or a response to the respondents' application for hearing. Specifies that both such provisions apply to injuries occurring on or after August 5, 1998.

Requires an administrative law judge to grant an extension of time for a hearing of no more than 60 days upon agreement of the parties. Requires hearings to be set by the division of administrative hearings within 80 to 100 days after a party filing an application for a hearing certifies that such party attempted to resolve all issues listed in the application for a hearing. Specifies that both such provisions apply to workers' compensation claims filed or pending on or after July 1, 2003.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1347 Employment support fund - appropriation. Eliminates the July 1, 2003, automatic repeal of the statute authorizing use of moneys in the employment support fund to fund labor standards, labor relations, and the Colorado works grievance procedure.

Removes an obsolete provision pertaining to a previous transfer of moneys from the fund.

Appropriates \$815,233 to the department of labor and employment for allocation to the division of labor for the implementation of the act.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

H.B. 03-1349 Federal unemployment trust fund - appropriation limits. Repeals a prohibition on obligating moneys from the federal unemployment trust fund beyond a 2-year period for payment of administrative costs.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1372 Workers' compensation - Pinnacol Assurance - filings - disclosures. Deletes Pinnacol Assurance's (Pinnacol) exemption from:

- Writing workers' compensation insurance on policy forms approved by the commissioner of insurance (commissioner);
- Filing risk classifications and corresponding premiums with the commissioner; and
- Writing insurance at the rates filed with the commissioner.

Requires the business records of Pinnacol related to the surplus plan submitted to the commissioner to be disclosed to the same extent as similar records are disclosed by other insurance companies.

APPROVED by Governor June 3, 2003

EFFECTIVE July 1, 2003

MILITARY AND VETERANS

S.B. 03-100 High school diploma - military service - award by school district - terms. Permits a board of education of a school district to award a diploma to an honorably discharged veteran who:

- Served in the United States armed forces during a period that included World War II, the Korean War, or the Vietnam War;
- Left high school before graduating in order to serve;
- Has attained the age of 60;
- Has not received a high school diploma; and
- Resided in the school district at the time of service or at the time of requesting the diploma.

Permits a board of education of a school district to award the diploma posthumously and to award the diploma even though the veteran has received a GED high school equivalency certificate.

Authorizes the school district to use a form proposed by the Colorado board of veterans affairs and adopted by the adjutant general to receive information from a veteran who requests a diploma.

APPROVED by Governor March 18, 2003

EFFECTIVE March 18, 2003

H.B. 03-1249 Adjutant general -- appointment of assistant adjutant generals - donations - distance learning facilities - cash funds. Authorizes the adjutant general to appoint assistant adjutant generals for army, air, and space. Authorizes the adjutant general to appoint other adjutant generals as authorized by the national guard bureau or as authorized by the governor.

Permits the adjutant general to accept gifts, grants, and donations to carry out the functions and duties of the state military. Creates a fund to receive the gifts, grants, and donations.

Permits the adjutant general to make available, for public or private use, distance learning audio and video facilities. Permits the charging of fees for the use of the facilities. Creates a cash fund to receive fees generated by the use of the facilities.

APPROVED by Governor May 22, 2003

EFFECTIVE August 6, 2003

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

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 03-7 Toll evasion violations - liability of owner of leased or rented vehicles. Specifies that a car rental or leasing company is liable for a highway toll evasion civil violation penalty as the owner of the vehicle, but specifies that the company may obtain payment of the penalty from the person who was responsible for the vehicle or may avoid liability by providing the public highway authority or enterprise with the name, address, and state driver's license number of the person who was responsible for the vehicle at the time of the violation.

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

S.B. 03-46 Trash trucks - speed limits. Clarifies that the 45-mile-per-hour speed limit for trash trucks only applies to single rear axle vehicles that exceed 20,000 pounds.

APPROVED by Governor March 20, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-54 Commercial vehicle permits - carrying requirements - annual fleet permits. Eliminates the requirement that permits for the use of longer vehicle combinations or excess size and weight vehicles, permits for the transportation of manufactured homes, and permits for the transportation of hazardous materials be carried in the commercial vehicles for which they are issued if a peace officer or an authorized agent of the department of transportation may determine that such a permit can be electronically verified at the time of contact. Allows the department of transportation to issue annual fleet permits for the operation of multiple excess size or weight vehicles for which the issuance of such permits is not currently authorized. Requires an application for an annual fleet permit to specifically describe the vehicles, loads, and estimated number of loads to be operated or moved and the particular highways for which the permit to operate is requested.

Prohibits the issuance of annual fleet permits that authorize the operation of vehicles that exceed the maximum dimensions allowed for vehicles operating under annual permits issued pursuant to rules of the department of transportation pertaining to transport permits for the movement of extra-legal vehicles or loads. Specifies that the fee for an annual fleet permit is \$3,000 for a fleet of from 2 to 10 vehicles plus \$300 for each additional vehicle in the fleet.

APPROVED by Governor March 18, 2003

EFFECTIVE January 1, 2004

S.B. 03-60 Registration and taxation - fleet vehicle registration renewal - county of fleet owner's principal office or principal management facility. Authorizes a fleet owner to process the registration renewal for any fleet vehicle, with the exception of Class A personal property, in the county where the fleet owner's principal office or principal fleet management facility is located instead of in the county in which the fleet vehicle is located at the time of registration. Specifies that any fleet vehicle for which the registration renewal is processed in the county where the fleet owner's principal office or principal fleet management facility is located shall continue to be registered in the county in which the fleet vehicle is located at the time of registration.

Specifies that it is the duty of the authorized agent in the county where the principal office or principal fleet management facility is located to collect the registration fee and specific ownership tax payable on each fleet vehicle for which the registration renewal is processed by the fleet owner in such county.

Directs the authorized agent in any county in which a fleet vehicle registration renewal is processed to retain the sum authorized pursuant to state statute to defray the costs associated with vehicle registration, and specifies that the agent shall not disperse such sum to the county in which the fleet vehicle is located at the time of registration. Directs the authorized agent in the county in which a fleet vehicle registration renewal is processed to transmit to the department of revenue all other fees and moneys collected by the agent.

Specifies that the annual specific ownership tax on each fleet vehicle for which the registration renewal is processed in the county in which the principal office or principal fleet management facility is located shall become due and payable to the authorized agent in such county. Directs the authorized agent in such county to apportion the specific ownership taxes collected for all fleet vehicles for which the registration renewal is processed to the counties in which the fleet vehicles are located at the time of registration in proportion to the number of fleet vehicles located in each county.

APPROVED by Governor March 28, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-61 Registration - city and county of Denver. Conforms state laws dealing with the registration of motor vehicles, including manufactured homes, to the charter of the city and county of Denver, as authorized by the state constitution.

APPROVED by Governor March 12, 2003

EFFECTIVE July 1, 2003

S.B. 03-91 Alternative fuels - tax credit - high occupancy vehicle lane use - use by state motor pool. Clarifies that a hybrid motor vehicle qualifies for the income tax credit available for motor vehicles that use alternative fuels. Allows a hybrid vehicle to use high occupancy vehicle lanes notwithstanding the fact that only one person may be riding in such vehicle if allowed pursuant to federal law and requires the department of transportation to inform motorists of the availability of such use. Requires the adoption of a state policy under which at least 10% of state-owned vehicles that can use both gasoline and an alternative fuel (bi-fueled vehicles) to actually use only alternative fuels by July 1, 2010. Requires the collection of data concerning actual fuel use by state-owned bi-fueled vehicles.

APPROVED by Governor April 22, 2003

EFFECTIVE September 1, 2003

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

S.B. 03-116 Repairs - service contracts - definition of "provider" - applicability to motor vehicle dealer. Clarifies that a motor vehicle dealer who sells a motor vehicle that is the

subject of a motor vehicle service contract does not thereby become a "provider" under statutory definitions applicable to motor vehicle service contract insurance.

APPROVED by Governor April 7, 2003

EFFECTIVE April 7, 2003

S.B. 03-131 Drivers' licenses - continuation of electronic hearings under sunset law. Continues indefinitely the use of electronic hearings regarding motor vehicle regulation by the department of revenue.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-192 FY 2003-04 budget reduction bill - driver's license restoration fee - appropriation. Increases the restoration fee that a person whose license or other privilege to operate a motor vehicle in this state has been suspended, cancelled, or revoked pays to the executive director of the department of revenue from \$40 to \$60. Allows the department to use moneys collected in the administration of certain drivers' license restraints, including, but not limited to, the direct and indirect costs of providing administration hearings, without the use of moneys from the general fund.

Decreases the general fund portion of the appropriation to the department of revenue and increases the cash funds exempt portion of the appropriation.

Provides that section 2 of the act shall only take effect if Senate Bill 03-217 is enacted and becomes law. Provides that section 3 of the act shall only take effect if Senate Bill 03-217 is not enacted and does not become law.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

NOTE: Senate Bill 03-217 was signed by the Governor March 5, 2003.

S.B. 03-239 Motorist insurance identification database program - insurers' reports of policy information - continuation under sunset law - designated agent requirements - appropriation. Beginning January 1, 2004, requires each insurer that has 10,000 or more current policies in place for the preceding 6 months to provide policy information to the designated agent that monitors the program database every 2 weeks. Beginning July 1, 2004, requires each such insurer to report such information on a weekly basis. Requires each insurer to provide complete policy information on all existing policies to the designated agent at least every 6 months. Requires the division of insurance to assess a fine of not more than \$250 against an insurer for each day the insurer fails to report timely and accurate information to the designated agent.

Extends the automatic termination date of the motorist insurance identification database program (program) to July 1, 2006, pursuant to the provisions of the sunset law. Requires the department of regulatory agencies, in conducting its sunset review, to consider whether the rate of uninsured drivers has decreased, the number of letters sent to uninsured motorists pursuant to the program and the effect of such letters, the degree to which law enforcement uses the database, and the use and effectiveness of the internet option offered pursuant to the program.

Adds a provision regarding license plate theft to a section that deals with the theft of motor vehicle parts.

Requires the designated agent to provide an internet option that allows citizens, county clerks, and insurers and their agents, including commercial insurers, to submit insurance information directly to the designated agent. Requires the designated agent to provide a quality control process to ensure the accurate input of information into the database. Requires the designated agent to send a letter of noncompliance to an uninsured vehicle owner upon receipt of information that such owner has been uninsured for 60 consecutive days. Requires such letter to state that providing proof of insurance is the responsibility of the owner and not the county clerk. Requires the designated agent to provide the department of revenue access to the database.

Eliminates the requirement that insurers writing automobile insurance report policyholder and uninsured motorist claim numbers to the commissioner of insurance. Eliminates the requirement that the division of insurance contract with a company to gather information regarding uninsured motorist claims and report such information to the general assembly.

Deletes the provision that ties the repeal of the penalty for failure to have compulsory motor vehicle insurance or a certificate of self-insurance to the repeal of the program.

Decreases the appropriation to the department of regulatory agencies, division of insurance, by \$12,500.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

S.B. 03-272 FY 2003-04 budget reduction bill - cash funding license plate issuance from license plate fees - appropriation. Provides that, in addition to the payment of any fees for motor vehicle registration or for the issuance of license plates, decals, or validating tabs, each owner of a motor vehicle issued any license plate, decal, or validating tab for a motor vehicle shall also pay a fee to cover the cost of issuing such plates, decals, placards, or tabs. Credits the fees collected to the license plate cash fund, and creates such fund in the state treasury. Places responsibility for administering the fund with the department of revenue. Funds the issuance of all license plates from the fund. Specifies that any unexpended and unencumbered moneys remaining in the fund at the end of each fiscal year shall revert to the highway users tax fund.

Provides that the fees imposed by the act shall be set in an amount necessary to recover only the costs of the production and distribution of any license plates, decals, or validating tabs issued. Specifies the amount of the fees to be collected.

Specifies that, with the exception of special license plates issued for purple heart recipients, former prisoners of war, disabled veterans, or recipients of a medal of honor, the fees imposed by the act apply to all other special license plates issued.

Appropriates out of any moneys in the license plate cash fund to the department of revenue, for the fiscal year beginning July 1, 2003, the sum of \$3,124,902 for the implementation of the act.

Adjusts the appropriations made in the annual general appropriation act for the fiscal

year beginning July 1, 2003, by decreasing the appropriation to the department of revenue, for license plate ordering by \$3,124,902. Specifies that this sum shall be from the highway users tax fund.

APPROVED by Governor May 1, 2003

EFFECTIVE July 1, 2003

S.B. 03-333 Electronic tickets and signatures - court enforcement. Prohibits a court from dismissing charges or refusing to enforce any traffic law or rule solely because the penalty assessment notice or summons and complaint is in electronic form or contains an electronic signature.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1010 License plates - disabled veterans - application requirements. Removes a requirement that a person issued disabled veteran special license plates send an application to the department every year. Requires such person to apply when such special plates are transferred to another vehicle.

APPROVED by Governor April 17, 2003

EFFECTIVE August 6, 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. 03-1016 Emissions - certificate of compliance - duration. Authorizes the air quality control commission to increase the effective duration of certifications of emissions compliance issued for new motor vehicles. Authorizes the sale of a motor vehicle without obtaining an emissions test if the original new vehicle emissions certification does not expire within the next 12 months.

Requires a motor vehicle dealer to have a motor vehicle inspected annually but not more than annually.

APPROVED by Governor May 2, 2003

EFFECTIVE August 6, 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. 03-1040 License plates - remanufactured. Repeals the law authorizing the holder of a set of license plates that contain only 2 letters and up to 4 numeric figures to remanufacture and use such plates upon application to the department of revenue. Authorizes a person to continue to use a remanufactured license plate as a personal license plate without paying additional fees.

APPROVED by Governor May 21, 2003

EFFECTIVE August 6, 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. 03-1053 Emissions program - heavy-duty diesel vehicles. Changes the definition of a "heavy-duty diesel vehicle" from a vehicle that exceeds 7,500 pounds empty weight to a vehicle that exceeds 14,000 pounds gross vehicle weight rating. Defines "light-duty diesel vehicle".

Transfers from the executive director of the department of public health and environment to the air quality control commission the authority to promulgate rules covering the heavy-duty diesel fleet inspection and maintenance program (program). Replaces criminal penalties with civil penalties up to \$15,000 for violations concerning the program. Repeals the authority of the executive director of the department of revenue to contract with the Colorado institute for fuels and high altitude engine research of the Colorado school of mines to research the unique conditions existing in the front range and the high altitude communities that affect heavy-duty diesel vehicles.

Increases the model year exemption from 2 to 4 years for heavy-duty diesel vehicles and decreases test frequency to biennial testing for heavy-duty diesel vehicles that are equal to or less than 10 model years old and at least model year 1995. Requires testing of all diesel vehicles routinely operated in the program area, not just those registered, required to be registered, or housed in the program area. Allows the use of an automated testing protocol as an option for fleet heavy-duty vehicles equal to or less than 10 model years old. Eliminates visual testing for heavy-duty vehicles in the program for vehicles greater than 10 model years old.

Authorizes the transfer of ownership of a diesel vehicle from the lessor to the lessee without an emissions test during the first 4 model years of the vehicle's life. Changes from 50% to 40% for less than one second the peak smoke opacity limit that may be promulgated by the air quality control commission.

Authorizes a trained peace officer to perform a snap acceleration opacity test to determine if a person has committed the offense of polluting the air. Repeals a clause that allows a person who has received a complaint for polluting the air to avoid the penalty if such person repairs or decommissions the offending diesel vehicle.

APPROVED by Governor April 17, 2003

EFFECTIVE August 6, 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. 03-1067 Motor vehicles abandoned on public property - sale - bonded title for vehicles less than 5 years old. Requires the purchaser of a motor vehicle that was abandoned on public property to obtain a bonded title for the vehicle if:

- The vehicle being purchased is less than 5 years old; and
- The department of revenue does not provide the name of an owner of record to the law enforcement agency conducting the public or private sale.

Directs the department of revenue to promulgate rules regarding the qualifications for a bonded title.

APPROVED by Governor March 7, 2003

EFFECTIVE March 7, 2003

H.B. 03-1071 Certification requirement - commercial vehicle safety inspectors. On and after September 1, 2003, requires the following types of commercial vehicle safety inspections to be performed by enforcement officers who have been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections:

- Inspections conducted to determine compliance with rules and regulations for the operation of all commercial vehicles promulgated by the department of public safety; and
- Inspections conducted to enforce specified statutory provisions relating to the transportation of hazardous materials.

APPROVED by Governor March 20, 2003

EFFECTIVE August 6, 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. 03-1144 Child restraint systems - vehicle equipped with only 2-point-lap-belt-only system. Modifies the child restraint system requirement for children who are at least 4 years of age but less than 6 years of age and who are less than 55 inches tall and who are being transported in a vehicle equipped with only a 2-point-lap-belt-only system available for the child by requiring such children to be restrained with a lap belt rather than a child booster seat or a child safety belt-positioning device.

APPROVED by Governor March 7, 2003

EFFECTIVE August 1, 2003

H.B. 03-1170 Crimes involving motor vehicles - license revocation. If a person is convicted of, or adjudicated a juvenile delinquent for, aggravated motor vehicle theft, criminal mischief involving a motor vehicle, or second degree criminal trespass for entering or remaining in a motor vehicle, or a comparable municipal offense, requires the department of revenue to revoke the person's driver's license for at least one year, and allows the person's driver's license to be reinstated only upon proof that the person has satisfied the order for restitution entered for the crime.

APPROVED by Governor May 21, 2003

EFFECTIVE July 1, 2003

H.B. 03-1185 Electric utility vehicle combination - weight limit. Allows a vehicle combination that is operated by an electric utility to weigh up to 21,000 pounds on a highway that is not an interstate highway.

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

H.B. 03-1190 Temporary special event license plate- issuance - fee. Grants authority to the department of revenue (department) to issue a temporary special event license plate (license plate) to a person or group of people in connection with a special event. Requires an applicant for a license plate to submit to the department special event and vehicle information and other information as required by the department.

Authorizes the department to determine a fee to be charged for the temporary license plate not to exceed \$25. Requires the fee to be transmitted to the state treasurer who shall credit the fee to the license plate cash fund. Requires that any sales or use tax due in connection with the license plate or related vehicle be paid before the license plate is issued.

Grants rule-making authority to the department.

Makes alternative provisions relating to the collection and deposition of fees contingent on the passage of Senate Bill 03-272.

APPROVED by Governor May 21, 2003

EFFECTIVE May 21, 2003

NOTE: Senate Bill 03-272 was signed by the Governor on May 1, 2003.

H.B. 03-1223 Insurance - motor vehicle registration. Requires the provision of proof of insurance prior to the reinstatement of a motor vehicle registration that has been suspended pursuant to the "Motorist Insurance Identification Database Program Act".

Deletes a court's authority to suspend a minimum fine if the person obtains insurance after violating the prohibition of driving without insurance.

Repeals a provision requiring an oath that such person has insurance before a registration may be renewed.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1287 Certificate of title - requirements - vehicle twenty-five years or older. Exempts an applicant for a certificate of title for a motor vehicle that is 25 years old or older from furnishing a savings account, deposit, certificate of deposit, or a good and sufficient bond with a corporate surety, in a case where the applicant is unable to provide a certificate of title or other evidence of ownership of the motor vehicle to the department of revenue, if the applicant has had a certified vehicle identification number inspection performed on the vehicle and the applicant presents a notarized bill of sale with the title application.

APPROVED by Governor April 22, 2003

EFFECTIVE April 22, 2003

H.B. 03-1313 Emissions inspection program area - boundary change - legislative pre-approval. Requires the air quality control commission to review the boundaries of the motor vehicle emissions inspection program area. Authorizes the commission to promulgate a rule on or before December 31, 2004, to adjust the program area boundaries to exclude particularly identified regions from either the program area, the enhanced area, or both, based on an analysis of the applicable air quality science and the effects of the program on the population living in such regions. Exempts such exclusion from the general assembly's state implementation plan review process.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 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. 03-1342 Manufactured homes - fees. Aligns fees for manufactured homes and lien releases with motor vehicle fees by making the following changes:

- Changes from \$5.50 to \$7.20 the title fees on manufactured homes that support the Colorado state titling and registration system (system).
- Imposes an additional temporary fee of \$2.30 to administer and upgrade the system. Repeals such temporary fee on September 1, 2006.
- Changes from \$1.50 to \$8.20 the fee for a duplicate certificate of title.
- Changes from \$1.50 to \$7.20 the lien release fee.

Authorizes the department to use the entire fee it collects from making copies to fund the system. Requires the authorized agent to forward 10¢ of such fee to fund the system.

Authorizes the use of transporter plates on special mobile machinery.

Clarifies the percentages of title and registration fees that are distributed to the Colorado state titling and registration account.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1357 Emissions inspection - required upon sale - sale of abandoned motor vehicle. Exempts the sale of abandoned motor vehicles by towing carriers and police departments from the requirement for the seller to obtain a certification of emissions control.

APPROVED by Governor June 3, 2003

EFFECTIVE August 6, 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. 03-1367 License plates - military valor recognition. Creates the military valor special license plate. Authorizes persons who have received the following awards to be issued such license plate:

- Navy cross;
- Distinguished service cross;
- Air force cross; or
- Silver star.

Makes an appropriation.

States that the act will not take effect unless Senate Bill 03-272 is enacted and becomes law.

APPROVED by Governor June 3, 2003

EFFECTIVE August 6, 2003

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

(2) Senate Bill 03-272 was signed by the Governor May 1, 2003.

H.B. 03-1381 Child restraint systems in motor vehicles. Clarifies that a child who is being transported in this state in a privately owned noncommercial passenger vehicle or a vehicle operated by a child care center, and who is 4 years of age or older or 40 pounds or more, shall not be restrained in a forward-facing child restraint system, but shall be restrained with another applicable safety device.

Clarifies that a child who is being transported in this state in a privately owned noncommercial passenger vehicle or a vehicle operated by a child care center, and who is 6 years of age or older or 55 inches tall or more, shall be restrained with the motor vehicle's safety belt.

APPROVED by Governor June 3, 2003

EFFECTIVE June 3, 2003

NATURAL RESOURCES

S.B. 03-114 Wildlife - luring bears. Punishes the offense of knowingly luring a wild bear to food or edible waste by a warning for the first violation, a fine of \$100 for a first offense, \$500 for a second offense, and \$1,000 for a third or subsequent offense. Exempts acts related to agriculture.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-278 FY 2003-04 budget reduction bill - water rights - administration fee - repeal. Effective July 1, 2003, requires the owners of decreed water rights to pay to the state engineer an annual water administration fee in an amount determined by the type and use of the water right.

Authorizes the state engineer to sue for nonpayment of the fee. Directs the state engineer to report to the general assembly by December 1, 2004, concerning the fee. Repeals the fee December 1, 2005.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-290 FY 2003-04 budget reduction bill - parks and outdoor recreation - fees. Gives the board of parks and outdoor recreation authority to set by rule certain park fees currently set by statute. Repeals the fees on July 1, 2007. Requires the board to provide the joint budget committee with an analysis of the proposed rules before adopting them. By November 1 of each year, requires the board to provide the joint budget committee, the house agriculture, livestock, and natural resources committee, the senate agriculture, natural resources and energy committee, and the house and senate finance committees a list of such fees.

Authorizes the board to establish the age of eligibility for the aspen leaf pass and the amount of the commission to be paid to pass and registration agents. Repeals the authority for the aspen leaf pass to entitle the holder to the free use of state park campgrounds.

Creates a stores revolving fund in the amount of \$200,000 to acquire stock for warehousing and distributing supplies to operating units of the division of parks and outdoor recreation.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-329 Mining - hardrock and coal - explosives permitting - federal preemption. Declares that it is in the best interest of Colorado to conform to the federal assumption of intrastate jurisdiction over the storage, transportation, and use of explosives at hardrock and coal mine sites. In furtherance of this goal, this act:

- Authorizes the office of active and inactive mines in the division of minerals and geology in the department of natural resources to enter into agreements with the bureau of alcohol, tobacco, firearms, and explosives to allow the office to provide explosives inspections and other explosives assistance to

- federal agencies; and
- Repeals a duplicative state explosives permitting system.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1092 State forest - management principles. Directs the department of natural resources and its divisions that own forested land, in consultation and cooperation with the state forester, to actively manage all forested state lands, consistent with applicable laws and state best management practices, using the range of management options appropriate to the given forest ecosystem, to:

- Reestablish natural forest conditions;
- Reduce the threat of large, high-intensity wildfires;
- Sustain and promote natural habitat consistent with healthy forest conditions; and
- Protect and restore watersheds.

APPROVED by Governor June 5, 2003

EFFECTIVE August 6, 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. 03-1097 Wildlife - hunting and fishing - licenses - classifications - penalties. Declares illegal multiple licenses void. Prohibits a person from using another person's lawfully acquired license. Prohibits a person from taking and abandoning wildlife.

Lowers the suspension point penalty for harassing wildlife with a vehicle from 15 points to 10 points. Specifically prohibits the discharge of a firearm or release of an arrow from a vehicle with the intent to take wildlife. Raises from \$200 to \$2,000 the fine for communicating the location of wildlife to a hunter from an aircraft. Prohibits the use of electronic devices to communicate the location of wildlife from an airborne aircraft to assist in the taking of wildlife. Prohibits the use of electronic devices to communicate in furtherance of a violation of the wildlife laws and imposes a \$200 fine and 15 license suspension points. Prohibits the use of night vision, enhanced light-gathering optics, or thermal imaging devices as an aid in hunting or taking wildlife during the night and imposes a \$2,000 fine and 20 license suspension points. Directs a hunter that shoots at wildlife to go to the spot where the wildlife was if the hunter is unaware of the location of the wildlife. Requires a hunter to wear florescent orange when hunting moose.

Classifies desert bighorn sheep as big game. Deems a person who applies for or purchases a resident hunting, fishing, or trapping license in another jurisdiction to be a resident of such jurisdiction.

Converts the combination youth small game hunting, furbearer, and fishing license to a youth small game hunting license. Authorizes such licensee to collect the full normal bag limit.

Prohibits the provision of goods or services on property owned by the division of wildlife unless permitted by rule. Punishes failure to acquire such permit with a fine of \$100

to \$1000, imprisonment up to one year, and 20 license suspension points.

APPROVED by Governor April 17, 2003

EFFECTIVE July 1, 2003

H.B. 03-1100 Resource management plans - federal government - state government - counties - municipalities. Makes a legislative declaration. Authorizes a municipality, a county, the department of public health and environment, the Colorado state forest service, the wildlife commission, the Colorado water conservation board, the water quality control commission, and the air quality control commission to coordinate with the U.S. secretary of the interior, the U.S. secretary of agriculture, and federal agencies to develop resource management plans for federal lands within its jurisdiction pursuant to federal law.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

H.B. 03-1319 Wildlife and state parks - law enforcement - increased authority. Clarifies that the wildlife commission has the power to provide for the destruction of wildlife in order to preserve the health, safety, and welfare of the public. Removes a requirement that funds appropriated to the division of parks and outdoor recreation for the acquisition of rights-of-way be expended for the provision of services with the department of transportation.

Requires that if a bear or mountain lion is killed pursuant to a permit issued to prevent excessive damages to property, the killing must be reported to the division of wildlife within 5 days. Clarifies that a permit is not required to trap, kill, or otherwise dispose of bears, mountain lions, or dogs when such animals threaten livestock, people, a motor vehicle, or real property. Requires a person who takes any wildlife for such purposes to report the fact to the division of wildlife within 5 days.

Requires the payment of a ticket for a motor vehicle failing to display a required parks pass to be made within 10 days or, if not, requires a court date to be set. Imposes liability on the registered owner if the owner knew or should have known that the vehicle was used for such violation.

Authorizes the commission to delegate to a hearing officer the authority to suspend wildlife license privileges. Changes the definition of conviction, as applied to licensing, in order to include the acceptance of a deferred sentence and the adjudication of a juvenile as delinquent. Imposes a lifetime suspension of license privileges when a person has had his or her license suspended 3 or more times.

Adds a criminal penalty of \$1,000 to \$10,000 and up to 90 days in jail for any person who applies for a license, or exercises the benefits conferred by a license, while under a lifetime suspension of licensing privileges.

For big game and non-big game licenses, imposes a new criminal penalty when a person provides false information while applying for a license, and increases from \$200 the penalty for making a false statement on a license application to a fine that is equal to twice the cost of the most expensive license for the applicable species.

For big game and non-big game licenses, increases the fines for hunting or taking wildlife without the appropriate license from \$50 to a fine that is equal to twice the cost of the most expensive license for the applicable species.

Increases the criminal penalty to \$200 for the violation of allowing a person to use another person's license.

Authorizes the commission to suspend a license for a period of one year to life for illegally hunting, taking, or possessing an endangered or threatened animal or a golden eagle, rocky mountain goat, desert bighorn sheep, American peregrine falcon, or rocky mountain bighorn sheep. Raises the criminal penalty for illegally taking a desert bighorn sheep, American peregrine falcon, or rocky mountain bighorn sheep to a fine of \$1,000 to \$100,000, one year in jail, and 20 points.

Clarifies that any combination of 3 or more big-game-animal takings violations triggers a penalty enhancement of up to a \$10,000 fine per animal and up to one year in jail.

Prohibits operating any commercial business on any property owned or managed by the division of parks and outdoor recreation without obtaining written permission, and imposes a criminal penalty of \$100 to \$1,000 or one year in jail for such violation.

Adds fishing and trapping to the prohibition of hunting or taking wildlife outside of legal seasons or areas. Changes the penalty for such violation from \$100 and 10 points to the following:

- For a small game license, a fine that is equal to twice the cost of the most expensive license for the applicable species and 10 points;
- For any big game license, a fine that is equal to twice the cost of the most expensive license for the applicable species and 15 points.

Repeals statutes that impose criminal penalties for failure to pay a special district toll, require every Colorado wildlife officer to obtain basic peace officer certification, and provide an alternative sentence regarding fish health.

Prohibits the possession of a vessel at a staging area unless it has been registered, and imposes a criminal penalty of \$50 for such violation. Prohibits the operation of a vessel unless all children are wearing flotation devices, and imposes a criminal penalty of \$50 for such violation.

Repeals the following requirements pertaining to the report that an operator of a vessel is required to make when a vessel is in an accident:

- That the report cannot prejudice the person who files the report or be used as evidence in a relevant civil or criminal trial; and
- That the report must be kept confidential by the division except to disclose the identity of a person involved in such accident.

Authorizes the board of parks and outdoor recreation to prohibit the use of white water canoes and kayaks in any waters of the state when it may constitute a safety hazard.

Repeals the requirement that, upon registration, the division of parks and outdoor

recreation must provide a copy of the laws and rules affecting vessels to a vessel owner.

Raises the penalties for a wide variety of violations. Defines relevant terms.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1323 Development projects - Colorado coordination council created - permit coordination duties and fees - cash fund. Creates the Colorado coordination council in the office of the executive director of the department of natural resources. Transfers the Colorado joint review process to the council by a **type 3** transfer. Directs the council to initiate permitting coordination procedures upon submission of a request by the sponsor of a natural resources development project. Requires the sponsor to file with the council and serve upon all governmental entities involved in permitting the project a description of the project and a list of the governmental entities involved, and to pay a fee for the council's permitting coordination costs. Creates a cash fund for such fees.

Repeals the council on July 1, 2013, subject to review by the department of regulatory agencies.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 03-310 Uniform Principal and Income Act - definitions - total return trust - parameters guardianship of minor - authority of emergency guardian - Uniform TOD Security Registration Act - definitions. Modifies the "Uniform Principal and Income Act" by:

- Creating definitions for "qualified beneficiary" and "total return trust";
- Limiting a trustee's power to adjust between principal and income; and
- Specifying parameters for certain aspects of a total return trust, including conversion or reconversion or adjustment of the distribution percentage of a total return trust by a trustee or court, applicable conditions, administration of a total return trust, determination of matters by a trustee, allocations, court orders, restrictions, tax limitations, release of power, remedies, duty to inform, and application.

Extends the duration of the authority of an emergency guardian appointed by a court for a minor from 30 days to 60 days.

Modifies certain definitions in the "Uniform TOD Security Registration Act".

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1312 Disposition of last remains - declaration instrument - interested parties. Authorizes a person to create a declaration instrument (instrument) that specifies any one or more of the following:

- What disposition is to be made of the person's last remains;
- Who may direct the disposition of the person's last remains;
- The ceremonial arrangements to be performed after the person's death;
- Who may direct the ceremonial arrangements after the person's death; or
- The rights, limitations, immunities, and other terms of third parties dealing with the instrument.

Authorizes a 3rd party to disregard a provision of an instrument if it is not reasonable. Provides that the most recent such instrument supersedes prior versions.

Protects from liability a 3rd party who relies on an instrument in good faith or who reasonably relies on an instrument to dispose of property.

Creates the following presumptions concerning an instrument:

- The instrument is valid; and
- The creator was competent.

Makes the directions of an instrument binding on other persons as if the declarant were alive and competent.

Authorizes a 3rd party who has reasonable cause to question the authenticity or validity of an instrument to investigate the situation or to require exhibition of the original instrument or a notarized copy of the original.

Sets the priority of persons authorized to control the disposition of a person's last remains in the following order:

- The decedent acting through an instrument;
- Either the appointed personal representative or special administrator of the decedent's estate;
- The surviving spouse;
- A majority of the surviving adult children;
- A majority of the surviving parents or legal guardians;
- A majority of the surviving adult siblings;
- The public administrator responsible for the estate.

Requires a final judgment of the probate court if the majority of a class cannot agree on disposition.

Creates a suggested form for an instrument.

Authorizes a person to revoke his or her instrument in writing or by burning, tearing, canceling, or destroying the instrument.

Automatically revokes a delegation to the declarant's spouse to direct the disposition of the declarant's last remains upon a divorce, annulment, or separation. Allows a person who is delegated authority to direct the disposition to decline the delegation.

Creates a presumption that instruments are intended to be recognized to the fullest extent possible by other states. Specifies that instruments executed in other states that comply with this act may be relied upon by 3rd parties in this state.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 2003

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

PROFESSIONS AND OCCUPATIONS

S.B. 03-21 Board of nursing - direct care provider career path pilot program - modifications. Modifies the state board of nursing's duties under the direct care provider career path pilot program, ("program") making them more permissive. Repeals the personal care provider tier of the program and adds a certified nurse aide - level III to the program.

APPROVED by Governor April 17, 2003

EFFECTIVE April 17, 2003

S.B. 03-27 Hunting and fishing outfitters - regulation - continuation under sunset law. Extends the automatic termination date of the regulation of outfitters to July 1, 2004.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

S.B. 03-50 Nurses - questionnaire - license renewal - appropriation. Requires the state board of nursing to create a questionnaire to be disseminated to licensed professional, practical, and retired nurses upon application for renewal of such nursing licenses. Requires the questionnaire to inquire whether a nurse has violated the "Nurse Practice Act" or committed any other act that would make the licensee unfit to practice nursing. Specifies that negligent or willful failure to respond to the questionnaire shall constitute grounds for discipline.

Appropriates \$295,892 to the department of regulatory agencies and \$119,600 to the department of law for the implementation of the act.

APPROVED by Governor May 14, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-71 Alcohol beverages - licensing - entities - investigations - universities and seminaries. Authorizes a club or arts liquor license to be issued to an entity upon the investigation of the president or chair of the board and the operational manager. Repeals a prohibition against placing a licensed arts liquor premises in a college, university, or seminary.

APPROVED by Governor March 13, 2003

EFFECTIVE March 13, 2003

S.B. 03-107 Racing - greyhounds - simulcast facilities - out-of-state signals. Authorizes an in-state simulcast facility on the premises of a greyhound track that is currently conducting a live race meet to receive simulcast greyhound races from an out-of-state host track during a week in which it schedules 5 days of live racing with at least 10 races each day. Requires the commission to apportion no more than 250 out-of-state simulcast race days equitably among greyhound tracks based upon the number of live race days. Prohibits the simulcast of more than the number of race days apportioned to such facility.

Requires an in-state simulcast facility to transmit out-of-state races through an in-state simulcast facility that is located on the premises of a greyhound track conducting a live race meet. If more than one greyhound track is conducting a live race meet concurrently, requires

an in-state simulcast facility to only receive the broadcast signal and conduct pari-mutuel wagering through an in-state simulcast facility located in the same circuit as the in-state simulcast facility.

Requires 5% of the gross receipts from pari-mutuel wagers placed at an in-state simulcast facility on simulcast greyhound races to be deposited into the purse fund at the track hosting the current live greyhound meet through which the in-state simulcast facility receives the broadcast signal.

BECAME LAW April 29, 2003

EFFECTIVE June 1, 2003

S.B. 03-113 Division of gaming - continuation under sunset law - license renewals - retailer license penalty - employment termination - gaming equipment manufacturer and distributor residency requirement. Changes the renewal period for support licenses and key employee licenses from one year to 2 years. Changes the penalties that the Colorado limited gaming control commission (commission) may impose on a person who holds a retailer license from \$12,500 to \$25,000 for any cause that would have prevented the issuance of the license, for any violation of the Colorado limited gaming act, for any violation of a rule promulgated by the commission, or for conviction of a crime involving moral turpitude or a felony.

Deletes the requirement that any gaming licensee terminate the employment of any employee whose license has been revoked or expired within 24 hours after written notice of the license revocation or expiration. Repeals the requirement that any manufacturer or distributor of gaming equipment be a resident of or be located in Colorado.

Extends the automatic termination date of the division of gaming to July 1, 2013, pursuant to the provisions of the sunset law.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

S.B. 03-119 Pharmacists - regulation - sunset review - fining authority - grounds for discipline - disciplinary actions - exemptions from licensure - fees - transfer of drugs. Continues the regulatory functions of the state board of pharmacy (board) until 2012. Eliminates the confidential nature of a letter of concern as a disciplinary tool.

Allows the board to fine registrants for regulatory violations. Requires at least a 2-year revocation of a license before reapplication for a new license may be made. Allows wholesalers to sell or deliver prescription medications intended for veterinary use directly to the owner of the pet in need of the prescription.

Revises grounds for discipline to clarify the authority of the board. Adds additional grounds for discipline. Clarifies how the board may discipline licensees and registrants. Extends the time to appeal a letter of admonition from 20 days to 30 days.

Conforms the definition of "controlled substance" to the definition used in Colorado's criminal statutes. Harmonizes the definitions of "administer", "casual sale", "compounding", "delivery", "device", "dispense", "distribution", "manufacture", "nonprescription drug", "official compendia", "order", "refill", "supervision", and "wholesaler" to the model act for boards of pharmacy (model act). Conforms the definition of "prescription drug" to federal law.

Updates the pharmacy peer health assistance program provisions to indicate that peer assistance may be used in conjunction with disciplinary procedures of the board. Limits the terms of membership to the rehabilitation evaluation committee to 2 terms. Requires that one of the members of the rehabilitation evaluation committee be a psychiatrist or licensed mental health provider. Doubles the fee for the peer assistance program.

Clarifies that the state board of pharmacy may:

- Determine the qualifications and fitness of applicants;
- Maintain license and registration renewal information for a reasonable time;
- Conduct investigations, hold hearings, take testimony, subpoena witnesses, administer oaths, and compel the production of documents and things; and
- Regulate registered outlets for the purposes of embargos.

Allows a manufacturer that must obtain a prescription drug or device solely for research, development, or testing to be exempt from licensure as determined by the board. Increases the amount of time a pharmacy manager of a prescription drug outlet may make an application to transfer the registration to a new manager from 7 to 14 days. Requires all pharmacy outlets to register with the board. Clarifies the authority of the board to transfer facility registrations. Makes exemptions for county health department and the department of corrections for the transfer of pharmaceuticals outside of the definition of "casual sale". Allows excess pharmaceuticals to be transferred to another pharmacy outlet within existing causal sale limitations. Outlines when a pharmacist may refill prescriptions without the prescriber's authorization in conformity to federal law.

APPROVED by Governor April 17, 2003

EFFECTIVE July 1, 2003

S.B. 03-120 Dentists - dental hygienist - regulation - sunset review - continuing education - exemption from licensure for foreign trained dentists - fees. Extends the regulatory functions of the state board of dental examiners (the board) until 2012. Reorganizes provisions within the "Dental Practice Law of Colorado" for clarity and ease of usage.

Amends the definition of dentistry to conform with the American dental association's definition. Clarifies the practice of dentistry. Defines "accredited".

Increases the membership of the board by 2 members who are dentists and one additional dental hygienist. Limits a member of the board to serving 2 consecutive 4-year terms. Redesigns the disciplinary procedures of the board. Eliminates the position of secretary to the board. Requires the board to meet at least quarterly. Clarifies the requirements for members of the board. Creates a 2-panel system to address disciplinary investigations or actions of the board. Outlines procedures for the 2 panels. Allows for subcommittees of the board to perform licensing functions.

Requires dentists and dental hygienists from other states to participate in an accredited research or educational program. Allows the board to recognize dental specialties defined by the American dental association. Exempts foreign-trained dentists who are teaching in an accredited dental school offering a doctorate of dental surgery or doctorate of dental medicine from licensure requirements and clarifies the licensure requirements for these dentists. Allows the board to issue letters of admonition. Allows the board to issue subpoenas to obtain all documents relevant to a hearing or inquiry.

Clarifies the licensure application process and requirements for licensure of dentists and dental hygienists. Requires that the examination for knowledge portion of the licensure requirements be completed through a mail-in jurisprudence examination. Clarifies the grounds for discipline related to the prescription of habit-forming drugs, engaging in sexual activities with a patient, and failure to maintain financial responsibility for potential liability due to malpractice.

Requires the board to accept results of an examination administered by a regional testing body or other board-approved examination. Requires applicants who have not graduated from an accredited educational institution within the past 12 months and who have not engaged in an active clinical practice for 12 months immediately preceding the license application to demonstrate to the board professional ability and knowledge before a license may be granted.

Requires the professional review committee to notify the board of actions that may constitute violations of the Dental Practice Act. Requires a dentist and dental hygienist to complete 24 hours of continuing education every 2 years. Allows the board to waive continuing education requirements. Outlines areas of study for continuing education. Allows the administration and offering of continuing education courses by an administering entity. Allows the administering entity to be a professional association. Requires a fee be paid to the administering entity by a dentist and dental hygienist for administration of continuing education.

Requires dental hygienist to carry malpractice insurance.

Prohibits a person whose license is revoked from obtaining a license for at least 2 years. Extends immunity from civil or criminal liability for activities related to reviewing or supervising a licensee by an office inspector or practice monitor.

Requires full-denture construction tasks and procedures performed by a dental assistant to be under the direct supervision of a licensed dentist.

VETOED by Governor April 25, 2003

S.B. 03-134 Certified nurse aides - authority of board of nursing - continuation - appropriation. Authorizes the state board of nursing (board) to study new technology regarding criminal background checks for the purpose of conducting statewide and national fingerprint-based criminal history record checks on nurse aide certification applicants. Requires the board to report findings to the health care task force. Requires applicants to pay for the record checks as prescribed by the board.

Upon certification renewal, requires a renewal applicant who has not worked as a certified nurse aide for the preceding 24 months to pass a competency evaluation.

Changes the composition of the advisory committee designated to assist and report to the board to include a certified nurse aide, a licensed professional nurse who supervises certified nurse aides, a representative of a home health agency, a representative of a nursing facility, a department of public health and environment employee, a family member of a consumer who receives home health services, and a consumer of home health care or nursing facility services.

Requires the board by September 1, 2003, to provide a report to the health care task force on implementation of the program for administration of medication by medication aides in nursing facilities.

Revises the grounds for discipline of certified nurse aides to make abuse and neglect of patients separate grounds for discipline. Deletes the authority of the board to send a letter of admonition to a nurse aide for a complaint of misconduct that, in the opinion of the board, does not warrant formal action.

Clarifies when a disciplinary proceeding against a nurse aide shall be public and when the minutes or records of such proceeding shall be open for public inspection. Clarifies the circumstances under which a nurse aide may work without having obtained certification.

Extends the automatic termination date of the certification of nurse aides by the board until July 1, 2010.

Appropriates \$1,200 to the department of regulatory agencies for allocation to the division of registrations for the implementation of the act.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-226 Examining board of plumbers - continuation under sunset law - appeal of letters of admonition. Extends the automatic termination of the examining board of plumbers in the division of registrations in the department of regulatory agencies until July 1, 2013. Extends the deadline for appealing a letter of admonition from 20 days after receipt to 30 days after mailing.

APPROVED by Governor May 2, 2003

EFFECTIVE May 2, 2003

S.B. 03-241 Motor vehicle dealers - manufacturers - distributors - buyer agents. Continues the licensing of motor vehicle manufacturers, distributors, manufacturer agents, and buyer agents by the executive director of the department of revenue (executive director) until 2013.

Combines the distributor representative and factory representative licenses into the manufacturer representative license. Repeals the distributor branch and factory branch licenses.

Authorizes the executive director of the department of revenue to issue cease and desist orders for failure to obtain a manufacturer's license and to impose on a vehicle manufacturer a fine of up to \$1,000 per day per violation of existing prohibitions.

APPROVED by Governor April 22, 2003

EFFECTIVE April 22, 2003

S.B. 03-274 FY 2003-04 budget reduction bill - limited gaming fund - suspension of distribution to local government limited gaming impact fund and Colorado travel and tourism promotion fund. Suspends the distribution of limited gaming revenues to the local government limited gaming impact fund and the Colorado travel and tourism promotion fund for the 2003-2004 state fiscal year. Provides that any unencumbered moneys in the local government limited gaming impact fund shall be transferred to the general fund on July 1,

2003. Provides that, if the total amount of revenues collected pursuant to the tax amnesty program exceeds \$5 million, the excess shall be transferred to the local government limited gaming impact fund.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

H.B. 03-1012 Corporate practice of medicine doctrine - professional service corporation for the practice of medicine - independent medical judgment of physicians - vicarious corporate liability for tortious conduct of physicians - independent negligence by professional service corporation. Specifies that the intent of the general assembly is to restore and reinstate the corporate practice of medicine doctrine in Colorado. Clarifies that a professional service corporation for the practice of medicine may not practice medicine. Prohibits lay directors and officers of a professional service corporation for the practice of medicine from exercising authority over the independent medical judgment of physicians. Clarifies that a professional service corporation for the practice of medicine may not be held vicariously liable to a patient or third person for the tortious conduct of a physician who is a shareholder or employee of the professional service corporation. Clarifies that a cause of action against a professional corporation for the practice of medicine for its independent acts of negligence is not abrogated.

APPROVED by Governor May 2, 2003

EFFECTIVE July 1, 2003

H.B. 03-1047 Public establishment - vendor contract. Makes a contract between a vendor and a public establishment invalid unless the vendor enters into the contract directly with the owner, general manager, or a person specifically authorized in writing by the owner or general manager of the public establishment to enter into the contract. Makes a contract printed on an invoice included with delivered items that have been accepted by a public establishment void.

APPROVED by Governor April 7, 2003

EFFECTIVE April 7, 2003

H.B. 03-1061 Professional engineers - professional land surveyors - annual roster. Repeals the requirements that the state board of registration for professional engineers and professional land surveyors publish an annual roster and file such roster with the executive director of the department of regulatory agencies and each county clerk and recorder. Requires the board to make available through printed or electronic means an annual fiscal report, statutes administered by the board, a list of the names and addresses of professional engineers and land surveyors, a list of the registration numbers of all current and previously registered professional land surveyors, the rules of the board, including rules of conduct, and other pertinent information.

APPROVED by Governor April 22, 2003

EFFECTIVE April 22, 2003

H.B. 03-1063 Drugs and druggists - prescription label - notification to patient. Allows the purpose for which a drug is being prescribed to appear on the prescription label. Allows the pharmacist to fill the prescription, if this information is not provided, without contacting the practitioner. Requires a physician, podiatrist, dentist, optometrist, advanced practice nurse, or physician assistant to notify a patient of the option to have the purpose for which the drug

is prescribed on the prescription label. Specifies that it is not a ground for discipline for a physician, podiatrist, dentist, optometrist, advance practice nurse, or physician assistant to fail to notify a patient of the option to have the purpose for which the drug is prescribed printed on the patient's prescription label.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

H.B. 03-1123 Greyhounds and horse racing - facilities - fees - parimutuel wagering take-out - appropriation. Establishes an annual fee for all racing licenses that approximates the cost of regulating racing. Credits the annual fee to the racing cash fund, which is created for the purpose of funding the administration of the racing statutes, subject to appropriation. Requires moneys in the racing cash fund at the end of each fiscal year to remain in the fund.

Authorizes the commission to set the take-out on parimutuel wagering for a racing or simulcast facility, but not to exceed 30% of gross receipts of such wagering or racing.

Appropriates \$1,977,165 from the racing cash fund to the department of revenue for implementation of the act. Adjusts appropriations made in the 2003-2004 long bill.

APPROVED by Governor June 3, 2003

EFFECTIVE July 1, 2003

H.B. 03-1156 Board of medical examiners - fining authority. Allows the Colorado state board of medical examiners (board) to impose a fine of not more than \$10,000 against a licensee in lieu of suspending a license. Directs moneys received as fines imposed by the board to the state's general fund.

APPROVED by Governor April 1, 2003

EFFECTIVE August 6, 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. 03-1157 Alcohol sales - credit terms. Clarifies that federal law prohibiting the extension of credit to alcohol retailers for more than 30 days for the sale of alcohol applies in Colorado.

APPROVED by Governor March 20, 2003

EFFECTIVE August 6, 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. 03-1192 Chiropractors - discipline - documents - procedures. Changes the standard for disciplining a chiropractor from addiction to alcohol or a controlled substance to habitual intemperance or excessive use. Authorizes the Colorado state board of chiropractic examiners (board) to issue a letter of admonition or revoke or deny a license if a chiropractor has a physical or mental disability that makes him or her unable to render services with reasonable skill and safety or if he or she performs a procedure that is beyond the scope of the chiropractor's training, competence, or license.

Clarifies that any violation of the statutes governing chiropractors constitutes grounds for discipline.

Authorizes the board to revoke or suspend a license without a hearing if a licensee commits a deliberate and willful violation. Clarifies that a license may be suspended without a hearing in an emergency if the public health, safety, and welfare require emergency action.

Broadens the board's subpoena powers to include original documents so long as they remain confidential and are returned as soon as the accuracy of the copy is ascertained or the case is concluded if the original is needed as evidence of falsification.

Exempts the board from the open records law in disciplinary actions until final action is taken.

APPROVED by Governor March 25, 2003

EFFECTIVE August 6, 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. 03-1216 Commercial driving schools - vehicle requirements. Deletes the requirement that a driving school vehicle have a clutch and ignition toggle switch for the instructor.

APPROVED by Governor April 7, 2003

EFFECTIVE August 6, 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. 03-1219 Collection agencies - debt collectors - regulation - continuation of collection agency board under sunset law. Extends the automatic termination date of the collection agency board to July 1, 2008, pursuant to the provisions of the sunset law. Requires the board to have reasonable cause to conduct investigations.

Modifies consumer notification and communication standards for debt collectors and collection agencies. Specifies the venue and standards of liability for legal actions. Obligates the administrator of the "Uniform Consumer Credit Code" to establish licensing records, fees, and schedules.

Credits fines to the general fund instead of the collection agency cash fund.

APPROVED by Governor May 21, 2003

EFFECTIVE May 21, 2003

H.B. 03-1229 Mental health professionals - exemption from licensure. Creates an exemption from licensure for out-of-state mental health professionals to practice within Colorado for a period of not more than 20 days annually.

APPROVED by Governor April 22, 2003

EFFECTIVE April 22, 2003

H.B. 03-1289 Household goods carriers - registration fee - safety requirements - complaint process - moving contract - rules - appropriation. Declares that household goods carriers (movers) affect the public interest and are therefore subject to regulation. Clarifies that a mover is not a public utility.

Increases the registration fee paid to the public utilities commission (PUC) by a mover before doing business within the state. Requires the PUC to issue a certificate of registration to a mover who has met the PUC's registration and fee requirements. Requires any fees collected to be deposited in the motor carrier fund. Allows adjustment of the fee by the PUC in order to stay within the target reserve for the applicable fiscal year.

Clarifies that a registration is only valid for a mover transacting business at the location or locations specified on the registration application. Requires a mover to notify the PUC of any changes in the name or location of the mover.

Requires a mover to maintain public liability and property damage insurance, a surety bond, or a certificate of self-insurance. Requires a mover to maintain cargo insurance. Requires a mover to document such insurance coverage with the PUC.

Requires a mover to adhere to applicable vehicle safety requirements. Directs the PUC to revoke the mover registration of any person who does not comply with the insurance and safety requirements of the PUC or with rules adopted by the PUC. Prohibits a mover who has had his or her registration revoked more than twice from re-registration within 2 years after the date of the 3rd revocation.

Allows a person to register a complaint against a mover with the PUC. Requires such complaints to be heard in accordance with the hearings and investigations proceedings of the PUC. Allows a person injured by a violation of a mover to apply to a court of competent jurisdiction for relief.

Prohibits a mover from advertising in a name other than that in which the registration is held. Requires each advertisement to include the physical address of the mover and the mover's PUC number.

Specifies that a contract or a bill of lading for moving services must include an estimate of cost in writing, and the signature of the shipper. Requires such contract to include the name, telephone number, and address of the mover; the date the document is prepared and the date of the move; the name, address, and telephone number of the shipper, and the place of pickup and delivery; an itemized breakdown and description of all costs and acceptable forms of payment; and a statement including the name and registration number of the mover.

Requires the mover to relinquish household goods to the shipper unless the shipper has not made payment as specified in the contract. Prohibits a mover from refusing to relinquish prescription medicines, medical equipment, medical devices, or goods for use by children, under any circumstances. Allows a mover to store goods that have been lawfully withheld.

Requires the PUC to promulgate rules to govern the operation of intrastate movers to implement the act. Grants enforcement authority to the PUC, the Colorado state patrol, and the ports of entry section of the department of revenue. Makes violation of the act a class 2 misdemeanor and subjects violators to civil penalties.

Appropriates \$61,323 to the department of regulatory agencies for allocation to the public utilities commission for the implementation of the act.

APPROVED by Governor June 4, 2003

EFFECTIVE June 4, 2003

H.B. 03-1305 Mortuary science. Requires a funeral establishment to have the appropriate equipment and personnel to provide the funeral services it contracts to provide and to provide notice to the consumer, when the consumer inquires, of any subcontractors and agents. Requires a funeral establishment to retain documents and records concerning a final disposition of human remains for at least 7 years.

Prohibits advertising as a degree-holding, registered, licensed, or certified funeral director, mortician, or embalmer if the degree, registration, license, or certification is not valid at the time of advertisement. Makes such conduct punishable by up to a \$5,000 fine, 24 months' imprisonment, or both.

Repeals an exemption stating that a dead human body that is properly frozen, interred, or cremated within 24 hours after death is not subject to the "Mortuary Science Code".

Narrows the religious exception to the "Mortuary Science Code" by:

- Requiring a dead human body to be refrigerated, frozen, embalmed, interred, or cremated within 7 days after death;
- Requiring a refrigerated or embalmed body to be interred, frozen, or cremated within 30 days after death; and
- Authorizing a state or local health authority to overrule the exception if the body contains a contagious disease.

Protects a funeral director or embalmer from liability if he or she acts in good faith and relies upon a signed statement from a person with the right of final disposition. Authorizes a funeral director or embalmer to dispose of cremated remains at the expense of the person with the right of final disposition within 365 days after cremation if the funeral director gives notice, records the location and the costs, and the recovery of the cremated remains is possible.

Removes the right of final disposition from a person who is charged with a crime that caused the deceased's death. Reinstates such right if the charges are dismissed or if the person is acquitted.

Repeals a mortuary science practitioner's responsibilities concerning eye donation.

APPROVED by Governor May 22, 2003

EFFECTIVE July 1, 2003

H.B. 03-1337 Tavern licenses - alcohol beverages. Removes the existing provision limiting to 3 the number of tavern licenses that a person may hold. Allows tavern licensees to have an interest in a hotel and restaurant license and allows hotel and restaurant licensees to have an interest in a tavern license.

APPROVED by Governor May 2, 2003

EFFECTIVE August 6, 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. 03-1339 Real estate brokers - errors and omissions insurance - state programs. Repeals a requirement that the errors and omissions insurance coverage offered by the real estate commission to real estate licensees cost less than \$100 per year. Requires the commission to consider information and comments from interested persons when determining the reasonableness of annual errors and omissions insurance premiums.

Temporarily repeals a prohibition on appropriating money from the general fund to cover shortfalls in the real estate recovery fund.

APPROVED by Governor May 22, 2003

EFFECTIVE August 6, 2003

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

PROPERTY

S.B. 03-70 Payment procedures - public works construction project - requirements for contractors' bonds - no appropriation. In connection with payment procedures for a public works construction project, creates provisions addressing funds disbursed to a contractor to be held in trust and excessive amounts claimed that mirror existing provisions for general mechanics' liens applicable to private projects, including provisions that:

- Require all funds disbursed to any contractor or subcontractor under any contract or project to be held in trust for the payment of any person that has furnished labor, materials, sustenance, or other supplies used or consumed by the contractor in or about the performance of the work contracted to be done or that supplies laborers, rental machinery, tools, or equipment to the extent used in the prosecution of the work where the person has:
 - Filed or may file a verified statement of a claim arising from the project; or
 - Asserted or may assert a claim against a principal or surety for whom or which such disbursement was made.
- Specify that the requirement that funds be held in trust shall not be construed to require a contractor or subcontractor to hold in trust any funds that have been disbursed to him or her for any person that has furnished labor, materials, sustenance, or other supplies used or consumed by the contractor or his or her subcontractor in the performance of the work contracted to be done; supplied laborers, rental machinery, tools, or equipment to the extent used in the prosecution of the work; filed or may file a verified statement of a claim arising from the project; or asserted or may assert a claim against a principal or surety that has furnished a bond if:
 - The contractor or subcontractor has a good faith belief that the verified statement of a claim or bond claim is not valid; or
 - The contractor or subcontractor, in good faith, claims a setoff, to the extent of the setoff.
- Require each contractor or subcontractor to maintain separate records of account of each project or account, but specify that nothing shall be construed to require a contractor or subcontractor to deposit trust funds from a single project in a separate bank account solely for that project as long as the trust funds are not disbursed in a prohibited manner.
- Specify that any person who violates the provisions requiring that certain funds be disbursed commits theft.
- Require any person who files a verified statement of a claim or asserts a claim against a principal or surety that has furnished a bond for an amount greater than the amount due without a reasonable possibility that the amount claimed is due and with the knowledge that the amount claimed is greater than the amount due, and that fact is demonstrated in any proceedings, to forfeit all rights to the amount claimed and to be liable to the following in an amount equal to all costs and all attorney fees reasonably incurred in bonding over, contesting, or otherwise responding in any way to the excessive verified statement of claim or excessive bond claim:
 - The person to whom or which a disbursement would be made but for the verified statement of a claim or bond claim; or
 - The principal and surety on the bond.

Specifies that the act can be implemented within existing appropriations, and therefore

no separate appropriation of state moneys is necessary to carry out its purposes.

APPROVED by Governor May 14, 2003

EFFECTIVE September 1, 2003

S.B. 03-251 Elimination of existing uses through amortization - prohibition. Makes legislative findings and declares that the protection of the inalienable property rights of persons whose initially lawful property uses may be terminated or eliminated through amortization of nonconforming uses is a matter of statewide concern. Prohibits a local government from enacting or enforcing an ordinance, resolution, or regulation that allows a nonconforming property use that was lawful at the time of its inception to be terminated or eliminated by amortization. Defines "local government" to mean a county, city and county, town, or home rule or statutory city.

APPROVED by Governor June 6, 2003

EFFECTIVE June 6, 2003

H.B. 03-1008 Conservation easements - water. Authorizes the owner of a water right beneficially used on a land or water area to create a conservation easement in the water right. States that a conservation easement that encumbers water or a water right may be created only by the voluntary act of the owner of the water or water right, and provides that the easement may be made revocable by the instrument creating it. Specifies that if a water right is represented by shares in a mutual ditch or reservoir company, a conservation easement in that water right may be created only after 60 days' notice and in accordance with the applicable requirements of the mutual ditch or reservoir company, including its articles of incorporation and bylaws.

APPROVED by Governor April 17, 2003

EFFECTIVE August 6, 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. 03-1046 Conservation easement - creation by reservation. Specifies that a conservation easement in gross may be created through a reservation by a governmental entity or a charitable organization.

APPROVED by Governor April 17, 2003

EFFECTIVE August 6, 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. 03-1089 Condemnation proceeding - attorney fees - reimbursement to property owner. Requires a condemning authority in certain eminent domain proceedings and under specific circumstances to reimburse a property owner for the owner's reasonable attorney fees.

APPROVED by Governor June 6, 2003

EFFECTIVE July 1, 2003

H.B. 03-1194 Real property - instruments - errors. Removes the requirement that 2 instruments concerning titles to real estate with variances be recorded for 3 years at a county clerk and recorder's office before insignificant variances in the name are presumed to be the same person in such instruments. Repeals a similar provision dealing with 2 insignificant variations that creates such a presumption that only arises after both instruments have been recorded for 20 years in the county clerk and recorder's office.

Authorizes a qualified party to file an affidavit attesting to facts that concern a possible scrivener's error on a chain of title to real estate. Makes such affidavit prima facie evidence of such facts.

APPROVED by Governor April 1, 2003

EFFECTIVE August 6, 2003

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

PUBLIC UTILITIES

S.B. 03-223 Public utilities commission - continuation under sunset law. Extends the automatic termination of the public utilities commission in the department of regulatory agencies to July 1, 2008, pursuant to the provisions of the sunset law.

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

S.B. 03-225 Commission - regulation - towing carriers - natural gas pipelines - telecommunication service providers. Amends the definition of "towing carrier" to include storage for towed vehicles. Requires nonconsensual towing carriers to provide the public utilities commission ("commission") with financial information to be used to establish rates for nonconsensual towing based upon such carriers' costs. Increases permit fees for towing carriers from \$10 to \$150.

Conforms the regulation of natural gas pipelines with changes in federal law, including by increasing penalties for violations of natural gas pipeline rules or orders from \$10,000 to \$100,000 per violation and from \$500,000 to \$1 million for a group or series of related violations.

Recodifies the highway crossing protection fund. Increases various civil penalties for violations related to common carriers. Authorizes the commission to require telecommunication service providers to post a financial assurance warranty.

Makes conforming changes to reflect that the title of commission "secretary" has been changed to commission "director".

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

S.B. 03-238 Public utilities - government required relocation of facilities - recovery of costs. Authorizes local exchange providers of basic local exchange service to request authorization from the public utilities commission to recover the actual costs incurred in relocating infrastructure or facilities requested by the state or a political subdivision. For purposes of this bill, defines the terms "state" and "political subdivision". Requires the public utilities commission to verify the actual costs that may be recovered and specifies that the recovery period may not exceed 3 years. In determining the allocation of the costs to be recovered, requires the commission to consider the geographic area most directly benefitting from the relocation to determine the customers or services that will bear the costs.

APPROVED by Governor June 5, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-303 Commission - jurisdiction - telecommunications services - exclusion for inmates. Excludes the provision of telecommunications services for inmates in penal institutions from the jurisdiction of the public utilities commission.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

STATUTES

H.B. 03-1091 Colorado Revised Statutes - enactment of 2002 statutes. Enacts the softbound volumes of Colorado Revised Statutes 2002 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor February 13, 2003

EFFECTIVE February 13, 2003

H.B. 03-1344 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 May 22, 2003

EFFECTIVE May 22, 2003

TAXATION

S.B. 03-30 Department of revenue - annual disclosure to individual taxpayers of average taxes paid. For calendar years commencing on or after January 1, 2003, requires the department of revenue to determine the average amount of certain taxes paid by individual taxpayers based on the taxpayers' average income as presented in the most recent publication of the data in the department's Colorado tax profile study, or its successor. Requires the department to disclose such information to taxpayers on an annual basis. Specifies the taxes that the department shall include in the calculation of average taxes paid. Specifies that the department shall calculate the average taxes paid by income classes stratified from the lowest to the highest income tax ranges.

Requires the department of revenue to prepare a table that discloses the average amount of taxes paid by taxpayers as printed in the most recent publication of the department's Colorado tax profile study, or its successor. Specifies how the information shall appear on the table. States that the department shall print the table in the income tax booklet that the department mails to taxpayers on an annual basis. Requires the department to make the table available through the "NetFile" link on the department's website.

APPROVED by Governor June 5, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-32 Property tax - property tax administrator - tax exemption for property used for religious purposes - requests for additional information. Eliminates the requirement that the property tax administrator receive permission from the state board of equalization before requesting additional information from an owner claiming a tax exemption for property used for religious purposes. Permits the administrator to seek the additional information from the owner, but only to the extent that the additional information is necessary to determine the exemption status of the property. Eliminates the requirement that the administrator seek approval of the state board prior to challenging the declaration that sets forth the religious mission and religious purposes of the owner of the property being claimed as exempt and the uses of the property that are in the furtherance of the mission and purposes. Repeals provisions in which the state board may authorize the administrator to seek additional information from the owner or challenge the owner's declaration.

APPROVED by Governor April 7, 2003

EFFECTIVE April 7, 2003

S.B. 03-89 Formation of political subdivisions imposing property taxes - notice requirements. Expands the notice requirements applicable to the formation of special districts to apply to political subdivisions that are authorized to impose property taxes. Extends the deadline for notification of organization and provision of specified information to the assessor and board of county commissioners of each county within which the political subdivision is located. Modifies the list of information required to be provided to the assessor and the board of county commissioners to:

- Eliminate an approved service plan and copy of the political subdivision's budget; and

- Add a reasonable identification of the property located within the proposed political subdivision.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

S.B. 03-148 Electronic filing of returns - extension - federal deadline. Authorizes the executive director of the department of revenue to adopt a rule extending the time for electronic filing of income tax returns if the time for electronic filing of federal income tax returns is extended.

APPROVED by Governor March 25, 2003

EFFECTIVE March 25, 2003

S.B. 03-167 Property tax - possessory interests - state board of land commissioners. Creates a new method to determine the actual value of possessory interests in land leased by the state board of land commissioners, other than land subject to development, under which the actual value of the possessory interest is equal to the amount of rent paid for the possessory interest in the property tax year.

APPROVED by Governor May 14, 2003

EFFECTIVE January 1, 2004

S.B. 03-185 FY 2002-03 budget reduction bill - tax amnesty program - creation - appropriation. Directs the executive director of the department of revenue to conduct a tax amnesty program during June 2003 for any taxpayer liable for the payment of certain taxes for which returns or reports were required to be filed before December 31, 2002. Specifies the taxes that may be paid through the program.

Allows a taxpayer to pay overdue taxes, including a portion of any interest due, without being subject to any fine or civil or criminal penalty otherwise provided by law during the tax amnesty period. Allows a taxpayer to sign an agreement, on or before June 30, 2003, to pay overdue taxes in compliance with such agreement without being subject to any fine or civil or criminal penalty otherwise provided by law. States that a taxpayer who chooses to pay overdue taxes through the tax amnesty program waives the right to file a claim for refund or seek administrative or judicial review regarding the tax liability. Specifies that a taxpayer will be subject to appropriate civil or criminal penalties if the taxpayer fails to pay the full amount of taxes due or commits willful fraud in filing under the terms of the program.

Specifies that a taxpayer is not eligible to participate in the tax amnesty program if a notice of deficiency for the taxpayer's tax liability has been mailed before the program takes effect, or if the taxpayer is under investigation or prosecution for criminal or fraudulent activity for crimes related to any taxes that are collected by the department of revenue.

Allows the department of revenue to accept credit card payments for taxes during the tax amnesty period and to assess the taxpayer an amount equivalent to the service fee charged by the credit card company to the department.

Directs the executive director of the department of revenue to promulgate emergency rules necessary for the administration of the tax amnesty program. Requires the department to notify potential participants in the program that all information obtained through the

program may be disclosed to the federal internal revenue service.

Allows the department of revenue an exemption from the provisions of the Colorado procurement code for services and products procured by the department for marketing the tax amnesty program.

Makes a \$200,000 general fund appropriation for the marketing of costs associated with the program.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-234 Property tax - refund interest - oil and gas leaseholds and lands. In cases where property tax was erroneously levied and collected as a result of an error or omission made by a taxpayer in completing statutorily required statements about oil and gas leaseholds and lands and where the county pays an abatement or refund within a specified time, changes the date upon which refund interest begins to accrue from the date that the property tax and delinquent interest are received by the treasurer to the date a complete abatement petition is filed by the taxpayer.

APPROVED by Governor April 7, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-265 FY 2003-04 budget reduction bill - eliminate property tax exemption for qualifying seniors. For property tax years commencing on or after January 1, 2003, but before January 1, 2006, reduces the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior that is partly exempt from property taxation from \$200,000 to \$0.

Reduces the fiscal year 2003-04 long bill general fund appropriation to the department of treasury for special purpose, senior citizen property tax exemption by \$56,000,000.

APPROVED by Governor May 1, 2003

EFFECTIVE May 1, 2003

S.B. 03-307 Income tax - Colorado special olympics voluntary contribution - continuation of program. Extends the income tax years for which a line shall appear on the individual income tax return form that allows a taxpayer the option to make a voluntary contribution to the Colorado special olympics fund.

APPROVED by Governor May 22, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-317 Collection of state sales, cigarette, and tobacco products tax - vendor fee reduction. For sales occurring on or after July 1, 2003, but before July 1, 2005, reduces the amount that vendors are allowed to retain as payment for the collection and remittance of

state sales tax and the state excise tax on tobacco products from 3 and 1/3% to 2 and 1/3% of the amount of tax collected. Reduces the amount of the discount that licensed wholesalers who purchase cigarette tax payment stamps on or after July 1, 2003, but before July 1, 2005, are allowed to cover their expenses in collecting and remitting the state cigarette tax from 4% to 3%.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-321 Commission on taxation - reporting requirement. Repeals an obsolete reporting requirement to the general assembly and the governor concerning the commission on taxation.

APPROVED by Governor June 5, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-325 Property taxes - deferral of payment - persons called into military service. Allows members of the army national guard, the air national guard, and the reserves who have been ordered to active duty in the military for more than 30 days to claim the deferral of property taxes that is currently available to persons over age 65. Extends the deadline for persons called into military service to claim the deferral for the tax year 2002 to June 30, 2003. Specifies that a person may defer only property taxes payable in years in which the person is called into military service and that the person may continue to defer the payment of taxes for those years after the person is no longer on active duty.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

S.B. 03-334 Property tax - exemption for seniors - approval of late exemption applications for good cause shown. Allows an individual who wishes to claim the property tax exemption for qualifying seniors to file a late exemption application with the approval of the county assessor and for good cause shown. Specifies the September 15 that immediately follows the original application deadline is the deadline for filing a late application.

Gives the county assessor sole discretion to decide whether or not to allow the filing of a late application, but requires the property tax administrator to prepare uniform standards to be applied by the assessor in determining whether an applicant has shown good cause for failing to timely file an application. Requires an assessor to grant an exemption if an accepted late application establishes that the applicant is entitled to the exemption. Specifies that a decision of an assessor to allow or disallow the filing of a late application or to grant or deny an exemption to an applicant who has filed a late application is final and may not be contested.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

S.B. 03-347 Property tax - possessory interests - timber sales contracts. Specifies that the amount paid under a timber sales contract for the purchase of timber or the right to acquire

and remove timber is excluded from the amount of rent or fees used to calculate the actual value of a possessory interest in exempt property for purposes of property taxation.

APPROVED by Governor June 5, 2003

EFFECTIVE January 1, 2004

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

H.B. 03-1066 Income tax - request for hearing - frivolous submission. Permits the executive director of the department of revenue to reject a request for a hearing related to an income tax if the request is a frivolous submission. Defines "frivolous submission" to mean a request for a hearing related to an income tax that is based on a position that was previously rejected in a published opinion by a Colorado or federal court. Requires the executive director to notify a taxpayer in writing of the rejection within a reasonable time after receiving the request for a hearing. Requires the executive director, within a reasonable time, to make a final determination and send a taxpayer a notice of the final determination accompanied by a notice and demand for payment. Allows a taxpayer to appeal the final determination of the executive director to a state district court. Unless an appeal is taken, requires a taxpayer to pay the tax, together with interest thereon and penalties, if any, within 30 days after the executive director has mailed the notice and demand for payment.

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

H.B. 03-1073 Gasoline and special fuel tax - clarification of types of air carriers exempt from imposition of tax. Clarifies the types of air carriers that are exempt from the excise tax imposed on all gasoline sold, offered for sale, or used in Colorado.

Specifies that the exemption allowed to certain governmental entities from the excise tax imposed on all gasoline sold, offered for sale, or used in Colorado shall apply solely to machines owned or operated by the governmental entity. States that exemptions for persons conducting business for governmental entities on a contract basis using aircraft shall be allowed only if such aircraft is otherwise exempt pursuant to state statute.

APPROVED by Governor May 21, 2003

EFFECTIVE August 6, 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. 03-1130 Income tax - family resource center voluntary contribution - appropriation. Creates the family resource centers fund in the state treasury. Requires that, for income tax years commencing on or after January 1, 2003, but prior to January 1, 2006, a voluntary contribution designation line for the fund shall appear on individual income tax return forms.

Directs the department of revenue to determine annually the total amount designated to the family resource centers 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 family resource

centers 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 department of public health and environment for distribution to family resource centers statewide.

Appropriates \$921 from the family resource centers fund to the department of revenue for the implementation of the act.

APPROVED by Governor May 21, 2003

EFFECTIVE August 6, 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. 03-1147 Income tax - voluntary contribution programs - general requirements - exemptions. Exempts the western slope military veterans' cemetery voluntary contribution from the statutory requirement that any voluntary contribution program created after June 2, 1985, shall have a 3-year sunset provision.

For income tax years commencing on or after January 1, 2003, replaces the requirement that each voluntary contribution shall receive at least 10% of the total amount contributed to all voluntary contributions during the January 1 through September 30 period in each year that the voluntary contribution appears on the Colorado income tax returns with the requirement that each voluntary contribution shall receive at least \$150,000 during the January 1 through September 30 period in each year that the voluntary contribution appears on the Colorado income tax returns. Specifies that if a voluntary contribution does not receive at least \$150,000 during such period it shall no longer be effective and shall not be reflected on the Colorado income tax returns made for any subsequent income tax year.

Specifies exemptions to the requirement that each voluntary contribution shall receive \$150,000 in each year in which it appears on the Colorado income tax returns as follows:

- States that voluntary contributions that appear on the Colorado income tax returns for the first time for the 2002 income tax year or any income tax year thereafter shall receive at least \$150,000 in the January 1 through September 30 period of the 3rd year in which the voluntary contribution appears on the Colorado income tax returns and during every January 1 through September 30 period thereafter or it shall no longer be effective and shall not be reflected on the Colorado income tax returns made for any subsequent income tax year. States that such voluntary contributions are not required to receive \$150,000 in either the 1st or 2nd year that it appears on the Colorado income tax returns.
- States that the western slope military veterans' cemetery voluntary contribution shall not be required to receive a minimum amount of contributions for any income tax year.
- For the period January 1, 2003, through September 30, 2004, and for each such period thereafter, states that the United States olympic committee voluntary contribution shall be required to receive at least \$300,000 or it shall no longer be effective and shall not be reflected on the Colorado income tax returns made for any subsequent income tax year.

Specifies that no more than 12 voluntary contributions shall appear on Colorado

income tax returns in any income tax year.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1208 Enterprise zones - extension of tax benefits in terminated zones - excess state revenues required. For a taxpayer claiming an enterprise zone tax benefit after termination of the enterprise zone pursuant to an extension of the tax benefit, eliminates the requirement that the taxpayer can only claim such a tax benefit if the taxpayer demonstrably relied on the future receipt of the tax benefit in making business planning decisions. States that a taxpayer that was allowed an extension of the tax benefit and that qualifies for an additional extension of the tax benefit pursuant to the most current statutory limitations qualifies for the extension of the tax benefit regardless of whether the expenditures for which the tax benefit is claimed were planned prior to the enterprise zone termination announcement and regardless of the certified limitations on the amount of each tax benefit.

Specifies that an extension of a tax benefit for expenditures that were not planned prior to the enterprise zone termination and that are above the certified limit on the amount of the benefit shall be allowed only in years when there is excess state revenue. Allows any such extended benefit to be claimed in the first year in which there is excess state revenue. Specifies that the carryforward provision of each benefit shall be extended one year for every year that the benefit could not be claimed because the state did not have excess revenue.

VETOED by Governor May 1, 2003

H.B. 03-1210 List of delinquent taxpayers - listing criteria - requirement of internet publication. Requires the executive director of the department of revenue (department) to annually disclose a list of all taxpayers who owe more than \$20,000 of delinquent taxes from 6 months from the time that a distraint warrant issues or may issue. Specifies the information to be included on the list. At least 90 day before the disclosure of the name of a delinquent taxpayer, requires the executive director to mail a written notice to a delinquent taxpayer at his or her last known address informing the taxpayer that the failure to cure a tax delinquency could result in the taxpayer's name being included on the list.

Specifies that taxes shall not be deemed delinquent and subject to disclosure if:

- A written agreement for payment exists without default between the taxpayer and the department; or
- The tax liability is the subject of an administrative hearing, administrative review, judicial review, or an appeal of any such proceedings.

Requires the list to be made available for public inspection at the department and to be published on the internet on the website maintained by the department. Requires the name of a taxpayer to be removed within 15 days after the payment of the debt. Establishes that a good faith effort by the executive director of the department in preparing the list shall not be considered a violation of any statutory prohibition on the disclosure of taxpayer information.

APPROVED by Governor May 19, 2003

EFFECTIVE August 6, 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. 03-1281 Property tax - property tax work-off program - people with disabilities eligible to participate. Allows a taxpayer who is a person with a disability to be eligible to participate in a property tax work-off program established by a taxing entity. Requires a taxpayer who is a person with a disability and who applies to participate in a property tax work-off program to submit a signed and dated letter from a Colorado licensed health care professional verifying that the taxpayer is a person with a disability. Allows a property taxing entity that establishes a property tax work-off program to restrict the class of individuals who are eligible to participate in the program. Defines "person with a disability".

APPROVED by Governor April 1, 2003

EFFECTIVE August 6, 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. 03-1306 Property tax - abatement hearing - independent referees. Permits a board of county commissioners to appoint independent referees who are experienced in property valuation to do the following:

- Conduct a hearing on behalf of the board related to a petition for an abatement or refund of property taxes;
- To make findings; and
- To submit recommendations to the board for its final decision regarding the abatement or refund.

APPROVED by Governor April 22, 2003

EFFECTIVE August 6, 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. 03-1330 Tobacco escrow fund requirements - measures to ensure compliance by nonparticipating manufacturers. Requires all tobacco product manufacturers whose cigarettes are sold in Colorado to certify to the executive director of the department of revenue that they are either a participating manufacturer as defined by the tobacco litigation master settlement agreement or are in full compliance with statutory provisions and implementing regulations that govern tobacco escrow funds. Specifies information that must be included in a certification, including but not limited to statements indicating compliance with escrow fund requirements.

Requires the department of revenue to publish a directory of cigarettes, listed by tobacco product manufacturer and brand family, that have been approved for stamping and sale. Specifies requirements for inclusion in the directory and grounds for exclusion from the directory. Requires the department to provide notice to each stamping agent of any addition to or removal of a tobacco product brand manufacturer's cigarettes or cigarettes in a particular brand family from the directory. Prohibits the stamping or sale of cigarettes that are not listed in the directory. Requires a nonresident or foreign nonparticipating manufacturer to designate an agent for service of process in the state as a condition precedent to having its cigarettes listed in the directory. Specifies that a determination of the

department to not list or remove a brand family of cigarettes or a tobacco product manufacturer from the directory is reviewable pursuant to the "State Administrative Procedure Act".

Requires stamping agents who stamp cigarettes or otherwise pay state tax due on cigarettes, distributors of tobacco products, and tobacco product manufacturers to provide information requested by the department of revenue or the attorney general so that compliance with applicable laws regarding cigarette sales and the establishment of qualified escrow funds can be verified. Specifies penalties and other legal remedies for violations of specified laws and administrative rules that govern the sale of cigarettes.

Requires a stamping agent that applies for a license to sell cigarettes to certify that the agent will comply with specified legal requirements. Allows the department of revenue to promulgate rules necessary to effect the purposes of the legislation. Specifies that existing statutory provisions that govern tobacco escrow funds shall take precedence over the provisions of the legislation if there is an irreconcilable conflict between the existing provisions and any new provision.

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

H.B. 03-1332 Property tax - residential property - ratio of valuation for assessment. Sets the ratio of valuation for assessment for residential real property for the 2003 and 2004 property tax years at 7.96% of actual value.

APPROVED by Governor May 22, 2003

EFFECTIVE May 22, 2003

H.B. 03-1362 Sales tax - telephone and telegraph services - aggregating taxable and nontaxable services. States that when a telephone or telegraph service provider aggregates taxable and nontaxable services on a single invoice, sales tax is collected only on the taxable services.

Requires service providers to maintain documentation on taxable and nontaxable services provided for 3 years. States that this documentation is subject to audit and the provider is liable for any uncollected tax. Directs providers to report the percentages of taxable and nontaxable service in each package of services to the executive director of the department of revenue within 30 days of use on any invoice.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1373 Sales and use tax - municipalities and counties - simultaneously pending proposals for a sales or use tax. Authorizes a municipality that has been incorporated for less than 5 years to adopt an ordinance proposing a sales or use tax even if the county in which the municipality is located has a pending proposal for a sales or use tax.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1382 FY 2003-04 budget reduction bill - procedure and administration - interest on overpayments - fixed rates - appropriation. Fixes the interest rates allowed and payable by

the state in connection with the interest on overpayments of certain taxes imposed by state law or certain charges on oil and gas production imposed by state law for refunds issued on or after January 1, 2004, as follows:

- States that if the amount of the refund is less than \$5,000 or if the amount of the refund is equal to or greater than \$5,000 but less than 10% of the taxpayer's net tax liability for the period for which the tax is paid, the annual rate of interest shall be the prime rate, as reported by the "Wall Street Journal", plus 3 points, rounded to the nearest full percent. States that in the event that more than one rate is so reported, the highest rate shall be utilized.
- States that if the amount of the refund is equal to or greater than \$5,000 and the amount of the refund is equal to or greater than 10% of the taxpayer's net tax liability for the period for which the tax is paid, the annual rate of interest shall be the prime rate, as reported by the "Wall Street Journal", rounded to the nearest full percent; except that if the taxpayer demonstrates that the overpayment of tax necessitating such refund was due to good cause as determined by the executive director of the department of revenue, the annual rate of interest shall be the prime rate, as reported by the "Wall Street Journal", plus 3 points, rounded to the nearest full percent. States that in the event that more than one rate is reported, the highest rate shall be utilized.

Appropriates \$1,080 to the department of revenue for the implementation of this act.

APPROVED by Governor June 3, 2003

EFFECTIVE August 6, 2003

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. 03-49 Aviation fund. Directs moneys in the aviation fund, which under present law are subject to annual appropriation by the general assembly, to be continuously appropriated to the aeronautics division in the department of transportation for the purposes authorized by law.

No later than November 1, 2003, and no later than November 1 of each year thereafter, requires the department of transportation to submit a report to the members of the joint budget committee that includes, at a minimum, the following information:

- The amounts, recipients, and purposes of moneys transferred from the aviation fund during the prior state fiscal year:
 - For the construction of remote weather systems throughout the state;
 - To the airport operating fund of the governmental entity operating the public-accessible airport; and
 - For the awarding of state aviation system grants;
- The balance remaining in the aviation fund as of June 30 of each state fiscal year and an explanation of any such balance; and
- Any additional information pertaining to the transfer of moneys from the aviation fund as the joint budget committee may request in the exercise of its discretion.

APPROVED by Governor June 5, 2003

EFFECTIVE July 1, 2003

S.B. 03-228 FY 2002-03 budget reduction bill - appropriation from HUTF for issuance of license plates. Authorizes the general assembly to make an annual appropriation or statutory distribution from the highway users tax fund (HUTF) to the department of revenue to be used for the issuance of license plates. Repeals the authorization, effective July 1, 2006.

Authorizes the general assembly to include license plate funding as within the 6% off-the-top limit on HUTF appropriations using corresponding reductions from within the 6% limit on appropriations to the department of public safety for the Colorado state patrol or the department of revenue for the ports of entry division. Clarifies that, for fiscal years 2002-03 to 2004-05, any annual appropriation or statutory distribution from the HUTF to the department of revenue for license plate funding unrelated to license plate replacement within the 6% overall limit shall not be based on a level of appropriation that expands the 6% overall limit.

Decreases the general fund portion of the appropriation for license plate funding unrelated to license plate replacement and increases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 5, 2003

EFFECTIVE March 5, 2003

S.B. 03-267 FY 2003-04 budget reduction bill - funding of motor vehicle business group - appropriation. For fiscal years 2003-04 to 2004-05, authorizes the general assembly to make an annual appropriation or statutory distribution from the highway users tax fund (HUTF) to the department of revenue for the purpose of funding administration and motor vehicle division expenses of the motor vehicle business group, excluding expenses incurred by the

division in connection with license plate ordering. Repeals this authorization, effective July 1, 2005.

For fiscal years 2002-03 to 2004-05, authorizes the general assembly to include motor vehicle business group funding within the 6% off-the-top limit on HUTF appropriations using corresponding reductions from within the 6% limit on overall state appropriations to the department of public safety for the Colorado state patrol, to the department of revenue for the ports of entry division, and to the department of revenue for license plate funding, in the aggregate. Clarifies that, for fiscal years 2002-03 to 2004-05, any annual appropriation or statutory distribution from the HUTF to the department of revenue for funding of the motor vehicle business group within the 6% overall limit shall not be based on a level of appropriations that expands the 6% overall limit.

Adjusts appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 2003, as follows:

- Decreases the general fund appropriation for motor vehicle business group, motor vehicle division, personal services by \$4,452,423.
- Increases the cash funds exempt appropriation for motor vehicle business group, motor vehicle division, personal services by \$4,452,423. Specifies that such sum shall be from the HUTF.

Provides that certain appropriation provisions of the act are contingent on the passage of Senate Bill 03-273 and Senate Bill 03-272.

APPROVED by Governor May 1, 2003

EFFECTIVE July 1, 2003

NOTE: Senate Bills 03-273 and 03-272 were signed by the Governor on May 1, 2003.

S.B. 03-320 Transportation commission - reporting requirements. Repeals reporting requirements to the general assembly by the transportation commission concerning:

- Transportation policy; and
- Specific construction, improvements, maintenance, and traffic control activities that have been accomplished with the revenues from the gasoline and special fuels taxes.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1044 Penalties for toll evasion. Allows a public highway authority or the statewide tolling enterprise to send:

- First civil penalty assessment notices for toll evasion evidenced by technology not involving a peace officer that currently must be sent by first-class mail by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price; and
- Second civil penalty assessment notices for toll evasion evidenced by technology not involving a peace officer that currently must be sent by certified mail, return receipt requested, by any mail delivery service offered by

an entity other than the United States postal service that is equivalent to or superior to certified mail, return receipt requested, with respect to receipt verification and delivery speed, reliability, and price.

Prohibits a person who has an outstanding judgment or warrant or a default judgment for toll evasion from obtaining or renewing a driver's license. Requires courts to report to the department of revenue any outstanding judgment or warrant or any default judgment for any toll evasion, including the driver's license number and the date of birth of the cited person, for purposes of the statute under which the department denies the issuance of a driver's license when the applicant has an outstanding judgment or warrant or a default judgment. Repeals a statutory provision that prohibits the department from keeping records of toll violations.

APPROVED by Governor April 29, 2003

EFFECTIVE August 6, 2003

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

UNITED STATES

S.B. 03-352 Congress - redistricting. Divides the state into 7 congressional districts pursuant to the most recent federal census.

APPROVED by Governor May 9, 2003

EFFECTIVE May 9, 2003

H.B. 03-1345 Rocky Mountain arsenal - concurrent legislative jurisdiction. Creates concurrent legislative jurisdiction between the state of Colorado and the United States over specified real property within the Rocky Mountain arsenal.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

WATER AND IRRIGATION

S.B. 03-45 Ground water - regulation of wells - permit fee increase - well inspections program - appropriation. Increases the regulation of water well construction contractors and pump installers by:

- Requiring continuing education of such contractors and installers as a condition of licensure;
- Specifying additional enforcement authority of the state board of examiners of water well construction and pump installation contractors; and
- Creating a well inspection program to be paid for through license fees and an increase in well permit fees that would be paid into a newly-created well inspection cash fund.

Appropriates \$401,460 to the department of natural resources for implementation of the act. Out of such sum, appropriates \$10,000 to the department of law for legal services and \$26,112 to the department of personnel, central services, fleet management program and motor pool services, for implementation of the act.

APPROVED by Governor May 14, 2003

EFFECTIVE May 14, 2003

S.B. 03-47 Legislative water resources review committee - exemption from bill limits - time of meetings - selection of chair. Deletes the repeal date for the water resources review committee's ability to report committee bills exempt from any applicable bill limits. Allows the committee to meet during the regular session of the general assembly. Specifies that the power to appoint the committee's chair alternates annually between the house of representatives and the senate.

APPROVED by Governor March 20, 2003

EFFECTIVE March 20, 2003

S.B. 03-73 Water rights - substitute water supply plans - temporary approval by state engineer. Allows the state engineer to temporarily approve annual substitute supply plans under limited circumstances, including the absence of injurious effect on other water rights, for junior appropriators who had plans previously approved by the state engineer in the South Platte basin. Requires notice and comment and an opportunity to appeal the state engineer's determination to the water court. Requires such appropriators to file an application for adjudication of their supply plans by December 31, 2005, or cease diversions.

Ratifies the state engineer's Arkansas river rules.

APPROVED by Governor April 30, 2003

EFFECTIVE April 30, 2003

S.B. 03-85 Water rights - loans - instream use. Allows the division engineers within the division of water resources to approve loans of agricultural water rights within a particular stream system for up to 180 days in up to 3 years out of 10 upon submission of evidence quantifying the rights and a finding of no injury to other water rights. Allows the state engineer to approve loans of water rights for up to 180 days in up to 3 years out of 10 to the Colorado water conservation board for instream use during a drought upon a finding of no injury to other water rights. Requires notice and an opportunity for comment, and allows an

appeal to the water judge.

VETOED by Governor May 22, 2003

S.B. 03-110 Colorado water conservation board - construction fund - projects list - litigation fund. Authorizes the expenditure of moneys in the Colorado water conservation board ("board") construction fund ("fund") and the severance tax trust fund perpetual base account for certain enumerated water projects. Changes the amounts authorized for certain projects in previous years.

Appropriates moneys from the fund for:

- Data collection;
- Satellite monitoring system maintenance;
- An instream flow decision support system;
- A database pilot program;
- A document imaging system;
- Floodplain map modernization;
- A Cache La Poudre river floodway project;
- Technical assistance for local governments;
- A Gunnison river streamflow transit loss cooperative study;
- A statewide water supply initiative; and
- A study of the Colorado river return reconnaissance study.

Restores balances in the small project feasibility study grant fund, the emergency infrastructure repair loan fund, and the flood response fund. Expands:

- The board's continuous spending authority over the litigation fund to the balance of the fund; and
- The purposes for which the board may expend the fund.

Increases the board's authority to make loans from the fund from \$1 million to \$5 million.

APPROVED by Governor May 19, 2003

EFFECTIVE May 19, 2003

S.B. 03-115 Change of agricultural water right - basin of origin mitigation - special taxes. Defines "removal of water" as a change in the type and place of use of an absolute decreed agricultural water right from irrigated agricultural use in one county to a use not primarily related to agriculture in another county. Defines a "significant water development activity" as any removal of water that results in the transfer of more than 1,000 acre-feet of consumptive use of water per year by a single applicant.

Requires applicants for a significant water development activity to notify affected local governments, school districts, and water districts. Prohibits significant water development activities unless the water right is the subject of an agreement or a decree containing terms and conditions designed to address the impacts of the change on the county in which the water had been used.

Authorizes water courts to impose mitigation payments upon any person who files an

application for removal of water as part of a significant water development activity. Requires the board of county commissioners of the county from which water is removed to distribute any moneys collected among the entities in the county having bonded indebtedness in proportion to the percentage of their share of the total of such indebtedness.

Allows counties, alone or pursuant to an intergovernmental agreement, to levy a county sales tax, use tax, or any combination of such taxes of up to 1% for the purposes of purchasing, adjudicating changes of, leasing, using, banking, and selling water rights. Requires the ballot question for such proposed tax increases to clearly state that approval may result in a sales or use tax rate in excess of the current limitation. Requires the county to establish standards for the use of such revenues.

APPROVED by Governor April 7, 2003

EFFECTIVE August 6, 2003

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

S.B. 03-181 FY 2002-03 budget reduction bill - ground water - well permits - fees. Increases well permit fees from March 1, 2003, to July 1, 2006, to be deposited in the ground water management cash fund as follows:

- Monitoring wells: From \$60 to \$150;
- Location correction: From \$20 to \$150;
- Replacement and extensions of wells: From \$60 to \$200;
- Late registration: From \$60 to \$300; and
- Geothermal wells, wells in designated basins, new wells outside of designated basins, change in use or alternate point of diversion, and determination of water rights: From \$60 to \$440.

Makes a supplemental appropriation.

APPROVED by Governor March 5, 2003

EFFECTIVE March 1, 2003

NOTE: Section 10 of the act provided for a March 1, 2003, effective date; however, the Governor did not sign the act until March 5, 2003.

S.B. 03-236 Ballot question - revenue bonds for water infrastructure projects - rules - repeal - increase in small water project threshold - feasibility studies. Finds that Colorado's existing water infrastructure is insufficient to enable the state to fully exercise all of its compact entitlements to water. Declares that voter-approved revenue bonds are necessary to fund construction of water projects that will ease Colorado's vulnerability to drought.

Requires the submission of a ballot question to the registered electors of the state at the November 2003 election seeking their approval to allow the Colorado water conservation board (board) to issue water infrastructure revenue bonds (bonds) up to \$2 billion for the purpose of financing water infrastructure projects that have been reviewed by the board and approved by the governor and to exclude revenues derived from bond proceeds and projects financed by bonds from state fiscal year spending. If the voters of the state approve the ballot question, requires the board to issue bonds for such projects. Requires a minimum of \$100 million of such bonds to be available to finance approved water infrastructure projects

that augment or improve existing water infrastructure facilities or conserve existing water supplies without creating new water storage facilities.

Sets forth procedures and requirements for issuing bonds. Specifies that the principal and interest on bonds shall be paid solely from:

- Revenues and receipts derived from the sale of water or power or other assets from a water infrastructure project whose construction, development, or improvement was financed in whole or in part by bonds;
- Bond proceeds; and
- Earnings from the investment of bond proceeds.

Further specifies that holders of bonds may not look to any other revenues of the state for payment of the bonds.

Creates the water infrastructure development fund (fund) in the state treasury. Requires unpledged bond proceeds and revenues and receipts derived from the sale of water, power, or other assets from a water infrastructure project financed by bonds to be credited to the fund. Requires interest and income earned on the deposit and investment of fund moneys to be credited to the fund and continuously appropriates all moneys in the fund to the board to finance approved water infrastructure projects, to pay any unpledged costs of issuing and administering bonds, and to pay other expenses related to bonds or the financing of approved water infrastructure projects. Specifies that bond proceeds, earnings on bond proceeds, and revenues and receipts derived from the sale of water, power, or other assets by the board from water infrastructure projects financed by the bonds and earnings on such revenues and receipts are not to be included in state fiscal year spending.

Requires the board to make annual reports to the general assembly regarding bonds and specifies information to be included in such reports. Specifies that the powers conferred by the act are in addition and supplemental to, and not in substitution for, and the limitations imposed by the act do not directly or indirectly modify, limit, or affect, the powers conferred to the board, the state treasurer, the department of natural resources, or the Colorado water resources and power development authority by any other law.

Provides for the repeal of the referred measure provisions of the act if the ballot question to be submitted at the November 2003 election is rejected by the voters.

Increases the maximum cost of small water resources projects from \$100 million to \$500 million. Requires the board to provide for reimbursement of the costs of project feasibility studies prior to the start of construction only when the Colorado water resources and power development authority arranges financing of the project and the contract unconditionally requires such repayment.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1001 Flexible use of water resources - subsidy for issuance of bonds - state cooperation for easements - temporary substitute water supply plans - state technical assistance for water provider billing systems. Requires the Colorado water resources and power development authority to subsidize the cost of issuance of bonds and notes for water management facilities that are raw water diversion or storage projects and that are jointly

sponsored by 2 or more governmental agencies.

Allows the state engineer to approve, after notice and comment, the temporary operation of substitute water supply plans including temporary changes of water rights. Allows entities that pay for repairs necessary to remove a reservoir storage restriction imposed by the state engineer to apply for approval of the use of such storage as a substitute water supply plan.

Requires state agencies to cooperate with entities seeking rights to easements for water conveyance and storage structures.

Authorizes the department of local affairs to provide technical assistance to local government water providers to implement tiered billing systems that show customers' water usage.

APPROVED by Governor April 25, 2003

EFFECTIVE April 25, 2003

H.B. 03-1005 Ground water - augmentation requirements - extension for divisions 1 and 3. Extends the implementation dates for certain more stringent water augmentation requirements that will apply in the Denver basin aquifers and in the San Luis valley confined aquifer.

APPROVED by Governor May 2, 2003

EFFECTIVE May 2, 2003

H.B. 03-1318 Water banks - administration by water districts - rules - repeal - appropriation. Requires the state engineer to promulgate rules to govern operation of a water bank to operate within a particular water division upon request by a water conservancy district or water conservation district located within such division that agrees to serve as the operator of the bank. Prohibits the transfer of water through the banks between divisions. Repeals the existing Arkansas river water bank pilot program.

Appropriates \$100,000 to the department of natural resources for the implementation of the act.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1320 Loans of water rights to Colorado water conservation board - requirements for approval - appropriation. Authorizes water right owners in any basin or county in which the governor has declared a drought emergency or in which any other emergency is declared to loan water to the Colorado water conservation board for use as instream flows, subject to requirements that the state engineer determine that such temporary instream flows will not injure existing water rights of others. Sets forth requirements and duties for division engineers in determining whether or not injury will occur.

Appropriates \$5,000 from the ground water management cash fund to the division of water resources in the department of natural resources for the implementation of the act.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

H.B. 03-1334 Interruptible water supply agreements - approval by state engineer - fee - rules - appropriation. Declares that interruptible water supply agreements can maximize the beneficial use of Colorado water resources without the need for an adjudication and without injury to vested or decreed conditional water rights. Defines an "interruptible water supply agreement" as an option agreement between 2 or more water right owners whereby, during the calendar year of a drought emergency declared by the governor and the following calendar year, the loaning water right owner agrees to stop its use of the water right if the option is exercised and the other water user may divert the loaned water right subject to the priority system and approval by the state engineer.

Authorizes the state engineer to approve the temporary operation of interruptible water supply agreements without the requirement of an adjudication. Requires applicants to pay a fee established by the state engineer by rule. Gives interested parties an opportunity to review and comment upon the application and to file an expedited appeal of the state engineer's decision to the applicable water court. Requires the parties to the appeal to pay fees for the expedited appeal.

Appropriates \$65,280 to the department of natural resources, division of water resources, for the implementation of the act.

APPROVED by Governor June 5, 2003

EFFECTIVE June 5, 2003

SUBJECT INDEX

	Bill No.	Page No.
Administrative Rule Review		
Continuation of 2002 rules of executive agencies..	SB 88	1
Agriculture		
Colorado beef council authority - beef board fee refund..	HB 1205	3
FY 2002-03 budget reduction bill - fees - recovery of indirect costs.. . . .	SB 169	2
FY 2002-03 budget reduction bill - fruit and vegetable inspections - measurement standards - authority of department of agriculture - expenditures - appropriations..	SB 180	2
FY 2003-04 budget reduction bill - fees - cash funding of programs - fee- setting authority of department - repeal - appropriation..	SB 297	2
Noxious weeds - classification - enforcement - duties of commissioner, local governments, and landowners - subject to sunset review..	HB 1140	3
Pest control - districts - cooperative agreements - weeds..	HB 1035	2
Appropriations		
General appropriation act - long bill..	SB 258	8
Legislative appropriation..	SB 305	9
Supplemental appropriation		
Department of agriculture..	SB 199	5
Department of corrections..	SB 200	5
Department of education..	SB 201	5
Department of health care policy and financing..	SB 203	5
Department of higher education..	SB 204	6
Department of human services..	SB 205	6
Department of labor and employment..	SB 207	6
Department of law..	SB 208	6
Department of local affairs..	SB 210	7
Department of military and veterans affairs..	SB 211	7
Department of natural resources..	SB 212	7
Department of personnel..	SB 213	7
Department of public health and environment..	SB 214	7
Department of public safety..	SB 215	8
Department of regulatory agencies..	SB 216	8

	Bill No.	Page No.
Department of revenue..	SB 217	8
Department of state..	SB 218	8
Department of the treasury..	SB 220	8
Department of transportation..	SB 219	8
Judicial department..	SB 206	6
Legislative department..	SB 209	6
Offices of the governor, Lt governor, and state planning and budgeting...	SB 202	5

Children and Domestic Matters

Abandoned children - procedural requirements..	HB 1095	15
Abortion - parental notification - medical emergency - judicial bypass... .	HB 1376	18
Child abuse definition - manufacturing a controlled substance - presence of a child..	HB 1169	16
Child abuse or neglect - mandatory reporters..	HB 1037	15
Child abuse - persons required to report - certain registered dietitians... .	HB 1084	15
Child support - genetic testing for determination of parentage - "Uniform Interstate Family Support Act" - child support guidelines - "Colorado Child Support Enforcement Act" - "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support"..	SB 79	10
Children - negligence claims - parental waiver...	SB 253	12
Court-appointed special advocate (CASA) program - definitions..	HB 1014	14
Dependency or neglect hearings - required findings - combined hearings - repeal of requirement...	SB 327	13
Foster care homes - application of rules - certification - definitions - misdemeanor child abuse - inspections - Amber Alert program - appropriation..	HB 1024	14
FY 2003-04 budget reduction bill:		
Cap on juvenile detention beds - working group - appropriation...	SB 286	13
Mandatory juvenile parole - 6- month period - appropriation...	SB 284	12
Juvenile justice hearings - waiver of hearing before a judge - juvenile receiving treatment or services - periodic report - request for hearing - juvenile probation services agreements - contracts with private agencies - juvenile in detention or shelter - presumption - exceptions..	HB 1240	17
Juvenile parole - discharge sentence - one period of mandatory parole... .	HB 1079	15
Juvenile sentencing - special education history - individual education programs..	HB 1025	15
Neglected or dependent child - expedited permanency placement - motion for termination - timing - notice to respondent..	SB 23	10

	Bill No.	Page No.
Sibling group placement - rebuttable presumption.....	SB 314	13
State central registry of child protection - repeal - reports of child abuse or neglect - investigation - training - appeal process - release of information - rules.....	HB 1211	16
Termination of parent-child legal relationship - expedited procedures for voluntary relinquishment and termination.....	HB 1286	17
Consumer and Commercial Transactions		
Central Information System Act - repeal - appropriation.....	SB 41	20
Charitable solicitations - registration - contracts..	SB 340	20
Colorado no-call list - wireless telephone service subscribers..	HB 1098	21
Hospitals - disclosures to consumers..	SB 15	20
Mortgages - unconscionability - enforcement.....	HB 1298	22
Personal information - social security number - credit card number..	HB 1272	22
Uniform consumer credit code..	HB 1237	21
Corporations and Associations		
Business entities governed by title 7 - dissolution of limited liability companies - registered agents of entities - service of process on entities - change of principal office address of entities - foreign entities - reinstatement of dissolved entities - standardization of term or word usage in title 7..	HB 1377	23
Public corporations - loans to directors - exemptions.....	HB 1218	23
Corrections		
Cost of care - provider rates - care at mental health institute at Pueblo..	SB 141	27
FY 2002-03 budget reduction bill - community corrections - administration costs - appropriation..	SB 177	27
FY 2003-04 budget reduction bill - earned time - increase for certain offenders - appropriation.....	SB 328	28
Parole:		
Options for self-revolations - community return to custody facilities for revocations of parolee on class 5 or 6 felonies - 180-day limit on return to the department of corrections for a technical parole violation - repeals post-parole parole - appropriations.....	SB 252	27
Special needs offenders - medical condition.....	HB 1263	28
Courts		

	Bill No.	Page No.
Agricultural recreation activities - inherent risks - limitation of civil liability - exceptions - duty to exercise reasonable care.....	HB 1003	31
Civil actions:		
Appeal - supersedeas bond - limitation - exception.. .. .	HB 1366	37
Offers of settlement... ..	HB 1121	32
Civil proceedings - evidence of admissions - medical care - unanticipated outcomes.. .. .	HB 1232	35
Class actions - appellate review - interlocutory appeals.....	HB 1027	32
Construction defect actions - right to remedy process - limitation of damages.	HB 1161	33
County jails - liability for medical treatment costs.....	HB 1228	35
Criminal records - sealing by court - notice of hearing.....	SB 109	30
Docket fees - criminal and traffic actions - increase - appropriations.. . . .	HB 1378	37
Exemplary damages - procedure for asserting.. .. .	HB 1186	34
FY 2002-03 budget reduction bill:		
Docket fees - family stabilization services fund - transfer.. .. .	SB 172	31
Judicial fees - increase - cash fund.. .. .	SB 186	31
Limit contingent fee contracts between state governmental entities and attorneys... ..	SB 86	30
Limitation on liability - providers - developmentally disabled.....	HB 1326	36
Medical malpractice actions - damages for noneconomic loss - physical impairment and disfigurement - limitations.. .. .	HB 1007	32
Product liability actions - innocent seller - product misuse - presumptions.	SB 231	31
Protection orders.....	HB 1117	32
Right to counsel - juveniles - truancy process... ..	HB 1226	35
Self-defense - defense of a person - evidence - jury instruction.....	HB 1148	33
State board of accountancy - accountant-client privilege - attest function - exceptions.. .. .	HB 1197	35

Criminal Law and Procedure

Animal protection - animal cruelty prevention fund - cruelty to animals - serious physical harm - animal impoundment by peace officer - bonding requirements for impounded animals - impound agency - animal fighting - pet animal facility license - transfer of cats - county resolutions governing pet animals - violation.....	SB 65	40
Automobile theft prevention authority - creation - board - donations - fund - repeal.....	HB 1251	47

	Bill No.	Page No.
Communications - theft of services - unauthorized use of identification numbers or codes - unlawful access devices - manufacture and sale - penalties.....	HB 1303	48
Computer dissemination of indecent material to a child - prohibition - civil penalty - action to recover - distribution of penalty - attorney fees....	HB 1191	45
Concealed handgun permits - qualifications - application procedures - background check procedures - temporary emergency permits - renewal - use restrictions - appropriation..	SB 24	38
Courts - restitution - criminal cases - insurance benefits - payment credit priority.....	HB 1212	45
Criminal penalties for unauthorized insurance.....	HB 1045	45
Criminal trial venue - same criminal episode - forgery.....	HB 1020	44
Death penalty aggravators - chemical, biological, or radiological weapons - killing multiple persons in multiple criminal episodes..	HB 1297	48
Defacing property - mandatory minimum fine second or subsequent offense - juvenile diversion cash fund - replace damaged property.....	HB 1244	47
DNA testing - post-conviction - procedure.....	SB 164	43
Drug crimes - possession or use offence one gram or less - reduce felony level - drug offender treatment fund - interagency task force on treatment - judicial district drug treatment boards - probation eligibility for person convicted of possession or use offence one gram or less if third felony - sunset.....	SB 318	44
DUI - first offense - unlawful use of controlled substance - deferred sentence - appropriation.....	SB 76	41
Firearms - statewide regulation.....	SB 25	40
Forfeiture - proportionality test - exceptions to conviction requirement - establishing a true owner - obtaining title to seized property - district attorney seizure report.....	SB 133	41
Impersonating a peace officer - class 1 misdemeanor.....	HB 1304	48
Local initiative committee pilot program - creation..	SB 6	38
Manufacturing controlled substance - presence of a child - class 3 felony - appropriations..	HB 1004	44
Mortuary Science Code - unlawful acts..	SB 38	40
Parole board - reconsideration of application - class 1 or 2 crimes of violence felons - once every 5 years..	SB 97	41
Peace officers - scope of authority - certification requirements.....	HB 1266	47

	Bill No.	Page No.
Procedural changes in criminal laws - criminal pleading - jurisdiction - probation sentencing - venue - production of records in economic crime - corporate liability.....	SB 147	42
Sale or distribution of materials to manufacture controlled substances - enhanced sentencing - anhydrous ammonia - container restrictions - appropriation.....	HB 1317	48
Sex offender registration - electronic notification and transmission - effective date..	HB 1034	45
Sexual exploitation of a child - no commercial purpose - appropriations..	HB 1213	46
Statute of limitations - criminal violations - series of acts - Colorado Securities Act.....	HB 1243	47
Substantive criminal law - sentencing clarifications - "act of harassment" in retaliation and intimidation statutes - habitual offender mandatory parole.....	HB 1236	46
Unlawful termination of pregnancy - enhanced penalties - death penalty aggravator - appropriation.....	HB 1138	45
Education - Public Schools		
Administrators and teachers - civil immunity - prohibit false reporting...	HB 1127	65
Boards of cooperative services - certain boards - appointment of members of the public.....	HB 1193	68
Closing the achievement gap - program - eligible schools - commission - appointment - cash fund..	SB 254	61
Colorado Opportunity Contract Pilot Program - eligibility criteria - enrollment in public school - literacy assessment.....	HB 1369	69
Colorado school for the deaf and blind - governance - restructuring - board of trustees - authority - funding.....	SB 53	50
Educator licensure - criminal history record checks - teacher in residence authorization - appropriation.....	HB 1114	64
Family literacy education grant program - federal funding - annual review.	HB 1173	67
Financing of charter school facilities - requirements for participation in credit enhancement programs..	HB 1021	63
FY 2002-03 budget reduction bill:		
K-12 public education programs - modifications - reduction or elimination of funding - repeals.....	SB 183	52
Public school funding - general fund maintenance of effort requirement for total program - exception - reduction in general fund appropriation for FY 2002-03..	SB 195	53

	Bill No.	Page No.
Advanced technology fund - biotechnology - advanced technology - waste diversion and recycling..	SB 308	73
Colorado educational and cultural facilities authority - religious entities..	HB 1363	75
Colorado student obligation bond authority - fund loans and transfers - approval..	HB 1048	73
Education paraprofessionals - preparation programs..	HB 1159	74
FY 2002-03 budget reduction bill		
Annual allowable cash fund revenues - calculation of cash funds - appropriation..	SB 189	70
Metropolitan state college - Fort Lewis college - direct appropriation to governing boards - appropriation..	SB 170	70
State historical society - state historical fund - grants - expenditures for society costs - appropriation..	SB 193	70
Technology learning grant and revolving loan program - elimination - transfer of funds...	SB 198	71
Institutional role and mission - Metropolitan state college of Denver board of trustees...	SB 304	72
Institutions of higher education - designation as enterprise for TABOR purposes - revenue bonds - tuition...	SB 264	71
International baccalaureate diploma program - granting of college credit - minimum requirements..	HB 1108	73
Peace officers standards and training board - criminal history record checks - appropriation..	HB 1352	74
Selective service registration compliance - verification..	SB 255	71
State colleges - distribution of funds - independent governance..	HB 1093	73
Unique student identifying number - prohibition on use of social security number...	HB 1175	74

Elections

Absentee ballots - notice of opt-out - restrictions on mailing absentee ballots..	HB 1153	80
Election contests - ballot issues for approval of debt or financial obligation - required posting of information - failure or misstatement grounds to contest election..	SB 139	76
FY 2002-03 budget reduction bill - presidential primary election - elimination...	SB 188	77

	Bill No.	Page No.
Help America Vote Act of 2002 - federal elections assistance fund - statewide centralized voter registration system - required forms of identification from first-time voters - appropriation.....	HB 1356	82
Military personnel absent from state on active duty - voters residing overseas - registration to vote - absentee ballots..	HB 1271	82
Minor political parties - nomination of candidates - assembly - petition.. .	HB 1142	79
Modifications to Fair Campaign Practices Act.....	HB 1132	78
Provisional ballots.....	HB 1006	77
Verification of signatures - mail ballots - absentee ballots.....	HB 1241	80
Voter identification - polling place - mail ballots - absentee ballots - signature verification.....	SB 102	76
Financial Institutions		
Banking board - issuance of charters - limited liability company.....	HB 1106	87
Industrial banks - entities - financial holding companies..	SB 16	87
Recodification - banking statutes..	HB 1257	87
General Assembly		
Colorado revised statutes - unofficial copies - permission to publish, reprint, or distribute..	HB 1165	88
Rules of conduct for members of the general assembly.....	SB 44	88
Government - County		
Classification of Alamosa county.....	SB 35	89
Compensation of county officers - pay schedule - county officers paid at least one time each month..	SB 29	89
Coroners - qualifications - training.....	HB 1105	90
County clerk and recorder - exclusion from surcharge.....	SB 42	89
County government authority - violations of the county's building code.. .	HB 1111	92
Limit on aggregate amount of indebtedness to be issued by a county.. . .	HB 1018	90
Minor boundary adjustments - parks and open space.....	HB 1239	93
Procedures to be followed in connection with the merging of parcels of land..	SB 67	89
Retirement plan or system - audit..	SB 344	90
Government - Local		
County and Municipality Development Revenue Bond Act - definitions..	SB 96	94

	Bill No.	Page No.
Local government budget law - expenditures - exclusion of pass-through moneys.....	HB 1124	99
Modifications to Colorado Library Law - establishment of regional library authorities - creation of Library Capital Facilities Districts Act - creation of Children's Internet Protection Act.....	SB 326	94
Resolution of disputes - petition for annexation of land located within the boundaries of a development plan.....	HB 1077	98
Government - Municipal		
Fire and police pension association:		
Money purchase plan alternative - statewide hybrid plan.....	SB 57	100
New hire plans - membership - affiliation..	SB 56	100
Old hire pension plans - modifications to plans - eligibility for election to board of trustees of the firefighters' old hire pension fund.....	HB 1104	102
FY 2003-04 budget reduction bill - fire and police pension association - state contribution to old hire plans eliminated for 2003-04 and 2004-05 fiscal years - appropriation..	SB 263	101
Statewide health care defined benefit plan - creation - election.....	HB 1009	101
Government - Special Districts		
Regional transportation district:		
Inclusion of new areas in district upon approval of majority of registered electors in such area voting in such election.....	HB 1070	103
Service provided by qualified business.....	HB 1103	103
Special district wholly contained within a municipality - approving authority.....	HB 1207	103
Government - State		
Accounts and control - procedures - warrants - moneys from certain warrants not presented to state treasurer for payment subject to unclaimed property law.....	SB 62	106
Alternative forms of payment - surcharge.....	HB 1267	127
Colorado governmental immunity act - definitions..	HB 1288	128
Definition of "disaster" for purposes of statutory provisions governing disaster emergencies - repeal.....	HB 1290	128
Department of law:		
Peace officers standards and training board - motor vehicle registration fee to fund peace officer training - appropriation.....	SB 103	108

	Bill No.	Page No.
Peace officers standards and training board - membership.....	SB 242	115
Department of revenue - annual licenses, registrations, and certifications - renewal date.....	HB 1341	131
Determination of general fund surplus by accrual accounting.. ..	SB 222	113
Determination of general fund surplus by accrual accounting.. ..	HB 1238	126
Electronic transactions - rules - appropriation.. ..	SB 230	113
FY 2002-03 and 2003-04 budget reduction bill:		
Public employees' retirement association - furlough - calculation of highest average salary.. ..	SB 277	120
Tobacco settlement moneys - modification of funding levels for various programs.. ..	SB 282	120
FY 2002-03 budget reduction bill:		
Capital construction fund - corrections expansion reserve fund - works of art in public places fund - transfers - appropriations.....	SB 179	110
Consolidation of programs that regulate manufactured structures.. ..	SB 182	110
General fund - reduction of reserve for FY 2002-03.. ..	SB 285	121
General fund - revenue shortfall in FY 2002-03 - disbursement of statutory reserve - transfers to general fund.....	SB 349	124
Modifications to FY 2002-03 state emergency reserve designation.....	SB 348	124
Payment of monthly and certain bi-monthly salaries for June on first working day of July - restriction of general fund surplus - appropriations.. ..	SB 197	112
State treasurer - fees for cash management transactions - exceptions.. ..	SB 184	110
Telecommunications revolving fund - moneys collected for state public safety and radio systems.. ..	SB 178	110
Transfers of tobacco litigation settlement moneys.. ..	SB 190	111
Transfers to augment general fund.. ..	SB 191	112
FY 2003-04 and FY 2004-05 budget reduction bill - transfers to augment general fund - increase in surcharges on criminal actions, traffic offenses, and traffic infractions.. ..		
	SB 271	119
FY 2003-04 budget reduction bill:		
Capital construction funds.....	SB 262	117
Department of local affairs - division of property taxation - assessment of fees - appropriation.. ..	SB 261	116
Investment of state moneys - state treasurer - management fee.. ..	SB 300	121
Personnel system - annual total compensation - one year delay in recommended changes to salaries - teachers employed by Colorado school for the deaf and blind exempt - appropriation.....	SB 273	119

	Bill No.	Page No.
Sale and lease back of eligible state facilities - establishment of cash flow reserve..	SB 342	123
Tobacco litigation settlement revenues - securitization - use of revenues - appropriation..	SB 268	117
Government - local - applications for development - notice to mineral owners..	HB 1302	128
Identification documents - governmental immunity - forgery..	HB 1224	125
Interest-free loans to school districts - tax and revenue anticipation notes..	HB 1274	127
Investments - public entities - disclosures...	HB 1204	125
Lease-purchase agreements - Colorado state penitentiary II and Fitzsimons academic facilities...	HB 1256	126
Lease-purchase agreements - nonprofit lessor..	HB 1315	129
Lottery winnings offset against restitution in criminal cases..	HB 1036	124
Management of public records by governmental entities...	SB 33	104
Microenterprise development - advisory council created...	HB 1354	132
Office of economic development - transfer of employees to Colorado tourism office..	SB 143	109
Outdated statutory provisions - amendments - repeals..	SB 135	109
Penalties for persons issuing checks to the department of revenue returned as unpaid..	HB 1301	128
Public employees' retirement association:		
Amortization of liabilities - contributions - purchase of service credit.. .	SB 101	107
Inclusion of Colorado association of school executives - confidentiality of member records - purchase of service credit - amounts paid upon death of retiree - modification of benefit option upon dissolution of marriage - exception from reduction in retirement benefits if filling vacancy left by employee in armed forces - election to participate in or withdraw from the public officials' and employees' defined contribution plan - withdrawal of local government from participation in a retirement association with other local governments..	SB 98	106
Inclusion of employees of a district attorney..	SB 233	114
Public records - exception for security arrangement or investigation records..	HB 1335	131
Public safety communications trust fund - reporting requirement..	SB 52	105
Right to display United States flag - person or property - reasonable regulations...	SB 235	114
Secretary of state - code of Colorado regulations and Colorado register - electronic publication..	HB 1350	132

	Bill No.	Page No.
State agencies - rule-making - procedures - proposed rules - cost-benefit analysis - termination under sunset law.....	SB 121	108
State buildings - facility management plans.....	SB 34	104
State employee compensation - annual compensation process - salaries, state contributions for group benefit plans, and performance awards - effective dates.....	HB 1316	129
State government efficiency - alternative procurement methods - cooperative purchasing - emissions inspections exception.....	SB 58	105
State leveraged leasing agreements.....	SB 249	115
Statewide internet portal - commission on information management - development and plan for implementation - submittal of plan to general assembly - rule-making.....	SB 336	122
Statewide travel management program - report - repeal.....	SB 243	115
Status offender - definition.....	HB 1109	125
Warrants to pay money - procedures for the issuance of duplicate warrants..	HB 1069	124

Health and Environment

Air pollution - rules - cost-benefit analysis - permit fee credit program - repeal.....	HB 1015	135
Air quality - state implementation plans - legislative review - exemptions..	HB 1340	137
Alcohol and drug abuse - treatment services - designation of public agencies..	HB 1283	136
Bioterrorism - release of information..	HB 1026	135
Department of public health and environment - contract vaccines - repeal..	HB 1371	138
Emergency medical technicians - certification - criminal history record checks - rule-making.....	SB 9	133
FY 2002-03 budget reduction bill - nursing facilities - use of nursing home penalty cash fund - appropriation..	SB 175	134
FY 2003-04 budget reduction bill:		
Hazardous substance response fund - tipping fee increase - use for litigation - repeal - appropriation..	SB 280	135
Health facilities - license fee.....	SB 287	135
Water quality - discharge permit fee increase - drinking water provider fee - appropriation..	SB 276	134
Wholesale food manufacturers and storage facilities - appropriation....	SB 260	134
Hazardous waste sites:		
Solid waste user fees - repeal - extension - appropriation..	HB 1056	136

	Bill No.	Page No.
Voluntary clean-up program - application process - fees.....	HB 1101	136
Motor vehicles - fees - air conditioning..	SB 66	134
Powers and duties - reorganization of statutes..	SB 2	133
Quality management information - submission to nongovernmental entity - confidentiality..	HB 1255	136
Radioactivity - classified materials - disposal requirements - notice and comment..	HB 1358	137
Retail food establishments - fees...	HB 1351	137
Tobacco settlement programs - program reviews - appropriation..	SB 19	133
Trauma facilities - review process..	HB 1370	138
Waste tires - surcharge - recycling..	HB 1329	136

Health Care Policy and Financing

Child mental health treatment services - continuation..	SB 83	146
Comprehensive primary and preventive care grant program - comprehensive primary care - definition..	SB 13	139
FY 2002-03 budget reduction bill:		
Medicaid - eligibility - legal immigrants-appropriation..	SB 176	141
Medicaid - enrollment choices - appropriation.....	SB 187	141
Medicaid - nursing facility payments - appropriation.....	SB 173	140
FY 2003-04 budget reduction bill:		
Children's basic health plan - suspend prenatal program - state-only prenatal program..	SB 291	143
Medical assistance - private-duty nursing services - limitation.....	SB 288	143
Medicaid - children's home- and community-based waiver programs - monthly premium fee - sliding fee scale - appropriation...	SB 259	141
Medicaid - nursing facility providers - provider fee - quality of care grant program - state nursing facility service program - legal immigrants - appropriation..	SB 266	142
Medical assistance - limitation of services..	SB 279	142
Prescription drugs - prior authorization - rules.....	SB 294	144
Intermediate care facilities for the mentally retarded - service fee - appropriations..	HB 1292	145
Medicaid:		
Consumer-directed attendant support program - extension..	HB 1107	144
In-home support services - discontinuation of services..	HB 1359	145

	Bill No.	Page No.
Division of insurance - creation - termination..	SB 59	151
Domestic life insurance companies - funds - separate account contracts...	HB 1348	157
Health benefit coverage:		
Duties of the commissioner - investigation of denial of benefits - reporting requirement..	SB 331	152
Procedure for the denial of benefits..	HB 1033	153
Health care coverage - fee-for-service dental plans..	SB 312	152
Health insurance:		
Individual - CoverColorado..	HB 1163	153
Small employer plans..	HB 1294	157
Life - annuity - minimum legal return...	HB 1299	157
Motor vehicle insurance:		
Credit scoring - notice requirements...	HB 1273	156
Repair businesses..	HB 1253	155
Sickness, health, and accident insurance - small group marketplace - data collection - analysis - repeal..	HB 1360	158
Small employer health insurance - premium adjustments - mandatory coverages - study of ceding risk to CoverColorado - pilot program of multiple employer welfare arrangements - individual health benefit plans - direct contracting with providers for the purposes of medicaid - confidentiality of health information - appropriation..	HB 1164	153
Labor and Industry		
Accessible housing - standards..	HB 1221	162
Employment support fund - appropriation..	HB 1347	163
Federal unemployment trust fund - appropriation limits...	HB 1349	164
FY 2003-04 budget reduction bill:		
Unemployment tax surcharge - allocation...	SB 296	160
Workers' compensation - data collection - delay - appropriation..	SB 302	160
Liquefied petroleum gas - administration - civil penalties - rules - fee - cash fund - appropriation...	HB 1099	160
Petroleum storage tank fund - environmental surcharge...	SB 324	160
Public utilities - high power lines - proximity - notice..	HB 1220	162
Wages - compensation - paycheck deductions - penalty for nonpayment of wages - payment to legal heir - legal action..	HB 1206	162
Workers' compensation:		
Accreditation of physicians - medical treatment guidelines - continuation under sunset law..	SB 224	159

	Bill No.	Page No.
Electronic filings - notice to claimant.....	HB 1222	163
Exclusion - race meet employee..	SB 118	159
Hearings..	HB 1322	163
Independent medical examination - payment - examiner selection.. . . .	SB 240	159
Pinnacol Assurance - filings - disclosures..	HB 1372	164
Third-party claims - subrogation - limits on recovery by insurer..	SB 106	159

Military and Veterans

Adjutant general -- appointment of assistant adjutant generals - donations - distance learning facilities - cash funds...	HB 1249	165
High school diploma - military service - award by school district - terms..	SB 100	165

Motor Vehicles and Traffic Regulation

Alternative fuels - tax credit - high occupancy vehicle lane use - use by state motor pool..	SB 91	167
Certificate of title - requirements - vehicle twenty-five years or older....	HB 1287	173
Certification requirement - commercial vehicle safety inspectors..	HB 1071	172
Child restraint systems in motor vehicles..	HB 1381	175
Child restraint systems - vehicle equipped with only 2-point-lap-belt-only system..	HB 1144	172
Commercial vehicle permits - carrying requirements - annual fleet permits..	SB 54	166
Crimes involving motor vehicles - license revocation..	HB 1170	172
Drivers' licenses - continuation of electronic hearings under sunset law..	SB 131	168
Electric utility vehicle combination - weight limit..	HB 1185	172
Electronic tickets and signatures - court enforcement..	SB 333	170
Emissions - certificate of compliance - duration...	HB 1016	170
Emissions inspection program area - boundary change - legislative pre-approval...	HB 1313	173
Emissions inspection - required upon sale - sale of abandoned motor vehicle...	HB 1357	174
Emissions program - heavy-duty diesel vehicles..	HB 1053	171
FY 2003-04 budget reduction bill:		
Driver's license restoration fee - appropriation...	SB 192	168
Cash funding license plate issuance from license plate fees - appropriation..	SB 272	169
Insurance - motor vehicle registration...	HB 1223	173

	Bill No.	Page No.
License plates:		
Disabled veterans - application requirements.....	HB 1010	170
Military valor recognition.....	HB 1367	174
Remanufactured.. ..	HB 1040	170
Manufactured homes - fees.....	HB 1342	174
Motor vehicles abandoned on public property - sale - bonded title for vehicles less than 5 years old.....	HB 1067	171
Motorist insurance identification database program - insurers' reports of policy information - continuation under sunset law - designated agent requirements - appropriation.....	SB 239	168
Registration and taxation - fleet vehicle registration renewal - county of fleet owner's principal office or principal management facility.. ..	SB 60	166
Registration - city and county of Denver.. ..	SB 61	167
Repairs - service contracts - definition of "provider" - applicability to motor vehicle dealer.....	SB 116	168
Temporary special event license plate- issuance - fee.. ..	HB 1190	172
Toll evasion violations - liability of owner of leased or rented vehicles.. .	SB 7	166
Trash trucks - speed limits.. ..	SB 46	166
Natural Resources		
Development projects - Colorado coordination council created - permit coordination duties and fees - cash fund.....	HB 1323	180
FY 2003-04 budget reduction bill:		
Parks and outdoor recreation - fees.....	SB 290	176
Water rights - administration fee - repeal.. ..	SB 278	176
Mining - hardrock and coal - explosives permitting - federal preemption..	SB 329	176
Resource management plans - federal government - state government - counties - municipalities.. ..	HB 1100	178
State forest - management principles.. ..	HB 1092	177
Wildlife and state parks - law enforcement - increased authority.....	HB 1319	178
Wildlife:		
Hunting and fishing - licenses - classifications - penalties.....	HB 1097	177
Luring bears.. ..	SB 114	176
Probate, Trusts, and Fiduciaries		
Disposition of last remains - declaration instrument - interested parties.. .	HB 1312	181

	Bill No.	Page No.
Uniform Principal and Income Act - definitions - total return trust - parameters guardianship of minor - authority of emergency guardian - Uniform TOD Security Registration Act - definitions..	SB 310	181
Professions and Occupations		
Alcohol beverages - licensing - entities - investigations - universities and seminars..	SB 71	183
Alcohol sales - credit terms..	HB 1157	189
Board of medical examiners - fining authority..	HB 1156	189
Board of nursing - direct care provider career path pilot program - modifications..	SB 21	183
Certified nurse aides - authority of board of nursing - continuation - appropriation..	SB 134	186
Chiropractors - discipline - documents - procedures..	HB 1192	189
Collection agencies - debt collectors - regulation - continuation of collection agency board under sunset law..	HB 1219	190
Commercial driving schools - vehicle requirements...	HB 1216	190
Corporate practice of medicine doctrine - professional service corporation for the practice of medicine - independent medical judgment of physicians - vicarious corporate liability for tortious conduct of physicians - independent negligence by professional service corporation..	HB 1012	188
Dentists - dental hygienist - regulation - sunset review - continuing education - exemption from licensure for foreign trained dentists - fees..	SB 120	185
Division of gaming - continuation under sunset law - license renewals - retailer license penalty - employment termination - gaming equipment manufacturer and distributor residency requirement...	SB 113	184
Drugs and druggists - prescription label - notification to patient..	HB 1063	188
Examining board of plumbers - continuation under sunset law - appeal of letters of admonition..	SB 226	187
FY 2003-04 budget reduction bill - limited gaming fund - suspension of distribution to local government limited gaming impact fund and Colorado travel and tourism promotion fund..	SB 274	187
Greyhounds and horse racing - facilities - fees - parimutuel wagering take-out - appropriation...	HB 1123	189
Household goods carriers - registration fee - safety requirements - complaint process - moving contract - rules - appropriation..	HB 1289	191
Hunting and fishing outfitters - regulation - continuation under sunset law.	SB 27	183
Mental health professionals - exemption from licensure..	HB 1229	190

	Bill No.	Page No.
Mortuary science.....	HB 1305	192
Motor vehicle dealers - manufacturers - distributors - buyer agents.....	SB 241	187
Nurses - questionnaire - license renewal - appropriation..	SB 50	183
Pharmacists - regulation - sunset review - fining authority - grounds for discipline - disciplinary actions - exemptions from licensure - fees - transfer of drugs.....	SB 119	184
Professional engineers - professional land surveyors - annual roster.....	HB 1061	188
Public establishment - vendor contract.....	HB 1047	188
Racing - greyhounds - simulcast facilities - out-of-state signals..	SB 107	183
Real estate brokers - errors and omissions insurance - state programs....	HB 1339	193
Tavern licenses - alcohol beverages..	HB 1337	192
 Property		
Condemnation proceeding - attorney fees - reimbursement to property owner.	HB 1089	195
Conservation easement - creation by reservation..	HB 1046	195
Conservation easements - water..	HB 1008	195
Elimination of existing uses through amortization - prohibition..	SB 251	195
Payment procedures - public works construction project - requirements for contractors' bonds - no appropriation..	SB 70	194
Real property - instruments - errors..	HB 1194	196
 Public Utilities		
Commission:		
Jurisdiction - telecommunications services - exclusion for inmates.....	SB 303	197
Regulation - towing carriers - natural gas pipelines - telecommunication service providers..	SB 225	197
Public utilities commission - continuation under sunset law..	SB 223	197
Public utilities - government required relocation of facilities - recovery of costs.....	SB 238	197
 Statutes		
Colorado Revised Statutes - enactment of 2002 statutes..	HB 1091	198
Revisor's bill - revisions to conform, correct, and clarify statutes..	HB 1344	198
 Taxation		
Collection of state sales, cigarette, and tobacco products tax - vendor fee reduction..	SB 317	201

	Bill No.	Page No.
Commission on taxation - reporting requirement..	SB 321	202
Department of revenue - annual disclosure to individual taxpayers of average taxes paid..	SB 30	199
Electronic filing of returns - extension - federal deadline..	SB 148	200
Enterprise zones - extension of tax benefits in terminated zones - excess state revenues required...	HB 1208	205
Formation of political subdivisions imposing property taxes - notice requirements..	SB 89	199
FY 2002-03 budget reduction bill - tax amnesty program - creation - appropriation..	SB 185	200
FY 2003-04 budget reduction bill:		
Eliminate property tax exemption for qualifying seniors..	SB 265	201
Procedure and administration - interest on overpayments - fixed rates - appropriation..	HB 1382	207
Gasoline and special fuel tax - clarification of types of air carriers exempt from imposition of tax...	HB 1073	203
 Income tax:		
Colorado special olympics voluntary contribution - continuation of program..	SB 307	201
Family resource center voluntary contribution - appropriation..	HB 1130	203
Request for hearing - frivolous submission..	HB 1066	203
Voluntary contribution programs - general requirements - exemptions..	HB 1147	204
List of delinquent taxpayers - listing criteria - requirement of internet publication...	HB 1210	205
 Property tax:		
Abatement hearing - independent referees..	HB 1306	206
Exemption for seniors - approval of late exemption applications for good cause shown...	SB 334	202
Possessory interests - state board of land commissioners...	SB 167	200
Possessory interests - timber sales contracts...	SB 347	202
Property tax administrator - tax exemption for property used for religious purposes - requests for additional information..	SB 32	199
Property tax work-off program - people with disabilities eligible to participate..	HB 1281	206
Refund interest - oil and gas leaseholds and lands..	SB 234	201
Residential property - ratio of valuation for assessment...	HB 1332	207
Property taxes - deferral of payment - persons called into military service..	SB 325	202

	Bill No.	Page No.
Legislative water resources review committee - exemption from bill limits - time of meetings - selection of chair.....	SB 47	213
Loans of water rights to Colorado water conservation board - requirements for approval - appropriation... ..	HB 1320	217
Water banks - administration by water districts - rules - repeal - appropriation.. ..	HB 1318	217
Water rights:		
Loans - instream use.. ..	SB 85	213
Substitute water supply plans - temporary approval by state engineer...	SB 73	213