

DIGEST

SENATE AND HOUSE BILLS ENACTED
BY THE
SIXTY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO
(2004 - Second Regular Session)

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

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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 Second Regular Session ending May 5, 2004. 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 2003 interim committee, refer to page x and xi.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2004 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 4, 2004, 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 2004.

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LEGISLATIVE STATISTICAL SUMMARY

	2004		2003		2002	
	Intro	Passed	Intro	Passed	Intro	Passed
Senate Bills	261	150	354	239	236	105
House Bills	465	286	382	221	478	302
Concurrent Resolutions	44	2	18	0	17	3
Bills signed by Governor	420		441		391	
Bills becoming law without Governor's signature	4		8		4	
Bills partially vetoed by the Governor	3		3		3	
Bills vetoed by the Governor	6		11		9	
Bills referred to the People	0		1		1	

BILLS VETOED BY THE GOVERNOR:

H.B. 04-1165

H.B. 04-1225

H.B. 04-1283

H.B. 04-1367

H.B. 04-1423

H.B. 04-1424

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

H.B. 04-1066

H.B. 04-1309

H.B. 04-1359

H.B. 04-1455

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

H.B. 04-1421

H.B. 04-1422

H.B. 04-1464

BILLS ENACTED WITHOUT A SAFETY CLAUSE:*

H.B. 04-1007	H.B. 04-1093	H.B. 04-1280	S.B. 04-002	S.B. 04-109
H.B. 04-1013	H.B. 04-1100	H.B. 04-1284	S.B. 04-003	S.B. 04-110
H.B. 04-1019	H.B. 04-1114	H.B. 04-1285	S.B. 04-004	S.B. 04-114
H.B. 04-1022	H.B. 04-1125	H.B. 04-1292	S.B. 04-005	S.B. 04-116
H.B. 04-1023	H.B. 04-1129	H.B. 04-1306	S.B. 04-007	S.B. 04-120
H.B. 04-1027	H.B. 04-1135	H.B. 04-1311	S.B. 04-008	S.B. 04-128
H.B. 04-1028	H.B. 04-1137	H.B. 04-1344	S.B. 04-015	S.B. 04-137
H.B. 04-1032	H.B. 04-1145	H.B. 04-1356	S.B. 04-018	S.B. 04-143
H.B. 04-1033	H.B. 04-1148	H.B. 04-1357	S.B. 04-021	S.B. 04-147
H.B. 04-1037	H.B. 04-1153	H.B. 04-1361	S.B. 04-022	S.B. 04-157
H.B. 04-1038	H.B. 04-1155	H.B. 04-1365	S.B. 04-023	S.B. 04-177
H.B. 04-1048	H.B. 04-1157	H.B. 04-1366	S.B. 04-024	S.B. 04-178
H.B. 04-1049	H.B. 04-1159	H.B. 04-1367(v)	S.B. 04-029	S.B. 04-180
H.B. 04-1052	H.B. 04-1171	H.B. 04-1368	S.B. 04-035	S.B. 04-188
H.B. 04-1055	H.B. 04-1195	H.B. 04-1376	S.B. 04-041	S.B. 04-193
H.B. 04-1062	H.B. 04-1197	H.B. 04-1379	S.B. 04-044	S.B. 04-211
H.B. 04-1066	H.B. 04-1212	H.B. 04-1380	S.B. 04-057	S.B. 04-230
H.B. 04-1067	H.B. 04-1214	H.B. 04-1383	S.B. 04-059	S.B. 04-235
H.B. 04-1068	H.B. 04-1224	H.B. 04-1384	S.B. 04-067	S.B. 04-236
H.B. 04-1071	H.B. 04-1225(v)	H.B. 04-1388	S.B. 04-068	S.B. 04-239
H.B. 04-1073	H.B. 04-1230	H.B. 04-1394	S.B. 04-071	S.B. 04-243
H.B. 04-1080	H.B. 04-1236	H.B. 04-1406	S.B. 04-090	S.B. 04-253
H.B. 04-1084	H.B. 04-1248	H.B. 04-1424(v)	S.B. 04-105	
H.B. 04-1087	H.B. 04-1256	H.B. 04-1431	S.B. 04-108	
H.B. 04-1090	H.B. 04-1262	H.B. 04-1441		
H.B. 04-1092	H.B. 04-1271	H.B. 04-1449		

* These bills become effective on August 4, 2004, 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 2003 INTERIM AND STATUTORY
COMMITTEES THAT WERE ENACTED:**

**COMMITTEE ON LEGAL
SERVICES**

S.B. 04-061

S.B. 04-195

S.B. 04-239

**INTERIM COMMITTEE TO STUDY
STATE GOVERNMENT
EXPENDITURES**

H.B. 04-1009 S.B. 04-005

H.B. 04-1010 S.B. 04-014

H.B. 04-1020 S.B. 04-024

H.B. 04-1086

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

H.B. 04-1098 H.B. 04-1423(v)

H.B. 04-1219 H.B. 04-1464

H.B. 04-1220 H.B. 04-1465

H.B. 04-1228

H.B. 04-1264

H.B. 04-1265

H.B. 04-1402 S.B. 04-138

H.B. 04-1411 S.B. 04-146

H.B. 04-1415 S.B. 04-171

Budget Reduction Bills:

**H.B. 04-1222, 1267, 1412, 1413, 1414,
1416, 1417, 1418, 1419, 1420, 1421**

**JOINT LEGISLATIVE
SUNRISE/SUNSET REVIEW
COMMITTEE**

H.B. 04-1103 H.B. 04-1211

H.B. 04-1109 H.B. 04-1213

H.B. 04-1110 H.B. 04-1214

H.B. 04-1111 H.B. 04-1215

H.B. 04-1112 H.B. 04-1240

H.B. 04-1115 H.B. 04-1251

H.B. 04-1126

**LEGISLATIVE AUDIT
COMMITTEE**

H.B. 04-1005 S.B. 04-002

H.B. 04-1007 S.B. 04-003

H.B. 04-1022 S.B. 04-007

H.B. 04-1027 S.B. 04-008

H.B. 04-1028 S.B. 04-009

H.B. 04-1055 S.B. 04-011

H.B. 04-1248 S.B. 04-015

S.B. 04-176

S.B. 04-198

S.B. 04-204

(v) - vetoed

(cont.)

**TRANSPORTATION LEGISLATION
REVIEW COMMITTEE**

H.B. 04-1017 S.B. 04-004

H.B. 04-1019 S.B. 04-012

H.B. 04-1021

H.B. 04-1025

H.B. 04-1033

H.B. 04-1034

H.B. 04-1231

**WELFARE REFORM OVERSIGHT
COMMITTEE**

H.B. 04-1029 S.B. 04-017

H.B. 04-1030

**WATER RESOURCES
LEGISLATION REVIEW
COMMITTEE**

H.B. 04-1035 S.B. 04-013

S.B. 04-032

(v) - vetoed

ACTS WITH JULY 1, 2004, AND LATER EFFECTIVE DATES:

JULY 1, 2004

HOUSE BILLS

H.B. 04-1003	H.B. 04-1076	H.B. 04-1211	H.B. 04-1269	H.B. 04-1375
H.B. 04-1004	H.B. 04-1077	H.B. 04-1213	H.B. 04-1270	H.B. 04-1386
H.B. 04-1009	H.B. 04-1079	H.B. 04-1215*	H.B. 04-1274	H.B. 04-1387
H.B. 04-1015	H.B. 04-1088	H.B. 04-1219	H.B. 04-1305	H.B. 04-1398
H.B. 04-1017	H.B. 04-1102	H.B. 04-1220	H.B. 04-1308	H.B. 04-1399
H.B. 04-1021	H.B. 04-1103	H.B. 04-1226	H.B. 04-1341	H.B. 04-1400
H.B. 04-1025	H.B. 04-1109	H.B. 04-1232	H.B. 04-1343	H.B. 04-1402*
H.B. 04-1026	H.B. 04-1118	H.B. 04-1240	H.B. 04-1347	H.B. 04-1412
H.B. 04-1030	H.B. 04-1126	H.B. 04-1244	H.B. 04-1348	H.B. 04-1415
H.B. 04-1046	H.B. 04-1134	H.B. 04-1251	H.B. 04-1350	H.B. 04-1416
H.B. 04-1054	H.B. 04-1149	H.B. 04-1255	H.B. 04-1351	H.B.04-1423(v)
H.B. 04-1057	H.B.	H.B. 04-1261	H.B. 04-1362	H.B. 04-1428
H.B. 04-1069	04-1165(v)	H.B. 04-1266	H.B. 04-1370	H.B. 04-1438
H.B. 04-1072	H.B. 04-1207			

SENATE BILLS

S.B. 04-014	S.B. 04-082	S.B. 04-111	S.B. 04-132*	S.B. 04-198
S.B. 04-026	S.B. 04-087	S.B. 04-115	S.B. 04-175	S.B. 04-204
S.B. 04-036	S.B. 04-093	S.B. 04-117	S.B. 04-176	S.B. 04-219
S.B. 04-047	S.B. 04-094	S.B. 04-122	S.B. 04-187	S.B. 04-229
S.B. 04-064	S.B. 04-095	S.B. 04-125	S.B. 04-189*	S.B. 04-252
S.B. 04-078	S.B. 04-098	S.B. 04-127	S.B. 04-196	S.B. 04-257*

* Portions only
(v) - vetoed

ACTS WITH JULY 1, 2004, AND LATER EFFECTIVE DATES (cont):

AUGUST 4, 2004*

HOUSE BILLS

H.B. 04-1007	H.B. 04-1066	H.B. 04-1135	H.B. 04-1248	H.B. 04-1366
H.B. 04-1013	H.B. 04-1067	H.B. 04-1137	H.B. 04-1256	H.B.
H.B. 04-1019	H.B. 04-1068	H.B. 04-1145	H.B. 04-1262	04-1367(v)
H.B. 04-1022	H.B. 04-1071	H.B. 04-1148	H.B. 04-1271	H.B. 04-1368
H.B. 04-1023	H.B. 04-1073	H.B. 04-1153	H.B. 04-1280	H.B. 04-1376
H.B. 04-1027	H.B. 04-1080	H.B. 04-1157	H.B. 04-1285	H.B. 04-1379
H.B. 04-1028	H.B. 04-1084	H.B. 04-1159	H.B. 04-1292	H.B. 04-1380
H.B. 04-1032	H.B. 04-1087	H.B. 04-1171	H.B. 04-1306	H.B. 04-1383
H.B. 04-1033	H.B. 04-1090	H.B. 04-1197	H.B. 04-1311	H.B. 04-1384
H.B. 04-1037	H.B. 04-1092	H.B. 04-1212**	H.B. 04-1344	H.B. 04-1388
H.B. 04-1038	H.B. 04-1093	H.B. 04-1214	H.B. 04-1356	H.B. 04-1394
H.B. 04-1048	H.B. 04-1100	H.B. 04-1224	H.B. 04-1357	H.B. 04-1406
H.B. 04-1049	H.B. 04-1125	H.B.	H.B. 04-1361	H.B. 04-1431
H.B. 04-1055	H.B. 04-1129	04-1225(v)	H.B. 04-1365	H.B. 04-1441
		H.B. 04-1230		H.B. 04-1449

SENATE BILLS

S.B. 04-002	S.B. 04-023	S.B. 04-071	S.B. 04-128	S.B. 04-193
S.B. 04-003	S.B. 04-024**	S.B. 04-090	S.B. 04-137	S.B. 04-211
S.B. 04-004	S.B. 04-029	S.B. 04-105	S.B. 04-143	S.B. 04-230
S.B. 04-005	S.B. 04-035	S.B. 04-108	S.B. 04-147	S.B. 04-235
S.B. 04-007	S.B. 04-041	S.B. 04-109	S.B. 04-157	S.B. 04-236
S.B. 04-008	S.B. 04-044	S.B. 04-110	S.B. 04-178	S.B. 04-239
S.B. 04-015	S.B. 04-057	S.B. 04-114	S.B. 04-180	S.B. 04-243
S.B. 04-018	S.B. 04-067	S.B. 04-116	S.B. 04-188	S.B. 04-253
S.B. 04-022	S.B. 04-068	S.B. 04-120		

* 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.)

SEPTEMBER 1, 2004

HOUSE BILLS

H.B. 04-1052

H.B. 04-1155

H.B. 04-1195

H.B. 04-1284

JANUARY 1, 2006

HOUSE BILLS

H.B. 04-1227*

SENATE BILLS

S.B. 04-257*

JANUARY 1, 2005

HOUSE BILLS

H.B. 04-1062

H.B. 04-1114

H.B. 04-1193*

H.B. 04-1215*

H.B. 04-1236

H.B. 04-1424(v)

SENATE BILLS

S.B. 04-021

S.B. 04-024*

S.B. 04-059

S.B. 04-166

S.B. 04-177

S.B. 04-216*

MAY 30, 2006

HOUSE BILLS

H.B. 04-1448

JULY 1, 2005

HOUSE BILLS

H.B. 04-1199

H.B. 04-1231

H.B. 04-1373

SENATE BILLS

S.B. 04-132*

S.B. 04-189*

S.B. 04-257*

JULY 1, 2006

HOUSE BILLS

H.B. 04-1212*

REFERRED MEASURES:

HOUSE BILLS

H.C.R. 04-1005

SENATE BILLS

s.C.R. 04-005

* Portions only

(v) - vetoed

TABLE OF ENACTED HOUSE BILLS -- 2004

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1002	CRANE, LAMBORN	RECITATION OF PLEDGE OF ALLEGIANCE	APPROVED 3/17/2004	3/17/2004	47	42
1003	MCCLUSKEY, JOHNSON S.	PEACE OFFICER IMPERSONATION	APPROVED 5/25/2004	7/1/2004	289	33
1004	STAFFORD, LAMBORN	INTERNET PROTECTION FOR LIBRARY USERS	APPROVED 4/23/2004	7/1/2004	188	103
1005	WILLIAMS T., TUPA	ENTERPRISE STATUS AUX FAC HIGHER ED	APPROVED 3/17/2004	3/17/2004	33	57
1006	HEFLEY, McELHANY	IN-STATE TUITION FOR MILITARY DEPENDENTS	APPROVED 5/27/2004	5/27/2004	306	58
1007	WILLIAMS T., TAKIS	HIGHER ED OPTIONAL RETIREMENT PLANS	APPROVED 2/20/2004	NO SAFETY CLAUSE	2	58
1008	CLOER, LAMBORN	ASSIGNMENT OF AUTO INSURANCE BENEFITS	APPROVED 4/5/2004	4/5/2004	72	143
1009	KING, REEVES	EXEMPT HIGHER ED FROM STATE RESTRICTIONS	APPROVED 4/23/2004	7/1/2004	189	58
1010	KING, REEVES	EDUCATION ADVISORY BOARDS ELIMINATION	APPROVED 2/20/2004	2/20/2004	3	43
1013	JOHNSON R., JOHNSON S.	DIV PREVENTION INTERVENTION NAME CHANGE	APPROVED 3/17/2004	NO SAFETY CLAUSE	34	120
1015	POMMER, JOHNSON S.	KETAMINE ANIMAL CONTROL HUMANE SOCIETY	APPROVED 5/21/2004	7/1/2004	238	2
1016	JOHNSON R., DYER	SEX OFFENDER REGISTRY OBSCENITY MINORS	APPROVED 5/21/2004	5/21/2004	239	34
1017	BERRY, MAY R.	GRADUATED DRIVER'S LICENSES	APPROVED 5/28/2004	7/1/2004	323	153
1019	BORODKIN, TAKIS	PUBLIC AIRPORT AUTHORITY CONTRACTS	APPROVED 3/8/2004	NO SAFETY CLAUSE	14	4
1020	ROMANOFF, TECK	STATE EMPLOYEE INCENTIVE PROGRAMS	APPROVED 4/7/2004	4/7/2004	91	104
1021	BRIGGS, McELHANY	ALCOHOL CONSUMPTION	APPROVED 5/21/2004	7/1/2004	236	153
1022	VIGIL, ANDERSON	DUTIES OF DIVISION OF CENTRAL SERVICES	APPROVED 4/7/2004	NO SAFETY CLAUSE	92	104
1023	BOYD, ENTZ	MAKING YULE MARBLE THE STATE ROCK	APPROVED 3/9/2004	NO SAFETY CLAUSE	24	104
1025	RAGSDALE, TAKIS	NEW DIESEL VEHICLE EMISSIONS INSPECTIONS	APPROVED 4/5/2004	7/1/2004	73	154
1026	CARROLL, GROSSMAN	MINIMUM OFFER OF MED PAYMENTS COVERAGE	APPROVED 4/12/2004	7/1/2004	134	143
1027	VIGIL, TAKIS	PRIMARY & PREVENTIVE CARE GRANT PROGRAM	APPROVED 3/9/2004	NO SAFETY CLAUSE	26	126
1028	COLEMAN, ANDERSON	PUBLIC DEFENDER PROCESSING FEE	APPROVED 5/11/2004	NO SAFETY CLAUSE	216	178
1029	BOYD, HAGEDORN	CO WORKS PARTICIPATION IN VOCATIONAL ED	APPROVED 3/9/2004	3/9/2004	31	132
1030	FRANGAS, HANNA	EVALUATION OF THE CO WORKS PROGRAM	APPROVED 5/21/2004	7/1/2004	240	133
1032	ROSE, JONES	YOUTH HUNTING LICENSE	APPROVED 3/9/2004	NO SAFETY CLAUSE	27	159
1033	McFADYEN, CHLOUBER	LOGO SIGNS ON INTERSTATE HIGHWAYS	APPROVED 2/20/2004	NO SAFETY CLAUSE	4	186

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1034	WELKER, TAKIS	ELECTRONIC RENEWAL OF DRIVERS' LICENSES	APPROVED 5/28/2004	5/28/2004	324	154
1035	HOPPE, ENTZ	NO PROXY VOTE BY WATER CONSERVATION BD	APPROVED 3/8/2004	3/8/2004	18	190
1037	HODGE, KELLER	AM SIGN LANGUAGE CREDIT IN EDUCATION	APPROVED 4/5/2004	NO SAFETY CLAUSE	74	59
1038	BERRY, ARNOLD	IMMUNITY FOR HOTLINE VOLUNTEERS	APPROVED 3/17/2004	NO SAFETY CLAUSE	35	27
1039	SPENCE, McELHANY	EXPAND TEACHER LOAN FORGIVENESS PROGRAM	APPROVED 4/13/2004	4/13/2004	146	59
1042	WELKER, JONES	PROOF OF INS WHEN REGISTERING A CAR	APPROVED 2/20/2004	2/20/2004	5	154
1043	FAIRBANK, LAMBORN	JUDICIAL REDISTRICTING CRITERIA	APPROVED 4/7/2004	4/7/2004	93	73
1046	McGIHON, TECK	COMPUTATION OF DAYS IN F.E.D. ACTIONS	APPROVED 4/22/2004	7/1/2004	186	27
1047	ROSE, HAGEDORN	CHILD SUPPORT FOR CHILD CARE ASSISTANCE	APPROVED 3/17/2004	3/17/2004	36	133
1048	KING, McELHANY	BENEFICIARY DEEDS	APPROVED 5/12/2004	NO SAFETY CLAUSE	217	162
1049	WILLIAMS S., JOHNSON S.	TRANSITIONING TO CHILD CARE ASSISTANCE	APPROVED 4/5/2004	NO SAFETY CLAUSE	75	133
1050	BUTCHER, TAPIA	UNAUTHORIZED CHANGES TO BURIAL MEMORIALS	APPROVED 4/5/2004	4/5/2004	76	167
1052	JUDD, DYER	NAME CHANGE STATUTE CHANGES	APPROVED 3/17/2004	NO SAFETY CLAUSE 9/1/2004	37	27
1053	HALL, GROFF	MOTOR VEHICLE SALES CONTRACT DISCLOSURES	APPROVED 3/9/2004	3/9/2004	30	167
1054	BROPHY, HILLMAN	OCCUPANTS OF VEHICLES IN ACCIDENTS	APPROVED 4/23/2004	7/1/2004	190	34
1055	RHODES, TUPA	CAP CONSTR & RENOVATION FUND GRANTS	APPROVED 3/17/2004	NO SAFETY CLAUSE	38	43
1057	MILLER, TAYLOR	NEWSPAPER THEFT	APPROVED 4/13/2004	7/1/2004	147	34
1058	RIPPY, MAY R.	MEDICAID ELIGIBILITY DETERMINATIONS	APPROVED 4/2/2004	4/2/2004	67	126
1059	HOPPE, HILLMAN	ENFORCE COMMISSIONER AG MARKETING ORDERS	APPROVED 3/8/2004	3/8/2004	19	2
1061	BERRY, TAKIS	CHILD ADVOCACY CENTERS	APPROVED 5/21/2004	5/21/2004	241	14
1062	LARSON, MAY R.	MOTOR VEHICLES ABANDONED AT REPAIR SHOPS	APPROVED 4/23/2004	NO SAFETY CLAUSE 1/1/2005	191	154
1065	PACCIONE, ANDERSON	211 HUMAN SERVICE REFERRAL IMMUNITY	APPROVED 2/20/2004	2/20/2004	6	79
1066	WIENS, EVANS	CASTLE ROCK & SPEC DIST BOUNDARIES	BECAME LAW 4/27/2004	NO SAFETY CLAUSE	209	85
1067	COLEMAN, TAYLOR	BUS PERS PROP TAX REFUND UNCLAIMED PROP	APPROVED 4/7/2004	NO SAFETY CLAUSE	94	182
1068	MARSHALL, VEIGA	WORKERS' COMPENSATION SUBROGATION	APPROVED 3/9/2004	NO SAFETY CLAUSE	25	149
1069	WHITE, LAMBORN	DEFERRED DEPOSIT LOANS	APPROVED 4/7/2004	7/1/2004	95	18
1071	DECKER, McELHANY	BAD DEBT CIGARETTE & TOBACCO CREDIT	APPROVED 4/5/2004	NO SAFETY CLAUSE	80	182
1072	MAY M., EVANS	REGULAR MUNICIPAL ELECTION DATE	APPROVED 5/21/2004	7/1/2004	242	83

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1073	SMITH, ENTZ	WATER RIGHT APPLICANT NOTIFY LANDOWNERS	APPROVED 4/5/2004	NO SAFETY CLAUSE	81	190
1074	LEE, GORDON	DOC REENTRY PROGRAM	APPROVED 4/13/2004	4/13/2004	148	24
1075	ROMANOFF, JOHNSON S.	EXTEND SERVICE FOR HIGH-RISK PREGNANCIES	APPROVED 5/21/2004	5/21/2004	243	126
1076	MADDEN, ARNOLD	MOTOR VEHICLES PASSING LANE	APPROVED 3/17/2004	7/1/2004	39	155
1077	JAHN, ANDERSON	BACKGROUND INVESTIGATION TREAT OFFENDER	APPROVED 5/21/2004	7/1/2004	244	34
1079	CADMAN, VEIGA	INSURERS INDIVIDUAL DEFERRED ANNUITIES	APPROVED 5/21/2004	7/1/2004	245	144
1080	WILLIAMS T., LAMBORN	UNIFORM ARBITRATION ACT	APPROVED 6/4/2004	NO SAFETY CLAUSE	363	28
1084	CADMAN, McELHANY	F.E.D. EXECUTE WRIT OF RESTITUTION	APPROVED 4/21/2004	NO SAFETY CLAUSE	169	28
1086	SPRADLEY, TECK	STRUCTURE OF COMMUNITY COLLEGE SYSTEM	APPROVED 5/28/2004	5/28/2004	349	60
1087	RHODES, JOHNSON S.	NATIONAL ELECTRICAL CODE COMPLIANCE	APPROVED 3/17/2004	NO SAFETY CLAUSE	40	150
1088	SALAZAR, ENTZ	RAISE WEIGHT MILITARY LICENSE PLATE	APPROVED 3/8/2004	7/1/2004	20	156
1089	McCLUSKEY, HILLMAN	GOV PREFERENCE CO AGRICULTURAL PRODUCTS	APPROVED 6/4/2004	6/4/2004	364	2
1090	RHODES, KESTER	WORKERS' COMP INS DEFAULT BY EMPLOYER	APPROVED 4/23/2004	NO SAFETY CLAUSE	192	150
1092	SPENCE, ARNOLD	TEACHERS SERVING AS ADMINISTRATORS	APPROVED 3/8/2004	NO SAFETY CLAUSE	15	43
1093	McFADYEN, HILLMAN	GOV PREFERENCE CO AGRICULTURAL PRODUCTS	APPROVED 4/5/2004	NO SAFETY CLAUSE	82	105
1098	YOUNG, OWEN	DEFINITION OF CUSTODIAL MONEYS	APPROVED 4/30/2004	4/30/2004	213	105
1100	YOUNG, OWEN	PLAN PROCESS PRIVATE PRISONS PROPOSALS	APPROVED 3/17/2004	NO SAFETY CLAUSE	41	24
1102	CLAPP, JOHNSON S.	REGULATION OF DENTISTS AND HYGIENISTS	APPROVED 5/21/2004	7/1/2004	246	167
1103	MARSHALL, LAMBORN	SUNSET REVIEW CONTINUE SECURITIES BOARD	APPROVED 2/20/2004	7/1/2004	7	69
1104	KING, McELHANY	EDUCATOR LICENSURE	APPROVED 5/28/2004	5/28/2004	325	43
1107	BERRY, REEVES	TRANSFER OF OFFICE OF HOMELESS YOUTH	APPROVED 5/21/2004	5/21/2004	247	133
1108	McFADYEN, ARNOLD	JUVENILE STATEMENTS IN TREATMENT	APPROVED 4/5/2004	4/5/2004	84	14
1109	MARSHALL, LAMBORN	SUNSET CONTINUE SECURITIES DIVISION	APPROVED 4/21/2004	7/1/2004	170	69
1110	WHITE, TECK	SUNSET CONTINUE DIVISION OF BANKING	APPROVED 4/7/2004	PORTIONS 4/7/2004 AND 6/1/2004	96	69
1111	WHITE, TECK	SUNSET CONTINUE BANKING BOARD	APPROVED 3/3/2004	3/3/2004	10	70
1112	WELKER, SANDOVAL	SUNSET CONTINUE MONEY EXCHANGE REG	APPROVED 4/21/2004	4/21/2004	171	168
1114	ROSE, EVANS	PAYMENT OF HEALTH CLAIMS UNDER AUTO INS	APPROVED 4/21/2004	NO SAFETY CLAUSE 1/1/2005	173	144
1115	RHODES, TAPIA	SUNSET PROFL ENGINEERS SURVEYORS BOARD	APPROVED 5/28/2004	5/28/2004	326	169

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1117	RHODES, HILLMAN	EXEMPTION FROM INS WAITING PERIOD	APPROVED 5/28/2004	5/28/2004	327	144
1118	JOHNSON R., LAMBORN	FALSE REPORTS AT-RISK ADULT	APPROVED 4/5/2004	7/1/2004	85	134
1119	HEFLEY, TAYLOR	EXTEND CHILD CARE FACILITIES TAX CREDIT	APPROVED 3/9/2004	3/9/2004	28	183
1121	FAIRBANK, LAMBORN	CONTRIBUTIONS & CAMPAIGN FINANCE	APPROVED 5/21/2004	5/21/2004	248	64
1123	COLEMAN, OWEN	CO MENTAL HEALTH INSTITUTE FORT LOGAN	APPROVED 5/28/2004	5/28/2004	328	131
1124	SPENCE, ARNOLD	STATE SCHOOL ACCOUNTABILITY REPORTS	APPROVED 3/8/2004	3/8/2004	16	44
1125	McFADYEN, CHLOUBER	PENALTIES FOR UNSOLICITED FACSIMILES	APPROVED 4/8/2004	NO SAFETY CLAUSE	130	19
1126	McCLUSKEY, TAYLOR	SUNSET REVIEW OF FINANCIAL SERVICES	APPROVED 3/17/2004	7/1/2004	42	70
1127	JOHNSON R., JOHNSON S.	TITLE PROTECTION FOR NURSES	APPROVED 5/12/2004	5/12/2004	218	169
1129	STAFFORD, ENTZ	COUNTY PROPERTY SALE FOR DELINQUENT TAX	APPROVED 3/17/2004	NO SAFETY CLAUSE	43	76
1134	MILLER, ARNOLD	IDENTITY THEFT	APPROVED 6/4/2004	7/1/2004	365	35
1135	WEISSMANN, TUPA	AUTHORIZE WILDLIFE SANCTUARIES	APPROVED 5/28/2004	NO SAFETY CLAUSE	329	159
1137	FRANGAS, GROFF	NO STUDENT STATEMENTS WITHOUT PARENT	APPROVED 4/5/2004	NO SAFETY CLAUSE	83	44
1141	KING, ANDREWS	CHARTER SCHOOLS	APPROVED 6/3/2004	6/3/2004	357	45
1145	LARSON, HILLMAN	LTD LIAB LIQUIFIED PETROLEUM GAS	APPROVED 4/23/2004	NO SAFETY CLAUSE	193	150
1147	HALL, HILLMAN	ENVIRONMENTAL MANAGEMENT SYSTEM PERMIT	APPROVED 4/19/2004	4/19/2004	159	120
1148	RIPPY, McELHANY	DEFACING CAVE MISDEMEANOR	APPROVED 3/8/2004	NO SAFETY CLAUSE	21	35
1149	JAHN, JOHNSON S.	USE OF CRIMINAL RECORDS INFO IN ADOPTION	APPROVED 4/7/2004	7/1/2004	97	14
1150	HEFLEY, HILLMAN	COMMONSENSE CONSUMPTION ACT	APPROVED 5/17/2004	5/17/2004	229	29
1151	WIENS, EVANS	INITIAL WILDFIRE RESPONSE AIRCRAFT COORD	APPROVED 4/2/2004	4/2/2004	68	160
1152	HOPPE, ENTZ	WATER RESOURCES REVIEW CMT MEMBERS	APPROVED 3/17/2004	3/17/2004	44	190
1153	STENGEL, KESTER	DOM VIOLENCE VICTIMS HOUSING PROTECTION	APPROVED 4/21/2004	NO SAFETY CLAUSE	172	15
1154	JAHN, McELHANY	INS DIV CONTRACT OUT MKT CONDUCT EXAMS	APPROVED 3/8/2004	3/8/2004	22	144
1155	WILLIAMS T., TAYLOR	REGULATION OF ANNEXED LAND AG USES	APPROVED 4/23/2004	NO SAFETY CLAUSE 9/1/2004	194	83
1157	LARSON, ISGAR	PURGING TITLE TO MANUFACTURED HOMES	APPROVED 5/21/2004	NO SAFETY CLAUSE	249	175
1159	DECKER, EVANS	COLORADO JURY SELECTION AND SERVICE ACT	APPROVED 4/6/2004	NO SAFETY CLAUSE	86	29
1165	LUNDBERG, TECK	RAISING FELONY THRESHOLD THEFT MISCHIEF	VETOED 6/4/2004			35
1166	McCLUSKEY, McELHANY	CO TRAINING PROGRAM TRANSFER OF MONEYS	APPROVED 3/17/2004	3/17/2004	45	60

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1171	WEDDIG, HAGEDORN	RETIREMENT HEALTH SAVINGS TRUST	APPROVED 5/21/2004	NO SAFETY CLAUSE	250	105
1177	SPRADLEY, HILLMAN	KIDNEY DONATION & DECEPTIVE INS PRACTICE	APPROVED 5/21/2004	5/21/2004	269	145
1182	CLOER, HILLMAN	ILLEGAL DRUG LAB CLEANUP STANDARDS	APPROVED 4/21/2004	4/21/2004	174	121
1189	ROMANOFF, DYER	REDUCTION OF RECIDIVISM	APPROVED 6/4/2004	6/4/2004	366	24
1190	ROMANOFF, TECK	TAX CREDIT FOR LOW INCOME HOUSING DEVS	APPROVED 5/28/2004	5/28/2004	330	146
1193	FAIRBANK, HILLMAN	PENALTIES FOR DRIVING WITHOUT INSURANCE	APPROVED 5/21/2004	PORTIONS ON 5/21/2004 AND 1/1/2005	237	156
1194	MCCLUSKEY, REEVES	BOARD OF GOVERNORS OF CSU SYSTEM	APPROVED 4/7/2004	4/7/2004	98	60
1195	STENGEL, DYER	CRIMINAL HISTORY RECORD CHECKS	APPROVED 3/8/2004	NO SAFETY CLAUSE 9/1/2004	23	29
1197	WEDDIG, EVANS	MOTOR VEHICLE DEVICES REGULATION	APPROVED 4/7/2004	NO SAFETY CLAUSE	99	156
1199	LEE, McELHANY	TRAFFIC MATTERS MINORS UNDER 18 YEARS	APPROVED 5/28/2004	7/1/2005	331	156
1202	POMMER, CHLOUBER	COLORADO HISTORY DAY	APPROVED 5/21/2004	5/21/2004	251	47
1203	MITCHELL, HILLMAN	LIMIT GOV RESTRICTIONS PRIV PROP	APPROVED 6/4/2004	PORTIONS ON 1/1/2004 AND 6/4/2004	367	79
1206	MITCHELL, HILLMAN	REPLACE COVERCOLORADO CAPCO TAX CREDIT	APPROVED 3/4/2004	3/4/2004	12	146
1207	SPENCE, GROFF	HIGHER ED FIXED TUITION AND FEES	APPROVED 5/28/2004	7/1/2004	332	60
1210	WILLIAMS T., McELHANY	RULES FOR MEDICAL PAYMENTS COVERAGE	APPROVED 5/28/2004	5/28/2004	333	146
1211	HOPPE, CHLOUBER	SUNSET CONTINUE WATER/WASTEWATER BD	APPROVED 4/6/2004	7/1/2004	87	121
1212	MITCHELL, ANDERSON	SCIENTIFIC & CULTURAL FACILITIES DIST	APPROVED 4/6/2004	PORTIONS ON 7/1/2006 AND NO SAFETY CLAUSE	88	86
1213	MCCLUSKEY, TAYLOR	SUNSET CONTINUE NATURAL AREAS COUNCIL	APPROVED 4/7/2004	7/1/2004	100	160
1214	ROSE, CHLOUBER	SUNSET CONT RIVER OUTFITTERS LICENSING	APPROVED 4/6/2004	NO SAFETY CLAUSE	89	169
1215	RIPPY, ENTZ	SUNSET CONTINUE WILDLIFE OUTFITTERS	APPROVED 4/7/2004	PORTIONS ON 7/1/2004 AND 1/1/2005	101	169
1216	RHODES, DYER	NOTICE IN EXPEDITED RELINQUISHMENTS	APPROVED 4/5/2004	4/5/2004	78	15

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1217	LEE, ARNOLD	PARENTAL QUESTIONS ON SCHOOL REPORTS	APPROVED 4/13/2004	4/13/2004	149	47
1218	FAIRBANK, ANDERSON	MUNICIPAL COURT MARSHALS PEACE OFFICERS	APPROVED 4/12/2004	4/12/2004	133	36
1219	WITWER, REEVES	COMMUNITY TRANSITION UNDER MEDICAID	APPROVED 5/21/2004	7/1/2004	252	127
1220	YOUNG, OWEN	MEDICAID TRANSPORTATION EXPENSES	APPROVED 4/5/2004	7/1/2004	79	127
1221	HOPPE, ENTZ	WATER CONSERVATION BD CONSTRUCTION FUND	APPROVED 5/21/2004	5/21/2004	253	190
1222	YOUNG, OWEN	TRANSFER CASH FLOW RESERVE TO GEN FUND	APPROVED 4/5/2004	4/5/2004	77	106
1224	PACCIONE, McELHANY	MINORS SERVE Bd DIRECTORS NONPROFIT CORP	APPROVED 4/7/2004	NO SAFETY CLAUSE	102	21
1225	BERRY, SANDOVAL	LOW-INCOME ENERGY ASSISTANCE	VETOED 6/4/2004			176
1226	WHITE, KESTER	BANK ACCOUNT VIA A CERTIFICATE OF TRUST	APPROVED 4/13/2004	7/1/2004	150	71
1227	SINCLAIR, LAMBORN	TEST & CERTIFY VOTING SYSTEMS	APPROVED 5/28/2004	PORTIONS ON 5/28/2004 AND 1/1/2006	334	65
1228	WITWER, TECK	REPEAL COORDINATOR ENVTL PROBLEMS	APPROVED 4/7/2004	4/7/2004	103	106
1230	HALL, JONES	SCHOOL DIRECTORS ELECTED BY DISTRICT	APPROVED 4/21/2004	NO SAFETY CLAUSE	175	47
1231	LARSON, CHLOUBER	COMMERCIAL DRIVERS' LICENSES	APPROVED 5/21/2004	7/1/2005	254	157
1232	SPRADLEY, KESTER	SUITABILITY OF ENHANCED MOTOR VEH INS	APPROVED 4/13/2004	7/1/2004	151	146
1234	FAIRBANK, McELHANY	MOTOR VEHICLE INS CONSUMER PROTECTION	APPROVED 5/21/2004	5/21/2004	255	147
1236	McCLUSKEY, CAIRNS	CONSUMER PROTECTION FOR HOMEOWNER'S INS	APPROVED 6/4/2004	NO SAFETY CLAUSE 1/1/2005	398	147
1237	MAY M., LAMBORN	RETAILER SALES TAX COLLECTION DATABASE	APPROVED 5/17/2004	5/17/2004	231	183
1240	CADMAN, HAGEDORN	CONTINUE BAIL BONDING AGENT REGULATION	APPROVED 6/4/2004	7/1/2004	368	170
1241	MILLER, CHLOUBER	SALES & USE TAX ON MOTOR VEHICLES	APPROVED 4/26/2004	4/26/2004	203	184
1244	JAHN, EVANS	RISK MANAGEMENT EXPERTS CONSULTANTS	APPROVED 4/23/2004	7/1/2004	195	106
1248	COLEMAN, TAKIS	TOBACCO PRODUCTS LICENSURE AUDIT	APPROVED 4/5/2004	NO SAFETY CLAUSE	71	171
1251	FRANGAS, KESTER	SUNSET CONTINUE MENTAL HEALTH PROFL REG	APPROVED 5/21/2004	7/1/2004	256	172
1254	WELKER, JOHNSON S.	INVESTIGATIONS OF CHILD CARE PROVIDERS	APPROVED 6/4/2004	6/4/2004	369	15
1255	WIENS, JOHNSON S.	DORA SUNSET REVIEW SCHEDULE	APPROVED 4/7/2004	7/1/2004	104	107
1256	HODGE, HILLMAN	INTERRUPTIBLE WATER SUPPLY AGMNT ANYTIME	APPROVED 5/28/2004	NO SAFETY CLAUSE	335	191
1261	LEE, JOHNSON S.	REGULATION OF DANGEROUS DOGS	APPROVED 6/4/2004	7/1/2004	370	36

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1262	LUNDBERG, CAIRNS	MOTOR VEHICLE CAMERA NOTICE SIGNS	APPROVED 4/7/2004	NO SAFETY CLAUSE	105	157
1263	LUNDBERG, CAIRNS	NO SOC SECURITY REQ WILDLIFE LICENSE	APPROVED 5/21/2004	5/21/2004	287	160
1264	YOUNG, TECK	MEDICAID PROVIDER BILLING CYCLES	APPROVED 4/13/2004	4/13/2004	152	127
1265	WITWER, REEVES	MEDICAID MENTAL HEALTH SERVICES	APPROVED 4/6/2004	4/6/2004	90	127
1266	POMMER, GROFF	CRIMINAL INVASION OF PRIVACY	APPROVED 4/26/2004	7/1/2004	204	36
1267	PLANT, TECK	TRANSFERS FOR CONTROLLED MAINTENANCE	APPROVED 4/21/2004	4/21/2004	176	107
1269	BROPHY, VEIGA	CRIMINAL OPERATION OF DEVICE IN MOVIES	APPROVED 5/21/2004	7/1/2004	257	36
1270	STENGEL, DYER	EXTRADITION CHANGES	APPROVED 4/7/2004	7/1/2004	106	37
1271	CLAPP, KESTER	DEDICATED FAMILY HOMES PILOT PROGRAM	APPROVED 4/21/2004	NO SAFETY CLAUSE	177	134
1274	MARSHALL, VEIGA	IDENTITY THEFT FUND AND PROTECTIONS	APPROVED 4/26/2004	7/1/2004	205	19
1277	HEFLEY, CAIRNS	EARLY CHILDHOOD SCHOOL READINESS COMMN	APPROVED 6/4/2004	6/4/2004	371	134
1279	STAFFORD, HILLMAN	LIABILITY REGARDING DOG BEHAVIOR	APPROVED 4/21/2004	4/21/2004	168	37
1280	STAFFORD, JOHNSON S.	DISASTER PRESUMED DEATH CERTIFICATES	APPROVED 4/23/2004	NO SAFETY CLAUSE	197	162
1283	BOYD, TAYLOR	COLORADO HIGH SCHOOL COMMISSION	VETOED 6/4/2004			48
1284	WHITE, DYER	AUDITS OF MEDICAID PROVIDERS	APPROVED 5/28/2004	NO SAFETY CLAUSE 9/1/2004	336	128
1285	JOHNSON R., KESTER	NOTICE OF UNPAID BILLS	APPROVED 4/13/2004	NO SAFETY CLAUSE	153	19
1292	CLAPP, HAGEDORN	CONSUMER PROTECTION FOR HOMEOWNERS INS	APPROVED 6/4/2004	NO SAFETY CLAUSE	396	148
1298	MADDEN, HILLMAN	ADJUST MFR FOOD REGIS FEES	APPROVED 4/23/2004	4/23/2004	198	121
1300	GARCIA, SANDOVAL	NOTARY PUBLIC	APPROVED 5/28/2004	5/28/2004	337	173
1304	JAHN, ARNOLD	REVISED INTERSTATE COMPACT ON JUVENILES	APPROVED 4/26/2004	4/26/2004	206	15
1305	JAHN, ANDERSON	PROTECTION ORDERS	APPROVED 4/21/2004	7/1/04	178	29
1306	JAHN, KESTER	MOTOR VEHICLE DEALERS SALESPERSONS	APPROVED 4/7/2004	NO SAFETY CLAUSE	107	173
1308	CLOER, LAMBORN	PEDIGREE PAPERS FOR PHARMACEUTICALS	APPROVED 4/13/2004	7/1/2004	154	173
1309	BROPHY, TUPA	SAFE ROUTES TO SCHOOL	BECAME LAW 6/5/2004	6/5/2004	399	186
1311	FRANGAS, JONES	IDENTITY THEFT	APPROVED 6/4/2004	NO SAFETY CLAUSE	393	37
1316	YOUNG, OWEN	SUPPL APPROP DEPT OF AGRICULTURE	APPROVED 3/3/2004	3/3/2004	402	5
1317	YOUNG, OWEN	SUPPL APPROP DEPT OF CORRECTIONS	APPROVED 3/3/2004	3/3/2004	403	5

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1318	YOUNG, OWEN	SUPPL APPROP DEPT OF EDUCATION	APPROVED 3/3/2004	3/3/2004	404	5
1319	YOUNG, OWEN	SUPPL APPROP DEPT OF GOV, LT GOV, & OSPB	APPROVED 3/3/2004	3/3/2004	405	5
1320	YOUNG, OWEN	SUPPL APPROP DEPT OF HEALTH CARE POL & FIN	APPROVED 3/3/2004	3/3/2004	406	5
1321	YOUNG, OWEN	SUPPL APPROP DEPT OF HIGHER ED	APPROVED 3/3/2004	3/3/2004	407	6
1322	YOUNG, OWEN	SUPPL APPROP DEPT OF HUMAN SERVICES	APPROVED 3/3/2004	3/3/2004	408	6
1323	YOUNG, OWEN	SUPPL APPROP JUDICIAL DEPARTMENT	APPROVED 3/3/2004	3/3/2004	409	6
1324	YOUNG, OWEN	SUPPL APPROP DEPT OF LABOR & EMPLOYMENT	APPROVED 3/3/2004	3/3/2004	410	6
1325	YOUNG, OWEN	SUPPL APPROP DEPT OF LAW	APPROVED 3/3/2004	3/3/2004	411	6
1326	YOUNG, OWEN	SUPPL APPROP DEPT OF LEGISLATURE	APPROVED 3/3/2004	3/3/2004	412	7
1327	YOUNG, OWEN	SUPPL APPROP DEPT OF LOCAL AFFAIRS	APPROVED 3/3/2004	3/3/2004	413	7
1328	YOUNG, OWEN	SUPPL APPROP DEPT OF MILITARY AFFAIRS	APPROVED 3/3/2004	3/3/2004	414	7
1329	YOUNG, OWEN	SUPPL APPROP DEPT OF NATURAL RESOURCES	APPROVED 3/3/2004	3/3/2004	415	7
1330	YOUNG, OWEN	SUPPL APPROP DEPT OF PERSONNEL	APPROVED 3/3/2004	3/3/2004	416	7
1331	YOUNG, OWEN	SUPPL APPROP DEPT OF PUB HEALTH & ENVIR	APPROVED 3/3/2004	3/3/2004	417	7
1332	YOUNG, OWEN	SUPPL APPROP DEPT OF PUBLIC SAFETY	APPROVED 3/3/2004	3/3/2004	418	8
1333	YOUNG, OWEN	SUPPL APPROP DEPT OF REG AGENCIES	APPROVED 3/3/2004	3/3/2004	419	8
1334	YOUNG, OWEN	SUPPL APPROP DEPT OF REVENUE	APPROVED 3/3/2004	3/3/2004	420	8
1335	YOUNG, OWEN	SUPPL APPROP DEPT OF STATE	APPROVED 3/3/2004	3/3/2004	421	8
1336	YOUNG, OWEN	SUPPL APPROP DEPT OF TRANSPORTATION	APPROVED 3/3/2004	3/3/2004	422	8
1337	YOUNG, OWEN	SUPPL APPROP TREASURY DEPT	APPROVED 3/3/2004	3/3/2004	423	8
1338	YOUNG, OWEN	SUPPL APPROP CAPITAL CONST	APPROVED 3/3/2004	3/3/2004	424	9
1341	ROSE, WINDELS	SHERIFF PRISONER PROCESSING FEES	APPROVED 4/23/2004	7/1/2004	199	76
1343	JAHN, JOHNSON S.	CHILD IV-E ELIGIBILITY COURT ORDERS	APPROVED 4/7/2004	7/1/2004	108	16
1344	MAY M., EVANS	LANDOWNERS PETITION INTO SCFD	A PPROVED 5/21/2004	NO SAFETY CLAUSE	258	88
1347	WITWER, JONES	TUITION ASSISTANCE CO NATIONAL GUARD	APPROVED 5/27/2004	7/1/2004	307	61
1348	MITCHELL, McELHANY	ELECTRIC TRANSMISSION FACILITIES NOISE	APPROVED 5/12/2004	7/1/2004	219	122
1350	BERRY, ANDERSON	COLLEGEINVEST AND COLLEGE SAVINGS PLANS	APPROVED 4/21/2004	7/1/2004	179	61
1351	HOPPE, TAYLOR	MAKE STOCK INSPECTION COMMRS ENTERPRISE	APPROVED 4/26/2004	7/1/2004	202	3

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1353	SCHULTHEIS, CAIRNS	EMERGENCY VOLUNTEERS IMMUNITY	APPROVED 4/26/2004	4/26/2004	207	107
1354	HEFLEY, JOHNSON S.	HEALTH CARE CREDENTIALS UNIFORM ACT	APPROVED 4/14/2004	4/14/2004	156	122
1356	SMITH, KESTER	RENTAL INCOME FROM TAX EXEMPT PROPERTY	APPROVED 4/7/2004	NO SAFETY CLAUSE	109	184
1357	ROSE, ISGAR	WINERY RESTAURANT LICENSE	APPROVED 5/12/2004	NO SAFETY CLAUSE	220	173
1358	SPRADLEY, KESTER	INCOME TAX CHECKOFF FOR THE STATE FAIR	APPROVED 5/21/2004	5/21/2004	259	184
1359	JOHNSON R., TAYLOR	RELOCATE COLORADO GEOLOGICAL SURVEY	BECAME LAW 6/5/2004	6/5/2004	400	160
1360	MARSHALL, McELHANY	FINANCIAL EDUCATION CURRICULUM	APPROVED 6/4/2004	6/4/2004	372	48
1361	FRANGAS, OWEN	AREA VOCATIONAL SCHOOLS NAME & CREDITS	APPROVED 5/21/2004	NO SAFETY CLAUSE	260	62
1362	CARROLL, GROFF	STATE CHARTER SCHOOL INSTITUTE	APPROVED 6/3/2004	7/1/2004	358	48
1363	KING, KESTER	ACTIVITIES AT NEAREST SCHOOL	APPROVED 3/1/2004	3/1/2004	8	50
1365	HARVEY, KESTER	WATER CONSERVATION BY WATER PROVIDERS	APPROVED 6/4/2004	NO SAFETY CLAUSE	373	191
1366	CADMAN, DYER	RESERVE OFFICERS IN CIVILIAN CLOTHES	APPROVED 4/26/2004	NO SAFETY CLAUSE	208	38
1367	WEISSMANN, PHILLIPS	EXCLUSION MUNI FROM LIBRARY DIST	VETOED 6/4/2004			107
1368	BRIGGS, JOHNSON S.	MOTOR VEHICLE INSURANCE REPORT FORM	APPROVED 4/13/2004	NO SAFETY CLAUSE	155	157
1369	KING, HILLMAN	LEGISLATIVE APPROPRIATION	APPROVED 4/8/2004	4/8/2004	131	9
1370	FRANGAS, LAMBORN	MINOR FIRST-TIME CHILD ABUSE DIVERSION	APPROVED 4/21/2004	7/1/2004	180	16
1373	MARSHALL, ANDERSON	STATE PERSONNEL SYSTEM STATUTORY CHANGES	APPROVED 6/4/2004	NO SAFETY CLAUSE 7/1/2005	361	110
1375	MITCHELL, ARNOLD	EDUCATION RE: ALT SEXUAL LIFESTYLES	APPROVED 5/28/2004	7/1/2004	338	50
1376	WEDDIG, DYER	SEALING ARREST RECORDS PLEA AGREEMENT	APPROVED 5/28/2004	NO SAFETY CLAUSE	339	114
1379	CLAPP, JOHNSON S.	REPORTS TO THE HEWI COMMITTEES	APPROVED 4/14/2004	NO SAFETY CLAUSE	157	115
1380	SPENCE, ARNOLD	REPORTING REQUIREMENTS TO EDUCATION CMT	APPROVED 4/21/2004	NO SAFETY CLAUSE	181	115
1381	WHITE, McELHANY	HISTORICAL FUND GAMING GRANT STANDARDS	APPROVED 5/12/2004	5/12/2004	221	115
1383	WILLIAMS T., McELHANY	BUS AFFAIRS & LABOR REPORTING REQMNT	APPROVED 4/21/2004	NO SAFETY CLAUSE	182	116
1384	SINCLAIR, LAMBORN	STATE VETS & MILITARY AFFAIRS REPORTS	APPROVED 4/23/2004	NO SAFETY CLAUSE	196	116
1386	STENGEL, KESTER	MOTOR VEHICLE SALVAGE BRAND	APPROVED 5/21/2004	7/1/2004	261	158
1387	HEFLEY, DYER	CHANGES TO THE PROCEDURAL CRIMINAL LAWS	APPROVED 5/28/2004	7/1/2004	340	38
1388	HEFLEY, DYER	STATUTES RE EXTRAORDINARY RISK CRIMES	APPROVED 4/23/2004	NO SAFETY CLAUSE	200	39

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1390	HEFLEY, JOHNSON S.	LIST CANCER SCREENINGS COVERED BENEFITS	APPROVED 5/21/2004	5/21/2004	262	148
1393	WHITE, TAYLOR	SKI SAFETY ACT UPDATES	APPROVED 5/28/2004	5/28/2004	341	161
1394	FAIRBANK, KESTER	ALTERNATIVE LOAN CHARGES LOANS < \$1,000	A PPROVED 4/21/2004	NO SAFETY CLAUSE	184	20
1395	SPENCE, KESTER	PAROLE BOARD HEARINGS AND INTERVIEWS	APPROVED 4/21/2004	4/21/2004	183	25
1397	KING, ANDERSON	SCHOOL FINANCE	APPROVED 5/28/2004	5/28/2004	342	50
1398	WILLIAMS T., DYER	UPDATE TITLE 7 CORPORATION LAW	APPROVED 5/28/2004	7/1/2004	343	21
1399	WILLIAMS T., KESTER	LIMITED LIABILITY COMPANIES	APPROVED 5/21/2004	7/1/2004	263	21
1400	RHODES, CHLOUBER	VEHICLE PROTECTION PRODUCTS	APPROVED 5/12/2004	7/1/2004	222	158
1401	CRANE, ARNOLD	CITY & COUNTY OF BROOMFIELD BOUNDARIES	APPROVED 4/23/2004	4/23/2004	201	77
1402	YOUNG, REEVES	REPEAL WATER ADMINISTRATION FEE	APPROVED 4/7/2004	PORTIONS ON 4/7/2004 AND 7/1/2004	110	191
1404	FAIRBANK, KESTER	INVESTMENT OF PUBLIC FUNDS	APPROVED 5/21/2004	5/21/2004	264	71
1405	SPRADLEY, ANDREWS	MULTISTATE CULTURAL HOUSING FACILITIES	APPROVED 5/28/2004	5/28/2004	344	62
1406	CLAPP, JOHNSON S.	PUBLIC NOTICE MED MALPRACTICE ACTIONS	APPROVED 5/21/2004	NO SAFETY CLAUSE	265	174
1411	WITWER, TECK	ADMIN APPROPRIATED MONEYS	APPROVED 5/28/2004	5/28/2004	345	10
1412	YOUNG, OWEN	CAPITAL CONSTRUCTION FUND TRANSFERS	APPROVED 4/28/2004	7/1/2004	210	116
1413	PLANT, TECK	CLERK & RECORDER ELEC FILING SURCHARGE	APPROVED 5/12/2004	5/12/2004	223	77
1414	WITWER, REEVES	DISTRIBUTION OF EXCESS IV-E MONEYS	APPROVED 5/21/2004	5/21/2004	266	135
1415	YOUNG, REEVES	REIMBURSEMENTS OF NURSING FACILITIES	APPROVED 4/21/2004	7/1/2004	185	128
1416	WITWER, OWEN	BREAST & CERVICAL CANCER PROGRAM	APPROVED 5/12/2004	7/1/2004	224	128
1417	WITWER, REEVES	CO HERITAGE COMMUNITIES FUND TRANSFER	APPROVED 5/12/2004	5/12/2004	225	116
1418	PLANT, TECK	QUARTERLY PAYMENT OF HEAT FUEL GRANTS	APPROVED 4/28/2004	4/28/2004	211	184
1419	WITWER, TECK	REIMBURSEMENT PRIVATE PRISON MONITORING	APPROVED 5/12/2004	5/12/2004	226	25
1420	YOUNG, OWEN	REDUCTION OF STATUTORY RESERVE	APPROVED 5/21/2004	5/21/2004	267	117
1421	WITWER, TECK	TOBACCO SETTLEMENT MONEYS ALLOCATION	APPROVED IN PART AND VETOED IN PART 6/4/2004	6/4/2004	362	117

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1422	YOUNG, OWEN	LONG APPROPRIATIONS BILL	APPROVED IN PART AND VETOED IN PART 4/26/2004	4/26/2004	427	10
1423	WITWER, TECK	INDIRECT COST RECOVERIES	VETOED 6/4/2004			118
1424	SPRADLEY, KESTER	POSSESSORY INTERESTS TEMP USE & LOW RENT	VETOED 6/4/2004			185
1425	KING, HILLMAN	PUBLICATION STATE BALLOT MEASURES	APPROVED 5/21/2004	5/21/2004	268	67
1426	HOPPE, CHLOUBER	METAL MINE APPLICANT NOTIFY RECORD OWNER	APPROVED 6/4/2004	6/4/2004	374	161
1428	SPRADLEY, MAY R.	MORATORIUM FOR TIRE MONOFILLS	APPROVED 6/4/2004	7/1/2004	375	123
1430	MAY M., LAMBORN	DATES & MUNICIPAL ELECTIONS	APPROVED 5/28/2004	5/28/2004	346	84
1431	ROSE, McELHANY	CONTINUE WILDLIFE MANAGEMENT EDUCATION	APPROVED 5/28/2004	NO SAFETY CLAUSE	347	161
1433	KING, GROSSMAN	MEASURING STUDENT ACADEMIC GROWTH	APPROVED 6/3/2004	6/3/2004	359	53
1435	MITCHELL, JOHNSON S.	GA APPROVES AIR QUALITY COMMN OZONE PLAN	APPROVED 5/20/2004	5/20/2004	233	123
1438	STAFFORD, JOHNSON S.	HOSPITAL PAYMENTS INDIGENT CARE PROGRAM	APPROVED 5/28/2004	7/1/2004	348	129
1441	RHODES, McELHANY	USE OF LOAN INFORMATION SECRTY ACCOUNT	APPROVED 5/28/2004	NO SAFETY CLAUSE	350	20
1445	SPRADLEY, ANDREWS	TIMING OF BALLOT TITLE BOARD MEETINGS	APPROVED 5/12/2004	5/12/2004	227	68
1446	McFADYEN, CHLOUBER	STATE EMPL MORE THAN ONE DEPT	APPROVED 5/28/2004	5/28/2004	351	118
1447	ROMANOFF, OWEN	CHILDREN'S BASIC HEALTH PLAN ENROLLMENT	APPROVED 6/4/2004	6/4/2004	376	129
1448	SPRADLEY, MAY R.	AMEND STATE TRADE NAME REGISTRATION	APPROVED 5/28/2004	5/30/2006	352	22
1449	RHODES, TUPA	STATE EMPLOYEE GROUP BENEFIT PLAN YEAR	APPROVED 5/28/2004	NO SAFETY CLAUSE	354	119
1451	CLAPP, REEVES	COLLABORATION ON SERVICES TO CHILDREN	APPROVED 5/28/2004	5/28/2004	353	16
1454	YOUNG, OWEN	2ND SUPPL APPROP DEPT HIGHER ED	APPROVED 5/28/2004	5/28/2004	425	11
1455	YOUNG, TECK	ELIM OF STATE APPROPS ON JAN 1, 2005	BECAME LAW 6/5/2004	6/5/2004	401	11
1456	BERRY, McELHANY	CDOT SALE AND LEASEBACK	APPROVED 5/28/2004	5/28/2004	355	187
1464	WITWER, REEVES	DEPT ED ADD EMP TO ASSIST SCHOOL CAP CONST	APPROVED IN PART AND VETOED IN PART 6/4/2004	6/4/2004	426	11
1465	WITWER, TECK	TRANSFER CDC DUTIES TO JBC	APPROVED 6/4/2004	6/4/2004	377	119

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BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
001	CAIRNS, SPRADLEY	TAX EXEMPTION FOR BUSINESS PERSONAL PROP	APPROVED 5/21/2004	5/21/2004	286	1
002	TAYLOR, COLEMAN	LOCAL GOVERNMENT AUDIT EXEMPTION	APPROVED 4/1/2004	NO SAFETY CLAUSE	58	18
003	TAYLOR, WILLIAMS T.	ENTERPRISE ZONE AUDIT REPORTS	APPROVED 4/8/2004	NO SAFETY CLAUSE	111	23
004	MAY R., SPENCE	STATEWIDE TOLLING ENTERPRISE	APPROVED 3/8/2004	NO SAFETY CLAUSE	17	31
005	REEVES, WITWER	DEPT PRESENTATION TO CMT OF REFERENCE	APPROVED 3/3/2004	NO SAFETY CLAUSE	9	54
007	ANDERSON, WILLIAMS T.	HIGHER ED PERSONNEL SYSTEM EXEMPTIONS	APPROVED 4/13/2004	NO SAFETY CLAUSE	136	54
008	TUPA, RHODES	STATE EMPLOYEE HEALTH BENEFITS	APPROVED 4/8/2004	NO SAFETY CLAUSE	112	31
009	TAYLOR, VIGIL	STATE FAIR ENTERPRISE STATUS	APPROVED 3/23/2004	3/23/2004	48	2
011	ANDERSON, COLEMAN	LIMIT CAPCO QUALIFIED DISTRIBUTIONS	APPROVED 1/20/2004	1/20/2004	1	13
012	MAY R., RAGSDALE	INTERLOCK DEVICES DRIVER'S LICENSES	APPROVED 3/23/2004	3/23/2004	49	23
013	ENTZ, HOPPE	SENATE CONFIRM WATER BOARDS MEMBERSHIP	APPROVED 5/21/2004	5/21/2004	283	13
014	OWEN, WITWER	RETENTION OF COUNTY RESERVE MONEYS	APPROVED 4/8/2004	7/1/2004	113	42
015	TUPA, VIGIL	INMATE STATE SALES TAX REFUND OFFSET	APPROVED 3/23/2004	NO SAFETY CLAUSE	50	23
017	JOHNSON S., STAFFORD	MODIFICATIONS ALIEN ELIGIBILITY CO WORKS	APPROVED 5/27/2004	5/27/2004	291	18
018	HILLMAN, BROPHY	LOCAL GOV RETIREMENT PLAN CONTRIB LIMIT	APPROVED 3/9/2004	NO SAFETY CLAUSE	29	27
021	TAKIS, HODGE	NO AUTO INS FOR FOREIGN ACCIDENTS	APPROVED 3/23/2004	NO SAFETY CLAUSE 1/1/2005	51	64
022	OWEN, WILLIAMS T.	INTERSTATE INSURANCE PRODUCT REG COMPACT	APPROVED 3/11/2004	NO SAFETY CLAUSE	32	18
023	MCELHANY, HARVEY	EXCLUDING SUPP EMPL BENEFITS FROM WAGES	APPROVED 3/23/2004	NO SAFETY CLAUSE	52	97
024	TECK, ROMANOFF	DORA ADMINISTRATIVE CONSISTENCIES	APPROVED 6/4/2004	NO SAFETY CLAUSE AND PORTIONS ON 1/1/2005	378	98
025	TAPIA, BUTCHER	COLORADO MENTAL HEALTH INSTITUTE	APPROVED 3/23/2004	3/23/2004	53	33
026	JONES, WELKER	PROTESTED CANCELLATION OF AUTO INSURANCE	APPROVED 3/23/2004	7/1/2004	54	137
028	HAGEDORN, LARSON	SUBSTANCE ABUSE TREATMENT	APPROVED 5/21/2004	5/21/2004	284	124

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029	WINDELS, JAHN	CARE PLANNING FOR THE MEDICALLY FRAGILE	APPROVED 4/20/2004	NO SAFETY CLAUSE	160	124
030	ARNOLD, MITCHELL	ADULT BOOT CAMP ELIGIBILITY	APPROVED 4/1/2004	4/1/2004	59	23
032	ISGAR, SALAZAR	LOANS OF AGRICULTURAL WATER RIGHTS	APPROVED 5/21/2004	5/21/2004	276	188
035	KESTER, BRIGGS	COUNTY BOARD MEETINGS	APPROVED 4/8/2004	NO SAFETY CLAUSE	114	132
036	TAKIS, GARCIA	CAR PICKUP TRUCK MATERIAL SPILL	APPROVED 4/5/2004	7/1/2004	69	152
037	ANDERSON, STAFFORD	JUSTICE SYSTEMS AND MENTAL ILLNESS	APPROVED 6/4/2004	6/4/2004	379	31
040	ENTZ, LARSON	DIV WILDLIFE REHAB CENTER PURCHASE	APPROVED 4/13/2004	4/13/2004	135	159
041	TAPIA, MCFADYEN	AT-RISK ELDERLY DEPOSITIONS	APPROVED 4/13/2004	NO SAFETY CLAUSE	137	31
042	ARNOLD, MITCHELL	STUDENT LOAN ADVISORY COMMITTEE	APPROVED 4/8/2004	4/8/2004	115	54
044	FITZ-GERALD, PLANT	ALCOHOL LICENSE OWNERSHIP	APPROVED 4/1/2004	NO SAFETY CLAUSE	60	164
045	JOHNSON S., VIGIL	TOUGHMAN FIGHTING PROHIBITED	APPROVED 5/21/2004	5/21/2004	285	164
046	GROFF, STENGEL	RAPE VICTIM IDENTITY PROTECTION	APPROVED 4/8/2004	4/8/2004	116	31
047	MAY R., RIPPY	DOCUMENTS FILED WITH A COUNTY OFFICIAL	APPROVED 4/8/2004	7/1/2004	117	75
051	GROSSMAN, WITWER	TEMPORARY LICENSE FOR FOREIGN PHYSICIANS	APPROVED 4/8/2004	4/8/2004	118	165
057	JOHNSON S., JOHNSON R.	MENINGITIS INFORMATION AT COLLEGES	APPROVED 4/20/2004	NO SAFETY CLAUSE	161	54
059	ISGAR, SALAZAR	POSSESSORY INTERESTS VALUATION AG LAND	APPROVED 5/27/2004	NO SAFETY CLAUSE 1/1/2005	292	180
061	EVANS, LEE	ENACTMENT OF 2003 C.R.S.	APPROVED 3/4/2004	3/4/2004	13	179
062	ARNOLD, MITCHELL	NONLICENSED SCHOOL DISTRICT WORKER DATA	APPROVED 4/8/2004	4/8/2004	119	41
063	TECK, MAY M.	TAX REFUND LAWSUITS OR APPEALS	APPROVED 4/8/2004	4/8/2004	120	180
064	REEVES, HEFLEY	SUPPORT OBLIGATIONS	APPROVED 4/8/2004	7/1/2004	121	12
065	KELLER, LARSON	FUNDING CHILD MENTAL HEALTH TREATMENT	APPROVED 5/27/2004	5/27/2004	293	130
067	OWEN, SMITH	REPEAL OF OBSOLETE PROVISIONS OF LAW	APPROVED 4/1/2004	NO SAFETY CLAUSE	61	73
068	HILLMAN, MAY M.	SCHOOL DISTRICT BOND REDEMPTION FUNDS	APPROVED 4/13/2004	NO SAFETY CLAUSE	138	41
071	ANDERSON, FAIRBANK	REGULATION OF FIREWORKS	APPROVED 6/4/2004	NO SAFETY CLAUSE	394	165
078	GROFF, HALL	INSURANCE COMMISSIONER FINANCIAL RECORDS	APPROVED 5/21/2004	7/1/2004	281	137
082	KESTER, PACCIONE	HIGHER ED CULINARY ALCOHOL BEVERAGES	APPROVED 5/27/2004	7/1/2004	294	31
083	SANDOVAL, SPENCE	HIGH-RISK ALTERNATIVE EDUCATION CAMPUS	APPROVED 4/20/2004	4/20/2004	162	41

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084	WINDELS, SINCLAIR	VOTER ID REQMNTS & HAVA	APPROVED 4/13/2004	4/13/2004	139	63
087	OWEN, HALL	SALES & USE TAX RECODIFICATION	APPROVED 5/21/2004	7/1/2004	277	181
088	HANNA, RHODES	TO ENCOURAGE AND RECOGNIZE BREASTFEEDING	APPROVED 4/23/2004	4/23/2004	187	120
089	REEVES, PACCIONE	AFFORDABLE HOUSING	APPROVED 4/8/2004	4/8/2004	122	90
090	ANDERSON, BERRY	PERA CONFIDENTIAL INVESTMENT INFORMATION	APPROVED 3/29/2004	NO SAFETY CLAUSE	57	91
093	CHLOUBER, FAIRBANK	ALCOHOL BEVERAGE UNDERAGE VIOLATIONS	APPROVED 4/20/2004	7/1/2004	163	165
094	HAGEDORN, SPRADLEY	HEALTH SAVINGS ACCOUNTS	APPROVED 5/17/2004	7/1/2004	230	138
095	VEIGA, MITCHELL	CERTIFICATE OF STILLBIRTH	APPROVED 4/19/2004	7/1/2004	158	120
096	VEIGA, FAIRBANK	SELL UTILITY ASSETS WITHOUT PUC	APPROVED 3/17/2004	3/17/2004	46	176
097	McELHANY, CADMAN	DIV OF WILDLIFE OFFICE BUILDING PURCHASE	APPROVED 5/21/2004	5/21/2004	273	159
098	HANNA, STENGEL	STRUCTURED SETTLEMENT PROTECTION ACT	APPROVED 4/20/2004	7/1/2004	164	26
103	SANDOVAL, CLOER	SCHOOL VENDING MACHINES AND NUTRITION	APPROVED 4/20/2004	4/20/2004	166	41
105	KESTER, SPENCE	HEALTH INSURANCE REFORMS	APPROVED 5/21/2004	NO SAFETY CLAUSE	274	138
106	TECK, STENGEL	SUBSTITUTE VENTURE CAPITAL FOR CAPCO	APPROVED 3/4/2004	3/4/2004	11	139
107	HILLMAN, HALL	STATE DEFINED CONTRIBUTION PLANS	APPROVED 4/1/2004	4/1/2004	62	91
108	HILLMAN, McCLUSKEY	ADMINISTRATION UNCLAIMED PROPERTY CLAIMS	APPROVED 6/4/2004	NO SAFETY CLAUSE	380	175
109	KESTER, STENGEL	REGULATE PAWNBROKERS CONFIDENTIAL INFO	APPROVED 4/8/2004	NO SAFETY CLAUSE	123	166
110	CAIRNS, FRANGAS	UNCOVERED TRASH TRANSPORTATION	APPROVED 4/12/2004	NO SAFETY CLAUSE	132	152
111	GROSSMAN, STENGEL	EMERGENCY TELEPHONE SERVICES COSTS	APPROVED 6/4/2004	7/1/2004	381	176
114	ANDREWS, BERRY	STATE AUDITOR PERFORMANCE AUDIT OF RTD	APPROVED 5/21/2004	NO SAFETY CLAUSE	270	85
115	DYER, MITCHELL	NONECONOMIC DAMAGES BREACH CONTR CLAIMS	APPROVED 5/17/2004	7/1/2004	232	26
116	JONES, McCLUSKEY	WORKERS' COMP RATES SET IN DECEMBER	APPROVED 4/8/2004	NO SAFETY CLAUSE	124	140
117	SANDOVAL, CLOER	REMOVAL OF NEWBORN FROM PARENTS' CUSTODY	APPROVED 4/13/2004	7/1/2004	140	13
120	HILLMAN, STAFFORD	CHARITABLE TRUST PROP TAX & PUBLIC SERV	APPROVED 4/20/2004	NO SAFETY CLAUSE	167	181
122	REEVES, HEFLEY	REPEAL FAMILY LAW MAGISTRATES	APPROVED 4/1/2004	7/1/2004	63	26
123	ANDERSON, SPRADLEY	EXTEND YOS CAP BEDS	APPROVED 4/5/2004	4/5/2004	70	23
125	KESTER, MITCHELL	PROMPT PAYMENT AUTO INSURANCE BENEFITS	APPROVED 5/27/2004	7/1/2004	295	140
126	ENTZ, SINCLAIR	DIVISION OF CIVIL AIR PATROL	APPROVED 6/4/2004	6/4/2004	382	151

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127	VEIGA, CARROLL	PROHIBITED CONDUCT OF NOTARIES PUBLIC	APPROVED 3/23/2004	7/1/2004	55	166
128	NICHOL, SINCLAIR	MOTOR VEHICLE DEALER LICENSING	APPROVED 3/23/2004	NO SAFETY CLAUSE	56	166
132	ARNOLD, YOUNG	MODIFY EXISTING PERA BENEFIT PLANS	APPROVED 4/30/2004	PORTIONS ON 4/30/2004, 7/1/2004, AND 7/1/2005	214	91
134	HILLMAN, BROPHY	JUDICIAL FUNDING DISTRICTS	APPROVED 6/4/2004	6/4/2004	383	40
137	JOHNSON S., RHODES	FOSTER PARENT NOTICE AND CONSENT	APPROVED 5/21/2004	NO SAFETY CLAUSE	271	13
138	OWEN, WITWER	REPEAL CHILDREN'S HCBS PROGRAM FEE	APPROVED 5/21/2004	5/21/2004	272	124
143	TAPIA, BROPHY	CONSTRUCTION CONTRACTS FOR PUB PROJECTS	APPROVED 4/1/2004	NO SAFETY CLAUSE	64	92
144	VEIGA, ROMANOFF	SCHOOL DISTRICT PILOT EFFICIENCY REVIEWS	APPROVED 6/4/2004	6/4/2004	395	42
146	REEVES, PLANT	STATE PATROL CONTINUOUS APPROP	APPROVED 4/8/2004	4/8/2004	125	93
147	SANDOVAL, CLOER	ADMIN OF DOR FINANCIAL ASSISTANCE PROG	APPROVED 4/8/2004	NO SAFETY CLAUSE	126	93
152	EVANS, LEE	NO TEACHER PAY UPON CRIM PROSECUTION	APPROVED 4/13/2004	4/13/2004	142	42
153	JOHNSON S., MCCLUSKEY	VOTE CENTERS & COMBINING PRECINCTS	APPROVED 5/27/2004	5/27/2004	296	63
154	ANDERSON, STENGEL	SEX OFFENDER REGISTRATION CHANGES	APPROVED 5/27/2004	5/27/2004	297	32
156	GROFF, BERRY	PROHIBIT EMPLOY SEX OFFENDERS AS GUARDS	APPROVED 4/1/2004	4/1/2004	65	23
157	ANDREWS, SPRADLEY	EXCLUSIONS OF WITNESSES FROM LOBBYING	APPROVED 4/13/2004	NO SAFETY CLAUSE	141	93
159	ISGAR, LARSON	SECOND SAMPLES FOR DUI TESTING	APPROVED 4/1/2004	4/1/2004	66	152
166	LAMBORN, STENGEL	DAMAGES CAP IN MED MALPRACTICE ACTIONS	APPROVED 4/20/2004	1/1/2005	165	26
168	PHILLIPS, SPRADLEY	RENEWABLE ENERGY COOPERATIVES	APPROVED 5/27/2004	5/27/2004	298	176
171	TECK, PLANT	OVERSIGHT OF CONTINGENCY-BASED CONTRACTS	APPROVED 5/27/2004	5/27/2004	299	93
175	KESTER, MARSHALL	BANK DETERMINATION OF INCOMPETENCE	APPROVED 4/8/2004	7/1/2004	127	18
176	TUPA, VIGIL	LOCAL CONSERVATION TRUST FUND OVERSIGHT	APPROVED 6/4/2004	7/1/2004	384	78
177	GORDON, HEFLEY	TREAT AUTISTIC CHILDREN UNDER MEDICAID	APPROVED 6/1/2004	NO SAFETY CLAUSE 1/1/2005	356	124
178	LAMBORN, MITCHELL	PROMOTE ANATOMICAL DONATIONS	APPROVED 6/4/2004	NO SAFETY CLAUSE	385	181
180	HILLMAN, CADMAN	DISMISSAL FOR FORUM NON CONVENIENS	APPROVED 4/8/2004	NO SAFETY CLAUSE	128	27
182	DYER, STENGEL	RELEASE OF TOBACCO ESCROW FUND MONEYS	APPROVED 4/8/2004	4/8/2004	129	182

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
185	ENTZ, HOPPE	NONEXEMPT WELL PERMIT REQUIREMENTS	APPROVED 5/27/2004	5/27/2004	300	188
186	ENTZ, LARSON	AUTHORIZE ROADSIDE MEMORIALS	APPROVED 5/20/2004	5/20/2004	234	186
187	DYER, HARVEY	NO SUMMONS IN WITNESS PROTECTION CRIMES	APPROVED 4/13/2004	7/1/2004	143	33
188	ARNOLD, ROSE	BRAIN INJURY FUND SURCHARGE FOR SPEEDING	APPROVED 5/21/2004	NO SAFETY CLAUSE	275	75
189	ANDERSON, KING	HIGHER EDUCATION	APPROVED 5/10/2004	PORTIONS ON 7/1/2004 AND 7/1/2005	215	55
191	ANDERSON, STENGEL	TERMS FOR PAROLE BOARD MEMBERS	APPROVED 4/13/2004	4/13/2004	144	24
193	ENTZ, SALAZAR	AGRICULTURE RULES STRAWBERRY PRODUCTION	APPROVED 5/21/2004	NO SAFETY CLAUSE	278	2
195	EVANS, LEE	RULE REVIEW BILL	APPROVED 4/13/2004	4/13/2004	145	1
196	HAGEDORN, SMITH	PERSISTENT DRUNK DRIVING PENALTIES	APPROVED 5/27/2004	7/1/2004	301	152
198	TAYLOR, COLEMAN	VOLUNTEER FIREFIGHTER STATE CONTRIBUTION	APPROVED 5/27/2004	7/1/2004	302	79
204	ANDERSON, COLEMAN	STATE LOTTERY PROGRAM	APPROVED 5/27/2004	7/1/2004	303	94
205	CHLOUBER, HOPPE	MINING APPLICANT NOTIFY RECORD OWNER	APPROVED 5/13/2004	5/13/2004	228	159
206	McELHANY, WITWER	HOSPICE CARE UNDER MEDICAID	APPROVED 5/27/2004	5/27/2004	304	125
207	TAYLOR, HOPPE	MODIFY PET ANIMAL PROTECTION PROGRAMS	APPROVED 6/4/2004	6/4/2004	386	182
211	HILLMAN, SPRADLEY	UNCLAIMED PROPERTY FUND & COVERCOLORADO	APPROVED 5/27/2004	NO SAFETY CLAUSE	305	141
213	ARNOLD, CRANE	VOTER IDENTIFICATION REQUIREMENTS	APPROVED 5/21/2004	5/21/2004	279	64
216	LAMBORN, CLOER	PERSONAL PROPERTY & CASUALTY	APPROVED 6/4/2004	PORTIONS ON 6/4/2004 AND 1/1/2005	397	142
219	KESTER, BERRY	CLERK & RECORDER ELECTRONIC FILINGS	APPROVED 5/27/2004	7/1/2004	308	75
220	OWEN, STENGEL	LEVERAGED LEASING AGREEMENT INDEMNITY	APPROVED 5/21/2004	5/21/2004	280	96
221	TAYLOR, WHITE	METRO DISTRICT ENFORCE LAWS & COVENANTS	APPROVED 5/21/2004	5/21/2004	282	85
222	ENTZ, SMITH	STATE ENGR MANAGE DIVISION 3 AQUIFERS	APPROVED 5/20/2004	5/20/2004	235	188
223	McELHANY, BRIGGS	PUBLIC TRANSIT OFFICERS AS PEACE OFFICER	APPROVED 5/27/2004	5/27/2004	309	33
224	ARNOLD, STENGEL	SUNRISE REVIEW OF PEACE OFFICER STATUS	APPROVED 6/4/2004	6/4/2004	387	96
225	HILLMAN, HOPPE	ENFORCE GROUND WATER WELL PERMIT ORDERS	APPROVED 5/27/2004	5/27/2004	310	189
226	TAYLOR, CADMAN	EXPLOSIVE PERMIT CRIMINAL HISTORY CHECK	APPROVED 5/27/2004	5/27/2004	311	149
229	EVANS, WILLIAMS T.	FILING OF EFFECTIVE FINANCING STATEMENTS	APPROVED 5/27/2004	7/1/2004	312	18

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
230	CAIRNS, TOCHTROP	VIETNAM VETERAN SPECIAL LICENSE PLATE	APPROVED 6/4/2004	NO SAFETY CLAUSE	388	153
231	OWEN, WHITE	DOS ELECTRONIC FILINGS & ACCESS	APPROVED 5/27/2004	5/27/2004	313	97
233	McELHANY, HARVEY	PARKING STRUCTURE LEASE PURCHASE	APPROVED 6/4/2004	6/4/2004	389	97
235	HILLMAN, BROPHY	REPUBLICAN RIVER WATER CONSERVATION DIST	APPROVED 6/4/2004	NO SAFETY CLAUSE	390	189
236	ANDERSON, MILLER	DIVISION EMERGENCY MGMT DIVISION OF DOLA	APPROVED 5/27/2004	NO SAFETY CLAUSE	314	98
237	CHLOUBER, FAIRBANK	RACETRACK ALCOHOL CROSSOVER LICENSING	APPROVED 5/27/2004	5/27/2004	315	166
238	ANDREWS, SPRADLEY	LEG APPROVAL OF ELIGIBILITY LISTS	APPROVED 4/28/2004	4/28/2004	212	189
239	EVANS, LEE	REVISOR'S BILL	APPROVED 5/27/2004	NO SAFETY CLAUSE	316	179
243	ANDREWS, STENGEL	AGENCY COST SAVINGS FOR EMPLOYEE BONUSES	APPROVED 5/27/2004	NO SAFETY CLAUSE	317	98
244	MAY R., RIPPY	STATEWIDE INTERNET PORTAL AUTHORITY	APPROVED 6/3/2004	6/3/2004	360	98
246	JOHNSON S., CLAPP	PHARMACIST & SUPERVISED PERSONNEL RATIO	APPROVED 5/27/2004	5/27/2004	318	166
247	TAYLOR, COLEMAN	REFORM FIRST POOL CAPCO ACT	APPROVED 5/27/2004	5/27/2004	319	142
249	HILLMAN, KING	WORK COMP CORP SUBCONTRACTOR NOT EXEMPT	APPROVED 5/21/2004	5/21/2004	288	149
251	TECK, YOUNG	DORA CONTRACTS FOR SERVICES	APPROVED 5/27/2004	5/27/2004	320	99
252	McELHANY, KING	REVENUE FOR HIGHER EDUCATION ENTERPRISES	APPROVED 6/4/2004	7/1/2004	391	57
253	REEVES, JUDD	INTERCEPT FOR RESTITUTION JUDICIAL FEES	APPROVED 5/27/2004	NO SAFETY CLAUSE	321	33
254	TECK, ROSE	SPECIAL EVENTS WINE FESTIVALS	APPROVED 5/25/2004	5/25/2004	290	167
256	TAYLOR, WHITE	UNCLAIMED PROPERTY TOURISM PROMOTION	APPROVED 5/27/2004	5/27/2004	322	99
257	OWEN, YOUNG	MODIFY PUB EMPLOYEE RETIREMENT PLANS	APPROVED 6/4/2004	PORTIONS ON 7/1/2004, 7/1/2005, AND 1/1/2006	392	100

ADMINISTRATIVE RULE REVIEW

S.B. 04-195 Continuation of 2003 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, 2002, and before November 1, 2003; except that certain rules and regulations shall expire as scheduled on May 15, 2004. Provides for the repeal of certain rules of the department of revenue on sales and use tax relating to delivery charges, effective September 15, 2004.

APPROVED by Governor April 13, 2004

EFFECTIVE April 13, 2004

AGRICULTURE

S.B. 04-9 Colorado state fair authority - acceptance of contributions affecting enterprise status. Repeals the prohibition on the acceptance of contributions by the Colorado state fair authority from nonstate entities in any budget year that the authority would qualify as an enterprise under section 20 of article X of the state constitution (TABOR) if acceptance of the contributions affects the authority's enterprise status by causing the authority to receive more than 10% of its annual revenues from all Colorado state and local governments combined.

APPROVED by Governor March 23, 2004

EFFECTIVE March 23, 2004

S.B. 04-193 Production of strawberries - rules. Grants authority to the department of agriculture to promulgate rules concerning the class of strawberries allowed for production in the state and the geographical locations where each class may be produced.

APPROVED by Governor May 21, 2004

EFFECTIVE August 4, 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. 04-1015 Humane society - animal control agency - license to purchase, possess, and administer drugs for animal control and sedation purposes. Authorizes a humane society that is duly registered with the secretary of state and has been in existence and in business for at least 5 years in this state as a nonprofit corporation, and an animal control agency that is operated by a unit of government, to apply to the state board of pharmacy for a license that includes the authorization to purchase, possess, and administer drugs commonly used for the chemical capture of animals for control purposes or to sedate or immobilize pet animals immediately prior to euthanasia.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1059 Commissioner of agriculture - marketing orders - penalties - enforcement. Subjects persons who violate marketing orders issued by the commissioner of agriculture to civil penalties not to exceed \$1,000 for a first violation. Authorizes the commissioner to issue cease and desist orders and file injunction actions to aid in the enforcement of marketing orders.

APPROVED by Governor March 8, 2004

EFFECTIVE March 8, 2004

H.B. 04-1089 Agriculture promotion task force - creation - duties - report - repeal. Establishes the Colorado agriculture promotion task force, consisting of 11 members appointed by July 1, 2004, as follows:

- 4 members appointed by the speaker of the house of representative, one of whom is engaged in the agriculture industry, no more than 2 of whom are from the same political party, and no more than 2 of whom are members of the house of representatives;

- 2 members appointed by the president of the senate and 2 members appointed by the minority leader of the senate, one of whom is engaged in the agriculture industry and no more than 2 of whom are members of the senate;
- 3 members appointed by the governor, one of whom is engaged in the agriculture industry.

Requires the commissioner of agriculture, the director of the office of economic development, and the president of Colorado state university, or their designees, to serve as ex officio nonvoting members of the task force, and requires their agencies to provide staff assistance to the task force.

Directs the task force to study the following issues:

- The benefits and detriments of requiring governmental entities to give purchasing preferences to Colorado-produced agricultural commodities.
- Methods for improving the state's agricultural industry and encouraging and supporting the economic development of agriculture in rural Colorado.
- Measures to add value to the state agricultural commodities.
- Better methods for responding to new and changing markets and obtaining competitive advantage for the state's agriculture industry.

Requires the task force to report its findings and recommendations to the agriculture, livestock, and natural resources committee of the house of representatives and the agriculture, natural resources, and energy committee of the senate by January 10, 2005. Repeals the task force on May 1, 2005.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

H.B. 04-1351 Stock - brand inspection - enterprise status - fees - set by rule. Designates the state board of stock inspection commissioners ("board") and the division of brand inspection ("division") as an enterprise for purposes of section 20 of article X of the state constitution ("TABOR"), so long as the board retains the authority to issue revenue bonds and the board and the division receive less than 10% of their total annual revenues in grants. Specifies that, for purposes of TABOR, the term "grant" does not include the fees collected by the board. Authorizes the board to issue revenue bonds, in an amount not to exceed \$10,000,000 in the aggregate, for expenses of the division. Sets the requirements for the issuance of revenue bonds, including approval from both chambers of the general assembly and the governor.

Specifies that the senate must confirm the governor's appointment of commissioners. Of the 5 commissioners, requires 2 to represent the nonconfinement cattle industry, 2 to represent the confinement cattle industry, and one to have broad general knowledge of the Colorado livestock industry and to represent the commodity, other than the confinement and nonconfinement cattle industries, with the largest percentage of charged fees.

Authorizes the board to set its fees by rule.

APPROVED by Governor April 26, 2004

EFFECTIVE July 1, 2004

AIRCRAFT AND AIRPORTS

H.B. 04-1019 Public airport authority contracting - limitation of requirement to use low responsible bidder. Requires a public airport authority to invite bids and award a contract for the construction of works, structures, or equipment or the performance or furnishing of labor, materials, or supplies to the lowest responsible bidder only if the value of the contract is \$50,000 or more, rather than \$10,000 or more as specified in existing law.

APPROVED by Governor March 8, 2004

EFFECTIVE August 4, 2004

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

APPROPRIATIONS

H.B. 04-1316 Supplemental appropriation - department of agriculture. Amends the 2003 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 fund portion.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1317 Supplemental appropriation - department of corrections. Amends the 2003 general appropriation act to decrease the total appropriation to the department of corrections. Decreases the federal funds portion of the appropriation.

Decreases the amount appropriated by Senate Bill 03-252, concerning the placement following parole of a parolee for a nonviolent felony. Decreases the amount appropriated by the same act for payments to community corrections programs.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1318 Supplemental appropriation - department of education. Amends the 2003 general appropriation act to increase the total appropriation to the department of education. Increases the general fund, cash funds exempt, and federal funds portions of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1319 Supplemental appropriation - offices of the governor, Lt governor, and state planning and budgeting. Amends the 2003 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 cash funds exempt portions of the appropriation.

Amends the 2002 general appropriation act to increase the total appropriation to the offices of governor, Lt. governor, and state planning and budgeting. Increases the general fund portion of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1320 Supplemental appropriation - department of health care policy and financing. Amends the 2003 general appropriation act to increase the total appropriation to the department of health care policy and financing. Increases the general fund, cash funds exempt, and federal funds portion of the appropriation.

Makes adjustments to the 2003 general appropriation act to reduce the total amount appropriated to medicaid-funded programs.

Adjusts the appropriation made by Senate Bill 03-259, concerning the authority of the department to charge a monthly fee to families whose children are enrolled in a children's home- and community-based services waiver program.

Increases the appropriation made in Senate Bill 03-291, concerning changes to the children's basic health plan.

Amends the 2002 supplemental appropriation to the department, House Bill 02-1473, to increase the total appropriation made in that act. Increases the general fund and the federal funds portions of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1321 Supplemental appropriation - department of higher education. Amends the 2003 general appropriation act to decrease the total appropriation to the department of higher education. Decrease the general fund, cash funds, and cash funds exempt portions of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1322 Supplemental appropriation - department of human services. Amends the 2003 general appropriation act to increase the total appropriation to the department of human services. Increases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

Amends the 2002 general appropriation act to increase the total appropriation to the department. Increases the general fund and the cash funds exempt portions of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1323 Supplemental appropriation - judicial department. Amends the 2003 general appropriation act to increase the total appropriation to the judicial department. Increases the general fund and cash funds portions of the appropriation and decreases the cash funds exempt and federal funds portions.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1324 Supplemental appropriation - department of labor and employment. Amends the 2003 general appropriation act to increase the total appropriation to the department of labor and employment. Increases the cash funds, cash funds exempt, and federal funds portions of the appropriation.

Amends the 2002 general appropriation act to add a footnote to the department, division of employment and training, that specifies the intent of the general assembly to roll forward appropriations made for the Reed Act.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1325 Supplemental appropriation - department of law. Amends the 2003 general appropriation act to increase the total appropriation to the department of law. Increases the

general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1326 Supplemental appropriation - department of legislature. Amends the 2003 general appropriation act to increase the total appropriation to the legislative department. Increases the general fund portion of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1327 Supplemental appropriation - department of local affairs. Amends the 2003 general appropriation act to increase the total appropriation to the department of local affairs. Decreases the general fund, cash funds, and federal funds portions of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1328 Supplemental appropriation - department of military and veterans affairs. Amends the 2003 general appropriation act to increase the total appropriation to the department of military and veterans affairs. Increases the general fund, cash funds exempt, and the federal funds portions of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1329 Supplemental appropriation - department of natural resources. Amends the 2003 general appropriation act to increase the total appropriation to the department of natural resources. Increases the general fund and the cash funds exempt portions of the appropriation and decreases the cash funds and federal funds portions.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1330 Supplemental appropriation - department of personnel. Amends the 2003 general appropriation act to decrease the total appropriation to the department of personnel. Increases the general fund portion of the appropriation and decreases the cash funds and cash funds exempt portions.

Amends the 2002 general appropriation act to increase the total appropriation to the department. Increases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1331 Supplemental appropriation - department of public health and environment. Amends the 2003 general appropriation act to increase the total appropriation to the department of public health and environment. Decreases the general fund and cash funds portions of the appropriation and increases the cash funds exempt and federal funds portions.

Adjusts the appropriation made by Senate Bill 03-019, concerning program reviews of tobacco settlement programs.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1332 Supplemental appropriation - department of public safety. Amends the 2003 general appropriation act to decrease the total appropriation to the department of public safety. Decreases the general fund, cash funds exempt, and federal funds portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1333 Supplemental appropriation - department of regulatory agencies. Amends the 2003 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Decreases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1334 Supplemental appropriation - department of revenue. Amends the 2003 general appropriation act to decrease the total appropriation to the department of revenue. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash funds appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1335 Supplemental appropriation - department of state. Amends the 2003 general appropriation act to increase the total appropriation to the department of state. Increases the cash funds and cash funds exempt portions of the appropriation.

Amends the 2002 general appropriation act to increase the total amount appropriation to the department. Increases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1336 Supplemental appropriation - department of transportation. Amends the 2003 general appropriation act to decrease the total appropriation to the department of transportation. Decreases the cash funds and cash funds exempt portions of the appropriation.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1337 Supplemental appropriation - department of the treasury. Amends the 2003 general appropriation act to decrease the total appropriation to the department of the treasury.

Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1338 Supplemental appropriation - capital construction. Amends the 2000 general appropriation act to increase the total appropriation for capital construction projects. Decreases the amount appropriated to the department of corrections for the Denver regional diagnostic center, expansion and renovation. Increases the amount appropriated to the department of higher education, Colorado historical society, for the El Pueblo museum development, phase 3, and the Stephen Hart research library renovation and equipment upgrade. Increases the amount appropriated to the department of public health and environment, for the superfund site cleanup.

Amends the 2001 general appropriation act to increase the total appropriation for capital construction projects. Increases the total amount appropriated to the department of higher education, Mesa state college, school of humanities and social sciences, for the expansion of the Walter Walker fine arts center, phase 3.

Amends the 2002 general appropriation act to increase the total appropriation for capital construction projects. Increases the amount appropriated to the department of higher education, Colorado historical society, for landscape upgrades and adobe fort preservation at Fort Vasquez museum. Decreases the amount appropriated to the department of revenue, motor carrier services division for the Fort Collins port of entry building replacement.

Amends the 2003 general appropriation act to increase the total appropriation for capital construction projects. Increases the amount appropriated to the department of higher education, Colorado state university, by adding amounts for the Hughes stadium improvements and the regional biocontainment laboratory, and increases the amount appropriated to the Colorado historical society by adding an amount for the landscape preservation and upgrade at the Ute Indian museum in Montrose. Adds an appropriation to the department of military affairs for a storage shed at the veterans memorial cemetery. Increases the amount appropriated to the department of natural resources, division of parks and outdoor recreation, by modifying amounts appropriated for various state parks and trails, including Cheyenne mountain state park, the front range trail, and the state trails program. Deletes the appropriation for cabins and yurts at Mueller and Cheyenne mountain state parks. Deletes the appropriation for the boat ramp breakwater structure at the John Martin reservoir, adds an appropriation for revenue enhancements. Increases the total amount appropriated to the department of public safety by adding an appropriation for garages for the Colorado state patrol at the Castle Rock and Grand Junction troop offices.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1369 Legislative appropriation - modification of 2003-04 fiscal year legislative appropriation - use of 2003-04 fiscal year legislative reversion to fund ballot information publication and distribution fund and legislative legal expenses cash fund. Makes appropriations for matters related to the legislative department for the 2004-05 fiscal year. Modifies appropriations for matters related to the legislative department for the 2003-04 fiscal year.

Requires that any general fund appropriations to the legislative department that are

unexpended and unencumbered as of the close of the 2003-04 fiscal year be transferred by the state treasurer and the controller to the ballot information publication and distribution revolving fund. Specifies that the amount transferred shall not exceed \$500,000.

Creates the legislative legal expenses cash fund. Continuously appropriates moneys in the cash fund to the committee on legal services to pay for legal counsel retained by the committee and to pay any expenses related to actions and proceedings for which legal counsel is retained. Requires that any general fund appropriations to the legislative department that are unexpended and unencumbered as of the close of the 2003-04 fiscal year and are not transferred to the ballot information publication and distribution revolving fund be transferred by the state treasurer and the controller to the legislative legal expenses cash fund.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

H.B. 04-1411 Extension of repeal dates - administration of appropriated moneys - authority of controller concerning overexpenditures. Extends the repeal dates of certain statutory sections authorizing the following actions in connection with the administration of appropriated moneys:

- Transfers of appropriations required to implement conditional or centralized appropriations;
- Transfers of appropriations between the departments of health care policy and financing and human services for medicaid programs;
- Cash fund transfers pursuant to sections authorizing the transfer of appropriations required to implement conditional or centralized appropriations and transfers between the departments of health care policy and financing and human services for medicaid programs;
- Transfers of cash-spending authority between cash fund and cash fund exempt appropriations;
- Intradepartmental transfers between appropriations;
- Authority of the controller under specified conditions to allow any department, institution, or agency of the state to make an expenditure in excess of the amount authorized by an item for appropriation; and
- Transfers between items of appropriation made to the judicial department.

Clarifies the authority of the controller to restrict, in an amount equal to the overexpenditure, the corresponding item or items of appropriation in the general appropriation bill for the subsequent fiscal year in circumstances where the overexpenditure has not been allowed by him or her.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1422 General appropriation - long bill. Makes appropriations for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2004. Sets the grand total for the operating budget at \$13,800,989,326, of which \$5,820,521,777 is from the general fund, \$1,479,916,704 is from cash funds, \$3,270,417,474 is from cash funds exempt, and \$3,230,133,371 is from federal funds.

Appropriates \$265,757,856 for capital construction, of which \$9,273,940 is from capital construction fund exempt, \$19,400,000 is from cash funds, \$210,400,354 is from cash funds exempt, and \$26,683,562 is from federal funds.

Makes additional changes in appropriations for the 2003-2004 fiscal year.

APPROVED by Governor April 26, 2004

EFFECTIVE April 26, 2004
PORTIONS VETOED April 26, 2004

H.B. 04-1454 Department of higher education - second supplemental appropriation. Increases the total amount appropriated to the department of higher education. Increases the cash funds and cash funds exempt portions of the appropriation.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1455 FY 2004-05 appropriations - not made for January 1, 2005. Makes a legislative declaration. Specifies that certain state appropriations are made for and during the fiscal year commencing July 1, 2004, and ending June 30, 2005, but not including January 1, 2005.

BECAME LAW June 5, 2004

EFFECTIVE June 5, 2004

H.B. 04-1464 Department of education - additional personnel authorized - assistance to public schools. Amends the FY 2004-05 appropriation for the department of education by increasing the number of FTE authorized to be funded from moneys appropriated to the state public school fund, school capital construction expenditures reserve from 1.0 FTE to 2.0 FTE. Adds a corresponding footnote.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004
PORTIONS VETOED June 4, 2004

CHILDREN AND DOMESTIC MATTERS

S.B. 04-64 Child support - calculation of extraordinary medical expenses - liens on property - family support registry - Colorado Child Support Enforcement Act - assignment of rights by public assistance and foster care assistance recipients - access to identifying information - workers' compensation insurance benefits - inmate bank accounts - financial institution data match. Amends the "Uniform Dissolution of Marriage Act" as follows:

- Clarifies that the term "year", when used to determine the time frame for extraordinary medical expenses, means "calendar year".
- Clarifies that liens on personal and real property for child support remain in effect for the earlier of 12 years or until all past-due amounts are paid and may be extended or renewed indefinitely beyond 12 years by rerecording the lien every 12 years.

Conforms the definition of "family support registry" in the "Colorado Child Support Enforcement Procedures Act" to the authority vested in the registry in the "Colorado Child Support Enforcement Act" by including spousal maintenance payments among the types of payments that the family support registry is authorized to receive, process, and disburse and for which it is authorized to maintain records.

Clarifies that the assignment of rights to child support that a Colorado works program applicant makes to the state department of human services continues until the amount of the cost of assistance that was provided is recovered.

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

- Based upon a sworn statement that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, requires such information to be sealed and not disclosed to the other party or to the public until there is a hearing on the matter and the court determines that the disclosure would be in the interest of justice.
- Conforms provisions concerning the assignment of rights in foster care cases with federal statute by providing that the assignment of rights to child support in foster care cases in which the children are not eligible for Title IV-E assistance shall continue until the foster care maintenance costs have been reimbursed in full. In foster care cases in which the children are eligible for Title IV-E assistance identifies the applicable criteria for assignment of rights.
- Requires the notice of administrative lien and attachment issued by the state child support enforcement agency to any person, insurance company, or agency providing workers' compensation insurance benefits to state the percentage of workers' compensation insurance benefits or the actual amount of such benefits to be withheld.
- When attaching an inmate's bank account, specifies that the amount withheld each month not be less than 50% of the total amount the executive director of the department of corrections is authorized to withhold for restitution and other costs, surcharges, and fees associated with the criminal case and child support, and authorizes the delegate child support enforcement unit to serve the notice of administrative lien and attachment on the department of corrections either by electronic means or by first-class mail.
- Specifies that the frequency with which financial institutions are to report certain data to the state department of human services for child support

enforcement purposes is at least semiannually. Directs that service of a notice of lien or levy be made by first class mail, and permits such notice to also be made, by registered or certified mail, return receipt requested, the cost for which may be withheld by the financial institution or state entity from the obligor parent's account.

APPROVED by Governor April 8, 2004

EFFECTIVE July 1, 2004

S.B. 04-117 Temporary protective custody - newborn children - court orders required - exceptions. Prohibits a law enforcement officer from removing a newborn child who is not in a hospital setting from the custody of his or her parents for a period of longer than 24 hours without a court order containing findings that an emergency situation exists and the newborn child is seriously endangered. Prohibits a law enforcement officer from removing a newborn child who is in a hospital setting from the custody of his or her parents without a court order, but authorizes such a child to be detained in a hospital by a law enforcement officer upon the recommendation of a county department of social services ("county department"), a physician, a registered nurse, a licensed practical nurse, or a physician's assistant, while the court order is being pursued. Makes exceptions to these requirements for a court order when the child is identified as being affected by illegal substance abuse or demonstrating withdrawal symptoms resulting from prenatal drug exposure; when the child has no available birth parent due to mental illness or grave disability of the child's only identifiable birth parent or both birth parents; or when the child is subject to an environment exposing the child to a laboratory for manufacturing controlled substances.

Requires a law enforcement officer who removes a newborn child from the custody of his or her parents to provide certain verbal and written notices directly to the newborn child's identifiable birth parent or parents, in a language that the birth parent or parents understand, at the time of the newborn child's removal. If a newborn child is taken into temporary protective custody, allows the county department to contact the child's birth parent or parents to obtain the names of relatives or other members of the parent's or parents' community who could care for the child until a court hearing. If the birth parent or parents are not United States citizens, allows the county department to contact the parent's or parents' government of origin regarding the situation.

APPROVED by Governor April 13, 2004

EFFECTIVE July 1, 2004

S.B. 04-137 Foster parents - notice - administrative review - court hearing - identifying information - written consent. Requires a county department of social services ("county department") to provide a foster parent, a pre-adoptive parent, or a relative providing care for a child, with notice of any administrative review of the child's case. Upon written request, requires the county department to provide notice of a court hearing to the foster parent, pre-adoptive parent, or relative. Permits the caseworker to provide the notice. Specifies that the notice shall include, at a minimum:

- The child's court case number;
- The date and time of the next court hearing; and
- The name of the magistrate or judge and the court division to which the case has been assigned.

Upon the written request of a foster parent, prohibits employees of the state

department of human services and county departments, and other individuals with a need to know, from releasing personally identifiable information about a foster parent, other than the foster parent's first name, to any adult member of the foster child's family without the express written consent of the foster parent. Specifies the content of the written consent. Requires the consent for each foster child, unless the foster children are members of a sibling group. Clarifies that the civil penalty for a violation of confidentiality does not apply to any foster child or siblings of the foster child.

APPROVED by Governor May 21, 2004

EFFECTIVE August 4, 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. 04-1061 Child abuse reports - recorded interviews of children - child advocacy center memorandums of understanding - standards. Authorizes a child advocacy center that has a memorandum of understanding with an agency responsible for investigating a report of child abuse to conduct an audiotaped or videotaped interview of a child concerning a report of child abuse for purposes of the child abuse investigation. Defines "child advocacy center", in part, to mean a center that provides a comprehensive multi-disciplinary team response to allegations of child abuse or neglect in a dedicated, child-friendly setting. Authorizes an agency responsible for investigating a report of child abuse to enter into a memorandum of understanding with a child advocacy center for the use of equipment necessary to videotape or audiotape interviews of a child. Exempts investigating agencies from being required to train employees of a child advocacy center to conduct videotaped interviews, but requires agencies that enter into memorandums of understanding with child advocacy centers that employ interviewers to assure that the interviewers meet training standards adopted for persons conducting interviews.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1108 Inadmissible evidence - juvenile proceedings - statements during professional court-ordered treatment. Makes a juvenile's statements to a professional made in the course of the treatment ordered by the court in a dependency or neglect action confidential. Prohibits a professional providing court-ordered treatment to a juvenile from disclosing the juvenile's statements in a criminal or juvenile delinquency case against the juvenile without the juvenile's consent. Specifies that the privilege shall not apply to statements made about future misconduct.

APPROVED by Governor April 5, 2004

EFFECTIVE April 5, 2004

H.B. 04-1149 Petition for adoption - disclosure of criminal convictions. Adds certain misdemeanors, domestic-violence-related crimes, and the crime of violation of a protection order to the list of crimes the conviction of which must be disclosed in an adoption petition by the prospective adoptive parent.

APPROVED by Governor April 7, 2004

EFFECTIVE July 1, 2004

H.B. 04-1153 Landlords and tenants - residential rental and lease agreements - protection of victims of domestic violence. Prohibits a landlord from including in a residential rental or lease agreement a provision authorizing the landlord to terminate the agreement or to impose a penalty on the tenant on the basis of calls made by the tenant for peace officer or other emergency assistance in response to a domestic violence or domestic abuse situation. States that a tenant may not waive his or her right to call for police or other emergency assistance.

APPROVED by Governor April 21, 2004

EFFECTIVE August 4, 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. 04-1216 Relinquishment of parent-child legal relationship - expedited process - notice. Eliminates the authority of a county department of social services or licensed child placement agency assisting a relinquishing parent with the relinquishment procedures in an expedited relinquishment case to serve notice on the other birth parent prior to the birth of the child who is to be relinquished.

APPROVED by Governor April 5, 2004

EFFECTIVE April 5, 2004

H.B. 04-1254 Abuse or neglect - sexual abuse - child care centers - family child care homes - investigation - notice to parents - uninvolved students - determination - written basis - deadline. Requires the state department of human services ("state department") to adopt rules that specify that, prior to notice of an investigation of institutional abuse being sent to the parents or guardians of children in child care centers or family child care homes who are uninvolved with the incident that prompted the investigation, the state department or the county department of social services ("county department") shall ensure that:

- The incident is at the level of a medium, severe, or fatal incident of abuse or neglect or involves sexual abuse;
- The state department or county department has determined whether the notice to the parents or guardians of uninvolved students is essential to the investigation or is necessary for the safety of the children in the facility;
- The state department or county department has stated in writing the basis for the determination and a supervisor has provided written approval of the determination.

Requires the notice of investigation to be sent to the parents or guardians within 72 hours after the determination is made.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

H.B. 04-1304 Revised interstate compact on juveniles - adoption. Adopts the revised interstate compact on juveniles ("compact") and authorizes the governor to execute the compact on behalf of the state. Provides a uniform process for supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control. Prohibits the compact

administrator or controller from paying an assessment or fee for the compact prior to July 1, 2006.

APPROVED by Governor April 26, 2004

EFFECTIVE April 26, 2004

H.B. 04-1343 Out-of-home placement - specified court orders - prohibition - nunc pro tunc. For specified court orders issued on and after July 1, 2004, that contain findings and determinations required pursuant to federal law for establishing a child's eligibility under Title IV-E of the federal "Social Security Act", as amended, precludes the court from entering the orders nunc pro tunc. On and after July 1, 2004, requires such specified court orders to state, "the effective date of this order is".

APPROVED by Governor April 7, 2004

EFFECTIVE July 1, 2004

H.B. 04-1370 County department authority - safety plan agreements - first-time minor incidents of child abuse. For reports of known or suspected child abuse or neglect made to a county department of social services ("county department") or a local law enforcement agency on and after July 1, 2004, authorizes a county department and a person who is believed to be responsible for the abuse or neglect of a child ("person") as a result of an investigation of a report of known or suspected child abuse or neglect ("report") to agree to defer the filing of a confirmed report of child abuse or neglect with the department of human services and enter into a safety plan agreement in the following circumstances:

- When the person has had no previous allegation of abuse or neglect investigated;
- When the child abuse or neglect that the person is believed to be responsible for is at the level of a minor incident of abuse or neglect, as defined by rule of the state board of human services;
- When the person and the county department decide on a mutually agreeable method for resolving the issues related to the report; and
- When the method for resolving the issues related to the report can be completed within 60 days after the report is made to the county department or the local law enforcement agency.

If the person completes the safety plan agreement, prohibits a county department from filing a confirmed report related to the incident. If the person does not complete the safety plan agreement, requires the county department to file a confirmed report of child abuse or neglect related to the incident. Establishes that participation in a safety plan agreement is voluntary and that there is no right on behalf of a person to enter into a safety plan agreement. Specifies that county departments are not required to expend moneys to provide services to a person for the purpose of entering into a safety plan agreement. Requires the state board of human services to promulgate rules related to safety plan agreements.

APPROVED by Governor April 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1451 Collaborative management authority - services to children and families - memorandums of understanding - minimum requirements - reports - review - cash fund - incentives. Authorizes each county department of social services ("county department") and local representatives of judicial districts, health departments, school districts, each

community mental health center, and each mental health assessment and service agency to enter into a memorandum of understanding ("MOU") to promote a collaborative system of local-level interagency oversight and to establish individualized service and support teams to coordinate and manage the provision of services to children and families who would benefit from integrated multi-agency services. Encourages these agencies to enter into MOUs by region, but allows flexibility. Recommends that the agencies seek input, support, and collaboration from key stakeholders in the private and non-profit sectors, as well as from parent advocacy or family advocacy organizations. Specifies minimum requirements of each MOU. Authorizes departments and agencies that provide oversight to the parties to the MOU to issue waivers of state rules necessary for effective implementation of the MOUs that would not compromise the safety of children.

On or before January 1, 2007, and by each January 1 thereafter, requires each interagency oversight group to provide a report to the executive director of each department or agency that is a party to any MOU entered into pursuant to this act.

Requires specified executive directors, a director of a county department of social services, a director of a local mental health center, a superintendent of a school, a representative from a statewide parent advocacy or family advocacy organization, and a member of the judiciary to meet at least annually with the governor to review the reports prepared by the interagency oversight groups to identify barriers encountered in collaborative management development or implementation or reinvestment of moneys and to discuss and effectuate solutions to these barriers.

Creates the performance-based collaborative management incentive cash fund ("fund") on July 1, 2005, and requires the executive director of the department of human services to allocate the moneys in the fund to provide incentives to parties to an MOU who have agreed to performance-based collaborative management, who have met or exceeded performance measures specified by the state department human services, and who have successfully implemented elements of collaborative management as specified by the state board of human services. On July 1, 2005, transfers specified moneys from the family stabilization services fund to the fund. On and after July 1, 2006, transfers moneys in the performance incentive cash fund, remaining moneys in the family stabilization services fund, and moneys received through civil docket fees to the fund.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 04-175 Banks - knowledge of customer's incompetence - adjudication by court. Clarifies that for banks operating in Colorado on and after July 1, 2004, a bank's knowledge concerning a customer's incompetence relates to whether the bank has knowledge that the customer has been adjudicated by a court of law to be incompetent.

APPROVED by Governor April 8, 2004

EFFECTIVE July 1, 2004

S.B. 04-229 Effective financing statement - authorization or authentication - compliance with federal law. On and after July 1, 2004, modifies statutory requirements related to the signing of an effective financing statement or an amendment to an effective financing statement to comply with the federal "Food Security Act of 1985", as amended, which permits an effective financing statement or an amendment thereto to be signed, authorized, or otherwise authenticated by a debtor. Modifies the penalty for failure to comply with requirements related to filing an amendment showing partial termination of a security interest. Repeals a provision authorizing an effective financing statement to cover more than one trade or assumed name of one debtor. Requires lists published by the central filing officer to reflect all filings effective as of the date stated on the list. Requires any termination, amendment, assignment, or release of collateral filing to be signed, authorized, or otherwise authenticated by the secured party, and if such filing is made by electronic transmission, to be signed electronically.

APPROVED by Governor May 27, 2004

EFFECTIVE July 1, 2004

H.B. 04-1069 Deferred deposit loans. Clarifies that there shall be no minimum loan term or minimum finance charge. Specifies a maximum loan term of 40 days. Requires the due date for a loan to be set on or after the consumer's next payday or expectation of some other payment, unless a shorter term is requested by the consumer. Allows a lender to hold a check beyond the loan due date if there is no additional fee or charge to the consumer. Clarifies that the \$500 lending limit to a consumer is for one lender. Clarifies that if a consumer's check is dishonored and, prior to the notice of dishonor to the lender, a new loan is made, the lender shall not be in violation of the maximum loan amount provision.

Allows a lender to pay loan proceeds in the form of stored value cards, internet transfers, and authorizations for automated clearinghouse transactions. Prohibits a lender from charging a consumer for negotiating forms of loan proceeds other than cash. Clarifies that if a loan is returned unpaid for any reason other than a bank error, the lender can collect the face value of the instrument.

If a violation is due to an oversight or error that is not part of the lender's established lending practices and can be corrected without changing a consumer's loan, allows the lender 30 days to cure the violation without incurring a fine or penalty.

Requires the consideration of specific factors in the determination of whether a lender has acted in an unconscionable manner. Requires a lender to require evidence of ability to pay when making a loan. Limits the amount of credit history that a lender is required to investigate when making a loan to a consumer. Prohibits the administrator from making a determination that a lender has acted in an unconscionable manner unless the lender has violated a provision of law or the actions are contrary to the administrator's interpretation of

the "Deferred Deposit Loan Act".

APPROVED by Governor April 7, 2004

EFFECTIVE July 1, 2004

H.B. 04-1125 Unsolicited facsimiles - deceptive trade practice. Makes it a deceptive trade practice for a person to:

- Use a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine;
- Use a computer or other electronic device to send a message via a telephone facsimile machine without certain disclosures; and
- Violate federal law concerning unsolicited facsimiles.

Makes the provisions of this act apply to facsimile transmissions sent on or after the applicable effective date of the act.

APPROVED by Governor April 8, 2004

EFFECTIVE August 4, 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. 04-1274 Offers of credit - verification of identity - private right of action - victim of criminal identity theft. Requires a creditor or charge card company that offers credit or a charge card by mail, and that receives an acceptance to the offer that lists an address for the applicant that is different from the address where the offer of credit or a charge card was sent, to verify that the person accepting the offer is the person to whom the creditor or charge card company made the offer of credit or a charge card. Enumerates ways a creditor may verify that the person accepting the offer is the same person to whom the offer was made, including phoning the person, requesting proof of identification, using a method adopted in federal regulation, or a method sufficient under the standards and practices of the industry.

Establishes a private right of action against a person who uses the personal identifying information of another to commit fraud-type crimes. Permits a plaintiff to recover regardless of whether there was a criminal conviction. Allows a plaintiff to recover actual damages, punitive damages, and attorneys fees and costs.

APPROVED by Governor April 26, 2004

EFFECTIVE July 1, 2004

H.B. 04-1285 Notification of debt by health care provider. When a consumer relies on an insurer to provide payment for care or treatment rendered by the health care provider, the health care provider must provide notice to the patient of any portion of the charges not paid by the insurer. Requires this notice be mailed to the patient at least 30 days before the provider may pursue collection of this outstanding amount or submission of negative credit information to a consumer reporting agency. Specifies the information that must be included in the notice. Requires a health care provider to assist a patient with the correction of adverse credit information reported because the health care provider did not provide the notice to the

patient. Applies to amounts due and owing on or after the applicability date of this act.

APPROVED by Governor April 13, 2004

EFFECTIVE August 4, 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. 04-1394 Consumer loans not exceeding one thousand dollars - alternative charges. Allows a supervised lender to charge an acquisition charge and a monthly installment account handling charge in lieu of permitted finance charges for loans that are not more than \$1,000. Requires the loan period for the loans to be between 90 days and 12 months. Prohibits other charges to the consumer except for permitted delinquency charges, attorney fees, and charges for dishonored checks. Requires the acquisition charge and the installment account handling charge to be returned on a pro rata basis for loans that have been prepaid in full prior to the expiration of a 60-day loan period.

APPROVED by Governor April 21, 2004

EFFECTIVE August 4, 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. 04-1441 Advertisements - solicitations - prohibition against unauthorized use of trade names, trademarks and loan information - exemptions - injunction for violation - security account for nonprobate transfers defined. Prohibits a person from referencing a trade name or trademark of a lender, or a trade name or trademark that is confusingly similar to that of a lender, in a solicitation for services or products unless the solicitor provides specific information on the correspondence containing the solicitation. Prohibits a person from referencing loan information that is not publicly available in a solicitation for the purchase of services or products. Prohibits a person from referencing loan information that is publicly available in a solicitation for services or products unless the communication contains specific information regarding the loan and the solicitation. Exempts a lender or its affiliates from the prohibitions if the communication is with a current or past customer of the lender.

Prohibits loan information from being referenced on an envelope, in the window of an envelope, or on a postcard without consent of the lender. Allows a lender or owner of a trade name or trademark to seek an injunction against a person who violates the provisions regarding the use of trade name, trademark, or loan information.

Expands the definition of "security account" for the purposes of nonprobate transfers upon death.

APPROVED by Governor May 28, 2004

EFFECTIVE August 4, 2004

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. 04-1224 Nonprofit corporations - youths serving on boards of directors. Permits persons under 18 years of age to serve as directors of nonprofit corporations.

APPROVED by Governor April 7, 2004

EFFECTIVE August 4, 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. 04-1398 Regulation - secretary of state - filing requirements. Amends corporate law in title 7 to:

- Conform with changes made by House Bill 03-1377 that would otherwise become effective July 1, 2004, except with regard to:
 - Trade names; and
 - Limitations on an entity's ability to sue for the collection of its debts, with regard to which the bill restores the law to its status prior to the passage of House Bill 03-1377;
- Increase the secretary of state's ability to flexibly accept, file, manage, and provide access to corporate entities' documentation;
- Clarify and reorganize the law without making substantive changes;
- Conform with gender-neutral and other modern language conventions; and
- Remove obsolete provisions.

Prohibits the filing with the secretary of state of documentation regarding "any other matter relating to the partnership" from being deemed public notice of such matters with regard to statements of registration, dissolution, and partnership authority.

Specifies that if either a converting or resulting entity has or will have a constituent document filed with the secretary of state, then the converting entity must file a statement of conversion with the secretary of state.

Requires a plan of corporate merger to state any amendments to the constituent documents of the surviving entity effected by the merger and a statement of such change to be filed with the secretary of state. Specifies requirements for the conversion or merger of a domestic entity with or into a foreign entity.

Increases from 120 to 400 days the period within which an entity may act to become reinstated in response to a missing annual report. Automatically gives a foreign entity that has had its authority revoked a new foreign entity name.

Modifies requirements for the transfer of the registered true name of a foreign entity to another foreign entity.

APPROVED by Governor May 28, 2004

EFFECTIVE July 1, 2004

H.B. 04-1399 Limited liability companies - regulation. Amends laws relating to a limited liability company ("LLC") by:

- Specifying the effects of and methods to modify an operating agreement;
- Altering the rules governing LLC management, including new duties for members and managers, new indemnification obligations and rights, and new record-keeping requirements;
- Changing the rules for member admission, contributions, resignation, transfer of interests, voting, meetings, and LLC dissolution.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1448 Trade names - registry - transfer from department of revenue to secretary of state - requirements. Repeals part 3 of article 35 of title 24, Colorado Revised Statutes, effective May 30, 2006, relating to the registration of trade names with the department of revenue by entities other than those that file with the secretary of state. Repeals and reenacts article 71 of title 7, Colorado Revised Statutes, effective May 30, 2006, to provide for a single registry for trade names maintained by the secretary of state. Facilitates the transfer of department of revenue trade name records to the secretary of state and specifies the disposition of fees collected by the department of revenue for trade name registrations and related documents.

Specifies that all persons except nonprofit entities transacting business under a name other than the true name of the person, and all general partnerships transacting business under a name other than the true name of each general partner, must have an effective statement of trade name on file in the records of the secretary of state.

Eliminates the requirement that trade names on file in the records of the secretary of state be distinguishable on the record from trademarks, entity names, and other trade names. Establishes legal consequences and penalties for not having an effective statement of trade name on file. Specifies the contents, legal effect, effectiveness, and procedures for the withdrawal and renewal of a statement of trade name. Allows nonprofit entities to file statements of trade name.

Allows trade name affidavits to be recorded with county clerks and recorders and specifies the legal effect of recording. Addresses the effectiveness of statements of trade name filed prior to the effective date of the act.

APPROVED by Governor May 28, 2004

EFFECTIVE May 30, 2006

CORRECTIONS

S.B. 04-15 State sales tax refund - offset against state income tax - restitution - child support. Expands the offset against an inmate's state sales tax refund to include payment toward outstanding child support obligations of the inmate. Allocates the portions of the offset to be used in situations in which the inmate has either restitution or child support obligations, or both. Permits an inmate to receive his or her state sales tax refund if the inmate has no outstanding child support or restitution obligations.

APPROVED by Governor March 23, 2004

EFFECTIVE August 4, 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. 04-30 Boot camp - eligibility. Expands the list of offenses that make an offender ineligible for participation in the regimented inmate training program to include all assault offenses, all sex offenses that require registration, and all child abuse crimes. Prohibits an alien subject to a removal order from participating in the regimented inmate training program.

APPROVED by Governor April 1, 2004

EFFECTIVE April 1, 2004

S.B. 04-123 Youthful offender system - authority - bed cap - security level. Extends the authority for the youthful offender system ("YOS"). Caps the number of beds in YOS at 256. Changes the security level of the YOS facility from a level V to a level III.

APPROVED by Governor April 5, 2004

EFFECTIVE April 5, 2004

S.B. 04-156 Correctional facilities - juvenile facilities - employment of sex offenders prohibited. Prohibits the department of corrections ("DOC") from hiring a registered sex offender to work in a correctional facility. Prohibits an entity that contracts with the DOC for operation of a private correctional facility from employing a registered sex offender in the private correctional facility. If the DOC or the entity employs a registered sex offender in a correctional facility as of the effective date of the act, requires the DOC or the entity to ensure that the person does not have unsupervised contact with an inmate. Requires an employee of the DOC who works in a correctional facility and who, while employed by the DOC, is convicted of an offense that requires the employee to register as a sex offender immediately to notify the DOC of the conviction and the registration requirement. Requires the DOC to ensure that the employee does not have unsupervised contact with an inmate.

Prohibits the department of human services ("DHS") from hiring a registered sex offender to work in a juvenile facility. Prohibits an entity that contracts with the DHS for operation of a private juvenile facility from employing a registered sex offender in the private juvenile facility. If the DHS or the entity employs a registered sex offender in a juvenile facility as of the effective date of the act, requires the DHS or the entity to ensure that the person does not have unsupervised contact with a juvenile in the facility. Requires an employee of the DHS who works in a juvenile facility and who, while employed by the DHS, is convicted of an offense that requires the employee to register as a sex offender immediately to notify the DHS of the conviction and the registration requirement. Requires

the DHS to ensure that the employee does not have unsupervised contact with a juvenile in the facility.

APPROVED by Governor April 1, 2004

EFFECTIVE April 1, 2004

S.B. 04-191 Parole board members - terms. Allows members of the state board of parole to serve consecutive terms without limit.

APPROVED by Governor April 13, 2004

EFFECTIVE April 13, 2004

H.B. 04-1074 Reentry program. Requires the department of corrections ("department") to administer a reentry program in collaboration with the division of adult parole within the department and the youthful offender system within the department. Directs the reentry program to address recidivism, rehabilitation, and life-management skills.

APPROVED by Governor April 13, 2004

EFFECTIVE April 13, 2004

H.B. 04-1100 Private contract prisons - requests for competitive proposals - contract requirements - planning process. Allows the department of corrections ("department"), under certain circumstances, to request competitive proposals from private prison providers 3 years before the desired occupancy date of a correctional facility. Requires the department, during the request for competitive proposals process authorized by the general assembly, to make certain facility criteria determinations and to assure a competitive market for prospective contractors. Clarifies that in no event may the department lend or pledge the credit or faith of the department or of the state in any manner that would violate the Colorado constitution.

APPROVED by Governor March 17, 2004

EFFECTIVE August 4, 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. 04-1189 Parole eligibility - percentage of time served. For offenses committed on or after July 1, 2004, requires that a defendant not be eligible for parole until he or she serves 75% of the sentence, less any earned time, if the defendant was convicted of:

- A specified class 2 or 3 felony; or
- A specified class 4 or 5 felony and the defendant has a previous conviction for a crime of violence.

For offenses committed on or after July 1, 2004, requires that a defendant not be eligible for parole until he or she serves 75% of the sentence, if the defendant has a previous conviction for a crime of violence and the defendant was convicted of:

- A specified class 2 or 3 felony; or
- A specified class 4 or 5 felony and the defendant has 2 previous convictions for a crime of violence.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

H.B. 04-1395 Parole board interviews- teleconferencing - location change. Allows the state board of parole ("parole board") to conduct parole interviews by teleconference. Prohibits changing the interview location within the 30 days preceding the interview date without approval of the parole board. Requires each correctional facility and private prison to provide the parole board with hearing space and teleconference technology acceptable to the parole board within the administrative area or other location acceptable to the parole board for the purpose of conducting parole hearings.

APPROVED by Governor April 21, 2004

EFFECTIVE April 21, 2004

H.B. 04-1419 FY 2004-05 budget reduction bill - private prison monitoring cost reimbursement - out-of-state inmates only. Requires that private prison contractors reimburse the state only for monitoring costs associated with inmates housed in private prisons who are from other states.

For the 2004-05 fiscal year, decreases the cash funds appropriation to the department of corrections, management, executive director's office subprogram for: health, life, and dental, short term disability, salary survey and senior executive service, performance-based pay awards, and leased space by a total of \$88,142 and increases the general fund appropriation by the same amount. Specifies the cash fund amount is from private prison monitoring fees.

For the 2004-05 fiscal year, decreases the cash funds appropriation to the department of corrections, management, external capacity subprogram, private prison monitoring unit, for personal services and operating expenses by a total of \$957,197 and increases the general fund appropriation by the same amount. Specifies the cash fund amount is from private prison monitoring fees.

For the 2004-05 fiscal year, for the appropriation to the department of corrections, management, external capacity subprogram, payments to house state prisoners, for payments to private prisons, decreases the rate from \$50.37 per inmate per day to \$49.56 per inmate per day.

For the 2004-05 fiscal year, decreases the appropriation to the department of corrections, management, external capacity subprogram, payments to house state prisoners for payments to private prisons by \$1,064,340 to reflect the decrease in the rate.

For the 2004-05 fiscal year, decreases the cash funds appropriation to the department of corrections, communication subprogram, for operating expenses by \$8,190 and increases the general fund appropriation by the same amount. Specifies the cash fund amount is from private prison monitoring fees.

For the 2004-05 fiscal year, decreases the cash funds appropriation to the department of corrections, transportation subprogram, for vehicle lease payments by \$10,811 and increases the general fund appropriation by the same amount. Specifies the cash fund amount is from private prison monitoring fees.

APPROVED by Governor May 12, 2004

EFFECTIVE May 12, 2004

COURTS

S.B. 04-98 Structured settlement agreements - transfers. For the transfer of rights under a structured settlement agreement:

- Specifies required disclosures to the payee;
- Requires approval of the transfer by a court or responsible administrative authority;
- Specifies effects of the transfer on interested parties; and
- Establishes a procedure for approval of the transfer.

Excludes from the provisions of the act structured settlements under the "Health Care Availability Act" and the "Workers' Compensation Act of Colorado".

APPROVED by Governor April 20, 2004

EFFECTIVE July 1, 2004

S.B. 04-115 Breach of contract - recovery of noneconomic damages - when allowed. Permits the recovery for noneconomic damages in a breach of contract claim only if the recovery is specifically authorized by the contract that is the subject of the claim or if a plaintiff bringing a first-party breach of insurance contract claim demonstrates that the insurer committed willful and wanton breach of contract. Permits the parties in a case to waive the recovery of noneconomic damages on any breach of contract claim except for a first-party breach of insurance contract claim.

Applies the statutory limitations on noneconomic damages to the aggregate sum of any noneconomic damages awarded for breach of contract including bad faith breach of contract. Clarifies that, except for the application of those statutory limitations, the recovery of noneconomic damages on a tort claim for bad faith breach of contract remains unaffected.

APPROVED by Governor May 17, 2004

EFFECTIVE July 1, 2004

S.B. 04-122 Family court magistrates - repeal. Repeals provisions regarding the appointment, authority, and duties of family law magistrates.

APPROVED by Governor April 1, 2004

EFFECTIVE July 1, 2004

S.B. 04-166 Tort actions against health care professionals - noneconomic loss or injury - total amount recoverable for all damages - when award may exceed total amount recoverable. Specifies that derivative noneconomic loss or injury in a tort action against a health care professional does not include punitive or exemplary damages. Reclassifies "noneconomic loss or injury" as "direct noneconomic loss or injury". Clarifies that "direct or derivative noneconomic loss or injury", rather than "noneconomic loss or injury", may constitute a certain portion of the maximum amount recoverable for all damages in a medical negligence case. Permits the court under certain circumstances to award, in excess of the maximum amount recoverable, the present value of additional past and future economic damages.

APPROVED by Governor April 20, 2004

EFFECTIVE January 1, 2005

S.B. 04-180 Dismissal - forum non conveniens. Provides that a motion to dismiss under forum non conveniens shall be granted if all specified factors exist. If the claimant is not a resident of Colorado, authorizes a court to grant such a motion in the interests of judicial economy or convenience of the parties if at least one of the other specified factors exist. Authorizes the court to consider evidence outside of the pleadings, but prohibits discovery on the motion. If the statute of limitations in the alternative forum has expired during the pendency of the case in Colorado, authorizes the Colorado court to grant a dismissal only if all defendants waive any defense based on the expiration of the statute of limitations.

APPROVED by Governor April 8, 2004

EFFECTIVE August 4, 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. 04-1038 Civil immunity - crisis hotline volunteers. Exempts from civil liability a volunteer at a nonprofit organization answering questions of or providing counseling to members of the public in crisis situations at a telephone hotline.

APPROVED by Governor March 17, 2004

EFFECTIVE August 4, 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. 04-1046 Forcible entry and detainer actions - time periods applicable to appearance date and service of summons - "business days". Clarifies that the period of time applicable to the appearance date in a forcible entry and detainer action shall be based on both "business days" and "calendar days" instead of "days". Clarifies that the period of time applicable to the service of the summons and complaint in a forcible entry and detainer action shall be based on "business days" instead of "days". Defines "business days".

APPROVED by Governor April 22, 2004

EFFECTIVE July 1, 2004

H.B. 04-1052 Name change - filing notice of publication prior to order - name change of child. Prior to the court ordering a name change, requires the petitioner to file proof of public notice with the court, unless the court issues an order waiving the public notice requirement. Requires the court to order a name change after the public notice requirement is satisfied or upon a court order stating that publication is not necessary. Requires a name change petition filed by a person under age 19 to include the caption of any proceeding in which a Colorado court has ordered child support, allocation of parental responsibilities, or parenting time for that person. Prohibits a court that does not have jurisdiction over a support, allocation of parental responsibilities, or parenting time action concerning a person under age 19 from ordering a name change of that person.

APPROVED by Governor March 17, 2004

EFFECTIVE September 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. 04-1080 Uniform Arbitration Act. Repeals the "Uniform Arbitration Act of 1975", and reenacts, with amendments. Prohibits a party to an arbitration agreement from waiving certain provisions or agreeing to an unreasonable restriction of certain rights. Specifies the procedures governing application for judicial relief. Establishes the validity of an agreement to arbitrate. Requires the court to decide whether an agreement to arbitrate exists or a controversy is subject to an agreement to arbitrate. Requires an arbitrator to decide whether a condition precedent to arbitrability has been met. Requires the court to order the parties to arbitrate under certain circumstances. Empowers the court to enter provisional remedies in order to protect the effectiveness of the arbitration proceeding.

Specifies the requirements for the initiation of arbitration. Permits the consolidation of separate arbitration proceedings under certain circumstances. Permits an arbitrator to be appointed pursuant to a method agreed to by the parties to the agreement. Specifies that the court shall appoint the arbitrator if the parties' method for appointment fails. Requires a prospective arbitrator to disclose facts that are likely to affect his or her impartiality in the arbitration. Imposes a continuing disclosure obligation on an appointed arbitrator. Grants judicial immunity to an arbitrator. Exempts an arbitrator under most circumstances from testifying and producing records on matters that occurred during the arbitration proceeding.

Permits an arbitrator to conduct an arbitration in a manner that the arbitrator considers appropriate for a fair and expeditious disposition of the proceeding. Permits an arbitrator to decide a request for summary disposition under certain circumstances. Specifies the procedures for setting and conducting the arbitration hearing. Empowers arbitrators to issue subpoenas, order discovery, issue protective orders, and perform other acts concerning the management of the arbitration process.

Permits a party to the arbitration proceeding to request the arbitrator to incorporate a favorable pre-award ruling into an award. Requires an arbitrator to make an award. Specifies the procedures by which an arbitrator may change an award. Permits an arbitrator to award reasonable attorney fees and arbitration expenses under certain circumstances.

Specifies the procedures by and grounds on which the court confirms, vacates, modifies, or corrects the award. Requires the court to enter judgment on the award. Permits the court to award reasonable attorney fees and expenses. Permits appeals to be taken from certain orders.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 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. 04-1084 Forcible entry and detainer action - writ of restitution - service. Permits a writ of restitution issued upon a judgment entered in a forcible entry and detainer action to be executed by certain personnel in the county sheriff's office.

APPROVED by Governor April 21, 2004

EFFECTIVE August 4, 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. 04-1150 Commonsense Consumption Act - obesity-based claims prohibited - exceptions - pleading requirements - stay of proceedings pending motion to dismiss - stay of discovery - duty to preserve relevant evidence. Creates the "Commonsense Consumption Act". Prohibits an action against a food provider for obesity, weight gain, health condition, or injury from long-term food consumption except under certain circumstances. Establishes pleading requirements in those actions that are permitted. Imposes a stay on all proceedings in the action pending the resolution of a dismissal motion. Requires the parties in the case during a stay of discovery to preserve all documents, data, and tangible objects that are relevant to the allegations in the complaint.

APPROVED by Governor May 17, 2004

EFFECTIVE May 17, 2004

H.B. 04-1159 Juror service - disability - previous service - juror summons - failure to obey - juror questionnaire - postponement of service - excuse from service. Modifies the exceptions to the requirement that a person with a disability shall perform jury service. Eliminates the time period required for previous jury service for the purpose of disqualification. Modifies the contents of a juror summons. Clarifies the crime of failure to obey a juror summons. Requires a court under certain circumstances to disqualify and excuse a prospective juror based on the person's answers to a juror questionnaire. Requires a court under certain circumstances to postpone a person's jury service if the person's co-employee is already serving as a juror. Specifies the circumstances under which a court is permitted or required to excuse a prospective juror.

APPROVED by Governor April 6, 2004

EFFECTIVE August 4, 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. 04-1195 Criminal history record checks - modification of protection order - name change. Clarifies that a restrained party filing a motion to modify a protection order or a person filing a petition to change the person's name is responsible for providing fingerprints to the Colorado bureau of investigation ("CBI") and the federal bureau of investigation ("FBI") and for paying for criminal history record checks by the CBI and the FBI. Requires the criminal history record checks to be conducted within 90 days prior to filing the motion or petition.

APPROVED by Governor March 8, 2004

EFFECTIVE September 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. 04-1305 Civil protection orders - consolidation - minor changes. Relocates provisions concerning civil protection orders from titles 14, 16, and 19 into title 13. Authorizes district courts and juvenile courts to issue emergency protection orders to prevent an unlawful sexual offense or domestic abuse against a minor child. Clarifies that, if there are conflicting protection orders, the court shall consider issues of public safety first. Specifies that if a protection order is modified, the modification is only effective if it is served upon the respondent or the respondent has actual notice of the changed provisions. For dissolution of

marriage cases, separates protection orders from temporary orders. Repeals sections relocated to title 13.

APPROVED by Governor April 21, 2004

EFFECTIVE July 1, 2004

CRIMINAL LAW AND PROCEDURE

S.B. 04-37 Interim oversight committee and task force - examination of treatment of persons with mental illness who are involved in the justice system - continuation - repeal - appropriation. Establishes a legislative oversight committee to continue to examine the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems. Requires the committee to report annually to the general assembly on the issues studied, and authorizes the committee to propose legislative changes based on recommendations from the task force examining the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems.

Creates a task force to continue examining specific issues related to the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems and to provide guidance and recommendations to the legislative oversight committee. Requires the task force to obtain input from groups in the state affected by the issues studied by the task force.

Makes payment of the committee and staff support for the committee and task force dependent upon contributions, grants, and donations. Establishes the examination of the treatment of persons with mental illness in the criminal justice system cash fund ("fund").

Repeals the oversight committee and the task force, effective July 1, 2010.

Appropriates \$21,826 from the fund to the legislative department for implementation of the act.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

S.B. 04-41 Adult at-risk victims and witnesses - video depositions - appointment of a judge to preside. Permits a trial judge, after consultation with the chief judge of the judicial district, to appoint, in his or her place, an active or senior district or county court judge to preside over a deposition conducted pursuant to rule 15 (d) of the Colorado rules of criminal procedure. Requires the deposition to be preserved on a video imaging format.

APPROVED by Governor April 13, 2004

EFFECTIVE August 4, 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. 04-46 Victim protection - protection order regarding information related to a victim or witness. Allows the court, upon a prosecution motion or the court's own motion, to issue a protective order related to disclosure of information regarding the victim or a witness. Allows the court to punish violations of the protective order under its contempt powers. Permits the victim who would be the subject of the protective order to object.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

S.B. 04-82 Alcohol beverages - underage tasting - food industry education. Exempts from the underage drinking prohibition persons who taste alcohol in the course of studying food

preparation, service, or management at an accredited post-secondary school. Protects post-secondary schools from civil liability concerning such tastings.

APPROVED by Governor May 27, 2004

EFFECTIVE July 1, 2004

S.B. 04-154 Sex offender registration. Clarifies the registration requirements that apply to a sex offender who is in Colorado temporarily. Clarifies that a person who was convicted of unlawful sexual behavior in a military or federal jurisdiction is required to register as a sex offender. Extends to January 1, 2005, the effective date of all of the statutory provisions relating to requiring the court to initially register sex offenders and implementation of electronic transmission of information concerning registration of sex offenders. Directs the Colorado bureau of investigation ("CBI") to notify the probation department upon implementation of electronic filing protocols, and, upon receipt of the notice, removes the duty imposed on the probation department to prepare a standardized registration form for a person required to register as a sex offender.

Requires the probation department for a sex offender who is sentenced to probation, the administrator of a community corrections program for a sex offender who is sentenced to community corrections, and the department of corrections ("DOC") for a sex offender who is sentenced to incarceration, to notify the CBI only of specified circumstances affecting the sex offender, including whether the sex offender absconds or dies. Increases from 5 days to 10 business days prior to release the deadline by which the DOC is to notify a sex offender of the duty to register.

With regard to a sex offender who is required to register in a jurisdiction other than Colorado and who is present in Colorado, directs the chief local law enforcement officer, or his or her designee, of the Colorado jurisdiction in which the sex offender is present, as soon as possible after learning of the sex offender's presence, to notify the sex offender of the duty to register in Colorado.

Requires a sex offender to pay to the local law enforcement agency a registration fee when registering or reregistering as a sex offender. Authorizes the local law enforcement agency to establish the amount of the fee to reflect the actual costs incurred by the agency in implementing the sex offender registration provisions.

Allows a person who is convicted of an offense of unlawful sexual behavior that would require lifetime registration as a sex offender to petition for discontinuance of the duty to register if the person receives a deferred judgment and sentence for the offense. Clarifies that a sex offender who is required to register quarterly in another jurisdiction, or who is convicted in another jurisdiction of an offense that requires quarterly registration, is required to register quarterly in Colorado so long as the person is a temporary or permanent resident of this state. Requires the local law enforcement agency with which a sex offender registers to verify the sex offender's residential address at the time of registration and annually thereafter, or quarterly thereafter if the sex offender is a sexually violent predator.

Requires the sex offender registry to provide a description of any sex offense of which a sex offender was convicted, rather than descriptions of all offenses of which a sex offender has been convicted. Repeals the provision that requires cross-checking of the information in the sex offender registry with information maintained by the department of revenue regarding payment of taxes. Requires a local law enforcement agency to notify the CBI if the agency files charges against a sex offender for failure to register, and directs the CBI to

post the sex offender's registration information on the internet upon receipt of the notice.

If a sex offender petitions for removal from the sex offender registry, requires the court to notify the victim of the petition only if the victim has requested notice and provided contact information. Directs the CBI and a local law enforcement agency that receives a court order removing a person from the sex offender registry to remove that person's sex offender registration information from the statewide sex offender registry and from any local sex offender registry. For persons who are convicted of failure to register as a sex offender, clarifies the level of offense if the underlying sexual offense that requires registration was committed in another state.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-187 Bribery and intimidating a witness - no summons element. For the crimes of bribing a witness or victim and intimidating a witness or victim, removes the element that the person be legally summoned to the official proceeding.

APPROVED by Governor April 13, 2004

EFFECTIVE July 1, 2004

S.B. 04-223 Peace officers - public transit officers. Designates public transit officers as peace officers. Requires public transit officers to be P.O.S.T. certified.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-253 Offset state income tax refund - defendant's fines, fees, costs, surcharges, or restitution - offset lottery winnings - juvenile restitution. Allows the offset of a state income tax refund owed to a defendant against the defendant's outstanding fines, fees, costs, or surcharges owed to a court or against a defendant's court-ordered restitution obligation. Specifies the procedure for the judicial and revenue departments to follow in sharing and comparing data pertaining to defendants for purposes of the state income tax refund offset.

Expands the existing offset of lottery winnings for the payment of court-ordered restitution to juvenile cases in which restitution is ordered.

APPROVED by Governor May 27, 2004

EFFECTIVE August 4, 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. 04-1003 Peace officer impersonation class 6 felony - illegal possession of red or blue lights class 1 misdemeanor - permits for volunteer firefighters and ambulance personnel for red or blue lights - appropriation. Increases the penalty for impersonating a peace officer to a class 6 felony. Makes the use or possession of red or blue lights that may be affixed to a vehicle a class 1 misdemeanor. Provides an affirmative defense to peace officers, persons specifically authorized by a chief of police or sheriff, a permitted volunteer firefighter, ambulance personnel, or a vendor of red and blue lights. Requires volunteer firefighters and ambulance attendants to obtain a permit prior to using special lights and alarm systems on their personal vehicles.

Appropriates \$152,800 from the general fund to the capital construction fund and from the capital construction fund to the corrections expansion reserve fund for the 2004-05 fiscal year. Appropriates \$61,200 from the general fund to the department of corrections for fiscal years 2005-06, 2006-07, 2007-08, and 2008-09.

APPROVED by Governor May 25, 2004

EFFECTIVE July 1, 2004

H.B. 04-1016 Sex offender registration crimes - wholesale promotion of obscenity to a minor - promotion of obscenity to a minor - appropriation. Adds wholesale promotion of obscenity to a minor and promotion of obscenity to a minor to the list of offenses requiring sex offender registration after conviction of the offense.

Appropriates \$69,467 from the capital construction fund to the corrections expansion reserve fund for fiscal year 2006-07. Appropriates \$27,824 from the general fund to the department of corrections for fiscal year 2007-08.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1054 Vehicular accidents - death or personal injuries - leaving the scene - duty of vehicle occupant to report accident. Specifies that it is not an offense for the driver of a vehicle to leave the scene of an accident involving death or injury for the purpose of reporting the accident if the driver has first fulfilled certain requirements. Makes it a class 2 misdemeanor traffic offense for a vehicle occupant to fail to report an accident if the driver is physically incapable of doing so.

APPROVED by Governor April 23, 2004

EFFECTIVE July 1, 2004

H.B. 04-1057 Newspaper theft - criminal sanction - civil right of action. Criminalizes the theft of more than 5 complimentary newspapers with the intent to prevent others from reading the newspaper. Makes theft of newspapers an unclassified misdemeanor with a fine of: Up to \$1000, if 100 or fewer newspapers were stolen or the number stolen is undetermined; up to \$2500, if more than 100 and fewer than 500 newspapers were stolen; and up to \$5000, if 500 or more newspapers were stolen. Creates an exception for a person who removes complimentary newspapers from their own property.

Creates a private civil right of action for theft of either a complimentary or compensatory newspaper. Provides civil standing to the newspaper publisher, an advertiser in the newspaper, or a newspaper reader who regularly reads the newspaper that was subject to the theft. Allows recovery by the publisher of actual costs, a \$10-per-stolen-newspaper civil penalty, and attorney fees and costs. Permits the advertiser or reader to recover actual damages and attorney fees and costs.

APPROVED by Governor April 13, 2004

EFFECTIVE July 1, 2004

H.B. 04-1077 Sex offender treatment providers - domestic violence offender treatment services providers - background investigation - scope of investigation - fee - appropriation. Requires a person who applies for placement or continued placement on the list of sex offender treatment and services providers to submit to a current background investigation

that goes beyond the scope of a criminal history record check. Requires the sex offender management board to conduct the current background investigation by obtaining the applicant's reference information, criminal history information, and relevant recommendations. Permits the sex offender management board to assess a fee to cover the costs of the current background investigation, and creates a cash fund therefor.

Requires a person who applies for placement or continued placement on the list of domestic violence offender treatment services providers to submit to a current background investigation that goes beyond the scope of a criminal history record check. Requires the domestic violence offender management board to conduct the current background investigation by obtaining the applicant's reference information, criminal history information, and relevant recommendations. Permits the domestic violence offender management board to assess a fee to cover the costs of the current background investigation, and creates a cash fund therefor. Requires the domestic violence offender management board to forward fingerprints obtained during a background investigation to the Colorado bureau of investigation.

Appropriates \$12,500 from the domestic violence offender treatment provider fund and \$11,000 from cash funds in the sex offender treatment provider fund to the department of public safety for implementation of the act.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1134 Identity theft - department of revenue - court procedures. Creates the motor vehicle investigations unit in the department of revenue to investigate and prevent the fraudulent issuance and use of driver's licenses, identification cards, motor vehicle titles and registrations, and other motor vehicle documents, and to assist victims of identity theft.

Authorizes a criminal who wrongfully uses another's identify to be charged in the jurisdiction where a government agency issued identity documents. Sets standards and procedures for a court to determine that a victim's identity has been mistakenly associated with a crime.

APPROVED by Governor June 4, 2004

EFFECTIVE July 1, 2004

H.B. 04-1148 Property - defacing - cave. Includes defacing a cave within the crime of defacing property as a class 2 misdemeanor. Allocates fines for such violations to the Colorado travel and tourism promotion fund.

APPROVED by Governor March 8, 2004

EFFECTIVE August 4, 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. 04-1165 Felony threshold amounts - \$500 to \$675- \$15,000 to \$20,000. With regard to crimes for which the level of the offense depends upon the value of the property involved in the crime, increases \$500 felony threshold amounts to \$675 and increases \$15,000 felony

threshold amounts to \$20,000.

VETOED by the Governor June 4, 2004

H.B. 04-1218 Peace officer - municipal court marshals. Specifies that a municipal court marshal is a peace officer while engaged in the performance his or her duties, and limits the marshal's authority to specified duties. Requires a municipal court marshal to be certified by the peace officer standards and training board or receive the training required for a reserve officer.

APPROVED by Governor April 12, 2004

EFFECTIVE April 12, 2004

H.B. 04-1261 Dangerous dogs - financial bonding requirements - disposition of unclaimed dogs - microchip implantation - statewide dangerous dog registry - microchip licensure cash fund - appropriation. Expands the financial bonding requirements for impoundment costs to owners of dogs impounded because of investigation of a charge of unlawful ownership of a dangerous dog. Permits disposition of an unclaimed, impounded dangerous dog under certain circumstances.

Requires a court to order a person convicted of owning a dangerous dog to:

- Immediately report any material change in the dog's situation to the bureau of animal protection ("bureau");
- Permanently identify the dog through the implantation of a microchip at the owner's expense;
- Pay a \$50 dangerous dog microchip licensure fee to the bureau.

Requires the bureau to operate and maintain a statewide dangerous dog registry consisting of a database of information concerning microchip types and placement in dangerous dogs by veterinarians and licensed shelters. Creates the dangerous dog microchip licensure cash fund for implementation costs.

For the 2004-05 fiscal year, appropriates \$15,343 from the dangerous dog microchip licensure cash fund to the department of agriculture for implementation of the act.

APPROVED by Governor June 4, 2004

EFFECTIVE July 1, 2004

H.B. 04-1266 Criminal invasion of privacy. Criminalizes knowingly taking a photograph of another person's intimate parts, without the person's consent, in a situation where the person has a reasonable expectation of privacy. Makes criminal invasion of privacy a class 2 misdemeanor.

APPROVED by Governor April 26, 2004

EFFECTIVE July 1, 2004

H.B. 04-1269 Criminal operation of a device in a motion picture theater - limited liability for detaining suspect - exception for law investigation. Criminalizes the operation of an audiovisual recording function of a device in a movie theater without the consent of the facility. Limits the liability of the owner or lessee of the theater, an authorized agent or

employee of an owner or lessee, or a peace officer acting in good faith and upon probable cause who detains a person suspected of criminal operation of a device in a movie theater. Exempts lawful investigative, law enforcement, or intelligence activities from a violation of criminal operation of a device in a movie theater.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1270 Extradition - extension of time options - no statute of limitations for extradition of persons with an unsound mind - foreign extradition process. Amends the provision addressing extensions of time for extradition to eliminate the court's option of discharging the accused. Repeals the statute of limitation in proceedings regarding the extradition of persons of unsound mind.

Creates a procedure for extraditing a defendant who is outside the United States. Requires the district attorney seeking foreign extradition to make an application to the governor. Upon receipt of the application, allows the governor to ask the president to initiate extradition proceedings.

APPROVED by Governor April 7, 2004

EFFECTIVE July 1, 2004

H.B. 04-1279 Dog bites - serious bodily injury - civil action for recovery of economic damages - viciousness or dangerous propensities - liability exemptions - dog regulation statewide concern - prohibition against local bans on specific dog breeds. Permits a person or the personal representative of a person who suffers serious bodily injury or death from being bitten by a dog while lawfully on public or private property to bring a civil action to recover economic damages against the dog owner regardless of the viciousness or dangerous propensities of the dog or the dog owner's knowledge thereof. Permits the court, in cases in which the dog owner had knowledge of the dog's viciousness or dangerous propensities, to enter a euthanasia order.

Clarifies when a person shall be deemed to be lawfully on public or private property. Exempts dog owners from liability under certain circumstances. Clarifies the general assembly's intent not to affect other causes of action, affect other statutes governing the regulation of dogs, or abrogate any provision of the "Colorado Governmental Immunity Act". Establishes an affirmative defense to an animal cruelty criminal charge involving injury or death to a dog that the dog was running, worrying, or injuring livestock.

Declares that the regulation and control of dangerous dogs is a matter of statewide concern. Prohibits a municipality or county from adopting a rule, law, or resolution that regulates dangerous dogs in a breed-specific manner. Prohibits a municipality or county from destroying or disposing of a dog that is awaiting destruction or disposition as of the effective date of House Bill 04-1279 in connection with a local breed-specific ban. Specifies that these provisions of the act apply to dogs awaiting destruction or disposition as of the effective date of the act.

APPROVED by Governor April 21, 2004

EFFECTIVE April 21, 2004

H.B. 04-1311 Identity theft - social security number limits - destruction of documents containing personal identifying information - unlawful possession of personal identifying

information. Prohibits the display of a person's social security number on a license, pass, or certificate, issued by a public entity, unless it is necessary to further the purpose of the pass or required by state or federal law. Proscribes a public entity from requesting a person's social security number over the phone, via the internet, or by mail unless it is required by federal law or is essential to the public entity's service.

Requires public and private entities to develop a policy for disposal of documents containing personal identifying information. Considers a public entity that is compliant with the state archives act to have met its policy development obligation. Exempts trash haulers from having to verify that documents have been destroyed or properly disposed.

Allows an insured to require that an insurance company not display the insured's social security number on the insured's insurance identification card or proof of insurance card. Requires the insurer to reissue the card without the social security number, if the insured makes the request. Prohibits an insurance company, after January 1, 2006, from issuing an insurance identification card or proof of insurance card displaying the insured's social security number.

Makes it a class 1 misdemeanor to possess another's personal identifying information with the intent to use the information, or to aid or permit another to use the information, to unlawfully gain a benefit or to injure or defraud another.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 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. 04-1366 Reserve officer - perform duties in civilian clothes. Allows a police chief, sheriff, or town marshal to allow a reserve officer to perform any law-enforcement function for which the reserve officer is adequately trained and to determine whether it is appropriate for the reserve officer to perform the law-enforcement function in civilian clothes.

APPROVED by Governor April 26, 2004

EFFECTIVE August 4, 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. 04-1387 Time for trial - production of records - county court's authority to order testimony - driving records - persons present during testimony by closed-circuit television. Increases from 90 days to 180 days the time in which an indictment, information, or criminal complaint against a person who is in the custody the department of corrections shall be brought to trial. Clarifies statutory provisions relating to the production of records. Clarifies that a county court in a misdemeanor proceeding may issue an order requiring a witness to provide testimony or information.

With regard to records pertaining to drivers' licenses and driving incidents kept by the executive director of the department of revenue, clarifies that the certificate of control and the cover letter may be electronically produced and transmitted and, as such, are admissible in court. Clarifies the admissibility of official records and documents of the state pertaining to drivers' licenses and driving incidents.

In cases in which a child victim testifies by closed circuit television, removes the defendant's ability to object to the presence during testimony of a person whom the court determines would be beneficial to the child.

APPROVED by Governor May 28, 2004

EFFECTIVE July 1, 2004

H.B. 04-1388 Criminal sentencing - extraordinary risk crimes. Clarifies application of the provisions creating enhanced sentencing for crimes that present an extraordinary risk of harm to society.

APPROVED by Governor April 23, 2004

EFFECTIVE August 4, 2004

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

DISTRICT ATTORNEYS

S.B. 04-134 Expenses - local governments. Authorizes a county, municipality, or other governmental entity to agree to provide additional funding to the office of a district attorney.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

EDUCATION - PUBLIC SCHOOLS

S.B. 04-62 Nonlicensed employee database - purge process - annual list to CBI. Requires a school district to submit the name, date of birth, and social security number of each nonlicensed person employed by the district from the human resource electronic data communications and reporting system to the department of education ("department"). Directs the department to create and maintain a database of the information. At the beginning of each semester, compels the school district to notify the department when a nonlicensed employee no longer works for the school district. Directs the department to purge the database at least annually.

Directs the department, beginning November 15, 2004, and by August 30 each year thereafter, to provide a list of the current employees of each school district to the Colorado bureau of investigation.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

S.B. 04-68 School district - bond redemption fund - financial institution - escrow instructions - state treasurer's consent. With regard to the requirement that each school district select a Colorado commercial bank or depository trust company that has full trust powers to administer the school district's bond redemption fund, makes an exception if a school district places the funds in an escrow account with a financial institution and the escrow instructions are acceptable to the state treasurer. Requires the escrow instructions, at a minimum, to prohibit the transfer of funds to the school district without the state treasurer's written consent.

APPROVED by Governor April 13, 2004

EFFECTIVE August 4, 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. 04-83 Alternative education campuses - high-risk students. Provides that a secondary school in which more than 95% of the students are high-risk may seek designation as an alternative education campus. Requires a school's application for designation to include an agreement to establish and report on accountability measures of student academic progress and progress in other nonacademic areas and to establish benchmarks for showing academic progress. Provides that, if a secondary school that is designated as an alternative education campus fails to meet its benchmarks, the state board of education may require the school district to submit a school improvement plan for the school. Specifies changes to the state accountability reports for a secondary school designated as an alternative education campus.

APPROVED by Governor April 20, 2004

EFFECTIVE April 20, 2004

S.B. 04-103 School nutrition - vending machines - school district policies. Encourages each school district board of education to adopt a policy by resolution, on or before July 1, 2004, that states that by the 2006-07 school year at least 50% of all items offered in each vending machine or adjoining set of vending machines in each school of the school district shall meet

acceptable nutritional standards for foods and beverages.

APPROVED by Governor April 20, 2004

EFFECTIVE April 20, 2004

S.B. 04-144 School districts - pilot efficiency reviews - state auditor - report - repeal - appropriation. Requires the state auditor to conduct a review of up to 3 school districts, for the 2004-05 school district budget year, to identify administrative savings that can be gained through best practices in organization, service delivery, human resources, facilities, finance, transportation, technology management, and other non-instructional expenditures. Clarifies that the participation of the school districts is only on a voluntary basis. Allows the state auditor to consult with state departments and other entities with relevant expertise.

Directs the state auditor's office to submit its findings in a written report to each school district reviewed, to the members of the legislative audit committee of the general assembly, and to the education committees of the senate and the house of representatives. Specifies that the report may recommend whether the reviews should be expanded to other school districts and may recommend specific legislation.

Authorizes the state auditor to accept gifts, grants, and donations from private or public sources and to deposit the moneys in the school district pilot efficiency review fund ("fund"). Permits the state auditor to conduct as many audits as the moneys in the fund allows. Provides for the repeal of the section if the fund receives no moneys by January 1, 2005. Repeals the provisions of the act effective September 1, 2005.

Appropriates \$100,000 from the fund for allocation to the state auditor to conduct the audits.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

S.B. 04-152 Payment of teacher - prohibition - criminal charges - reinstatement - back pay. Prohibits a school district from paying a teacher after a recommendation for dismissal if the teacher is charged with an offense for which the teacher's license, certificate, endorsement, or authorization is required to be denied, annulled, suspended, or revoked if convicted. Specifies that if the final disposition of the case does not result in a conviction for the offense and the teacher has not been dismissed, the board of education is required to reinstate the teacher, to provide the teacher with back pay and lost benefits, and to restore lost service credit.

APPROVED by Governor April 13, 2004

EFFECTIVE April 13, 2004

H.B. 04-1002 Use of flag - pledge of allegiance. Requires each school district to provide an opportunity each school day for willing students to recite the pledge of allegiance in public elementary and secondary schools. Exempts any person not wishing to participate in the recitation of the pledge of allegiance.

APPROVED by Governor March 17, 2004

EFFECTIVE March 17, 2004

H.B. 04-1010 Teacher development advisory council - repeal. Repeals the teacher development advisory council ("council"). Directs the state board of education and the department of education to assume the functions of the council in implementing the teacher development grant program.

APPROVED by Governor February 20, 2004

EFFECTIVE February 20, 2004

H.B. 04-1055 School district capital construction - state matching grants. Subject to the approval of the capital development committee of the general assembly, allows the state board of education (state board) to approve and order payments of moneys from the school construction and renovation fund to provide matching grants to school districts that are undertaking qualified capital construction projects and for the expenses incurred by the state board in administering the school district capital construction assistance program without the payments being subject to appropriation by the general assembly. Allows the state board to make a matching grant contingent upon the passage of a bonded indebtedness ballot question in the school district awarded the grant during the fiscal year for which the grant is to be awarded.

Changes the deadline by which the state board must submit a list of school districts and charter schools recommended to receive matching grants to the capital development committee from October 1 of the fiscal year for which financial assistance is being sought to August 16 of the fiscal year, gives the committee until September 15 of the fiscal year to determine the number of projects on the list to be funded, and specifies that the entire list shall be deemed approved if not acted upon by the committee by the September 15 deadline. Eliminates the existing requirement that the capital development committee submit the list of projects it has approved for matching grants to the joint budget committee so the general assembly can amend the general appropriation bill to make appropriations for matching grants. Repeals a statutory provision concerning appropriations for matching grants for the 2002-03 fiscal year.

APPROVED by Governor March 17, 2004

EFFECTIVE August 4, 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. 04-1092 Teacher occupying an administrative position - reassignment - years of service. Permits a school district board of education to consider the years of service accumulated by a teacher while serving in an administrative position in determining where to place the teacher on the salary schedule upon the teacher's reassignment.

APPROVED by Governor March 8, 2004

EFFECTIVE August 4, 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. 04-1104 Educator licensure - authorizations - survey of new teachers repealed - educator professional standards board repealed - rules - appropriation. Repeals and reenacts the statutory provision for issuance of teaching authorizations. Renames and amends the criteria for existing authorizations. Repeals the type IV authorization, extension. Creates the

following new authorizations: The temporary educator eligibility authorization; the career and technical education authorization; the school speech-language pathology assistant authorization; the educational interpreter authorization; the junior reserve officer training corps instructor authorization; the literacy instruction authorization; and the principal authorization.

Repeals the requirement that an alternative teacher license applicant demonstrate basic competencies, and clarifies that the state board of education ("state board") shall determine whether the applicant has demonstrated the necessary subject matter knowledge. Repeals the provision that allows an alternative teacher license applicant or a provisional teacher license applicant to substitute 5 years of successful work experience for a baccalaureate degree.

Repeals the educator professional standards board. Repeals the annual survey of educators who are in their first and third years of employment as teachers.

Requires a person who is employed in a teacher in residence program to meet the content-area education requirements specified by rule of the state board and to pass an assessment of subject matter knowledge prior to being employed in a teacher in residence program. Authorizes school districts to design and implement individualized alternative principal programs for persons employed under the principal authorization.

Directs the department of education to provide annually to the department of higher education a list of the persons who receive educator licenses and the Colorado institutions at which they completed their preparation programs and a list of persons who have held educator licenses for 2 years.

Postpones the expiration of certain rules of the state board pertaining to educator licensure.

For the 2004-05 fiscal year, appropriates \$16,283 from the educator licensure cash fund to the department of education, and appropriates \$7,703 of such amount to the Colorado bureau of investigation, for implementation of the act.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1124 Accountability reports - adequate yearly progress of subgroups. Adds to the state school accountability report a chart reflecting whether subgroups of students are making adequate yearly progress toward grade-level performance in reading and mathematics. Removes information concerning who prepared and verified the report.

APPROVED by Governor March 8, 2004

EFFECTIVE March 8, 2004

H.B. 04-1137 Expulsion - student incriminating statements - parental involvement. Prohibits the use in an expulsion hearing of a student statement regarding an alleged act that would result in mandatory expulsion, unless the statement is signed by the student and a parent, guardian, or legal or physical custodian is present when the statement is signed or a reasonable attempt is made to contact the parent, guardian, or legal or physical custodian prior to having the student sign the statement. States that a reasonable attempt to contact the parent, guardian, or legal or physical custodian includes calling each phone number provided by the parent, guardian, legal or physical custodian, or student.

Makes an exception to the requirement when:

- The parent, guardian, or legal or physical custodian and the student execute a waiver of the requirement after an advisement of the right; or
- The student makes deliberate misrepresentations that affect the applicability of the requirement and the school official relies on those misrepresentations in good faith.

APPROVED by Governor April 5, 2004

EFFECTIVE August 4, 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. 04-1141 Charter schools - waivers - application process - appeals - financing - reporting - withholding of moneys - accreditation. Requires a charter school to complete annually a governmental audit that complies with the requirements of the department of education ("department"). Directs the state board of education ("state board") to identify, by rule, the state statutes and state rules that are automatically waived for all charter schools, and clarifies that a charter school may apply for waiver of additional state statutes and rules. Instructs the state board to review waivers of state statutes and rules periodically, rather than every 2 years. Requires each charter contract to include a statement specifying the manner in which the charter school will comply with the intent of the waived statutes and rules. Requires each charter contract to specify the mandatory financial information the charter school must report, deadlines for reporting such information, and the circumstances under which the chartering school district may withhold a portion of the charter school's monthly payment for noncompliance with the financial reporting.

With regard to the charter application contents:

- Requires specification of measurable annual achievement goals that are based on the state accreditation indicators;
- Requires a description of how the charter school will collect and use student longitudinal assessment data;
- Repeals the requirement that the application include a plan for the displacement of pupils, teachers, and other employees;
- Repeals the requirement that the application include evidence that the terms and conditions of employment have been addressed with affected employees and their representatives.

Clarifies that, if a local board of education ("local board") does not review a charter application, the refusal to review is deemed a denial of the application and is appealable. If a local board chooses to unilaterally impose conditions on a charter applicant or a charter school, requires the local board to adopt a resolution imposing the conditions. Repeals the provisions allowing a person to appeal a local board's decision to approve a charter application.

Makes the following changes in the time line for a local board's review and approval of charter applications:

- Requires a local board to give the charter applicant reasonable opportunity to provide additional information for an incomplete application;

- Directs the local board to notify the state board within 15 days after denying or refusing to review a charter application;
- If the local board approves the charter application after remand from the state board, requires the local board and the charter applicant to complete the charter contract within 90 days after remand.

Repeals the provision that allows a local board to limit the number of charter schools in the school district, and prohibits a local board from adopting a moratorium on charter schools in the school district. Requires each local board to report annually to the department such information as the department requests to evaluate the effectiveness of charter schools. Repeals provisions limiting the number of charter schools. Prohibits a chartering authority from restricting the number of pupils a charter school may enroll, except as negotiated for specified purposes. Repeals the 5-year cap on the term of a charter. Repeals the provision that allows nonrenewal or revocation of a charter on the grounds that operation of the charter school is not in the interest of pupils residing within the school district. Adds a requirement that the annual report on charter schools prepared by the department include comparisons to comparable groups of pupils in other public schools.

Clarifies that the charter contract between a charter school and the authorizing school district shall provide funding to the charter school in the amount of 100% of the district per pupil revenues and 100% of the district per pupil on-line funding; except that the school district may withhold the actual amount of overhead administrative costs applicable to the charter school, up to 5% of the per-pupil funding. Repeals language stating that funding and service agreements shall be neither a financial incentive nor a financial disincentive to establishment of a charter school. Repeals the requirement that the department provide technical assistance to charter applicants.

Requires a charter school to comply with all of the state financial budgeting and reporting requirements that apply to school districts. Allows a charter school to seek a determination from the state board regarding whether the chartering district has improperly withheld funding from the charter school. Establishes procedures for making the determination. If the state board determines the chartering district improperly withheld funding from the charter school, and the district does not pay within 30 days after the determination, allows the department to withhold the amount due to the charter school from the funding due to the school district and pay it directly to the charter school.

Allows a charter school to seek a determination from the state board regarding whether a school district has improperly failed to pay the charter school the tuition charged for the excess costs incurred in educating a child with disabilities. Establishes procedures for making the determination. If the state board determines the school district failed to pay the excess costs, and the school district does not pay within 30 days after the determination, allows the department to withhold the amount of the excess costs from the funding due to the school district and pay it directly to the charter school.

Authorizes the state board to revoke or withhold accreditation of a school district if the district has not complied with a written directive or order of the state board to the district.

Specifies that the statutory provision allowing a local government to refuse to comply with an unfunded state mandate does not apply to an order from the state board pertaining to a charter school.

Amends the provisions concerning reimbursement for transportation costs to allow

the state charter school institute to receive reimbursement in the same manner as a school district.

States that specified sections of the act are contingent on the passage of House Bill 04-1362.

APPROVED by Governor June 3, 2004

EFFECTIVE June 3, 2004

NOTE: House Bill 04-1362 was signed by the Governor June 3, 2004.

H.B. 04-1202 Colorado History Day - funding - appropriation. Directs the department of education to assist the school districts of the state in developing and promoting programs for elementary and secondary students that engage the students in the process of discovery and interpretation of historical topics. Authorizes the department of education to accept gifts, grants, and donations in furtherance of the objectives specified in the act.

Appropriates \$10,000 to the department of education out of moneys in the state education fund for the implementation of the act.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1217 School accountability reports - questions parents should ask. For school accountability reports prepared after the effective date of the act, replaces the page on school history with a page containing questions and options for a parent based upon the academic performance of the school in which the parent's child is enrolled. Requires the department of education, in collaboration with statewide stakeholders, to develop the questions and options. Authorizes the addition of a school's web site address on the school's report.

APPROVED by Governor April 13, 2004

EFFECTIVE April 13, 2004

H.B. 04-1230 School directors - election from director districts. Authorizes procedures to put to a vote of the electors of a school district the question of whether local school board of education directors ("directors") should be elected from director districts rather than from the school district at-large. Sets forth specifications for director districts where some or all members of the local school board of education are voted on by the eligible electors of a director district. Requires school districts in which directors are elected from a director district to determine by the March 1 following the year in which the school district chooses to elect directors by director district, by March 1, 2012, and by March 1 every 10 years thereafter, whether the populations of the director districts are as equal as possible and, if necessary, to revise the boundaries of the director districts.

APPROVED by Governor April 21, 2004

EFFECTIVE August 4, 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. 04-1283 Department of education - high school commission - creation - membership

- study - report. Creates, within the department of education ("CDE"), the Colorado high school commission ("commission") to study issues pertaining to the quality of education provided in Colorado's public high schools. Sets the membership of the commission at 18 members and specifies the qualifications of the members. Authorizes CDE to seek gifts, grants, and donations to fund the study. Requires the commission to convene its first meeting no later than July 15, 2004.

Authorizes the commission to contract for staff assistance, and allows for compensation and reimbursement of expenses for members of the commission, if CDE receives sufficient moneys. Directs the commission to report to the education committees of the house of representatives and the senate the results of the study and any recommendations on or before December 31, 2004. Repeals the commission, effective January 1, 2005.

VETOED by the Governor June 4, 2004

H.B. 04-1360 Financial literacy curriculum - resource bank - appropriation. Requires the state board of education to create a resource bank of materials pertaining to financial literacy, and specifies the minimum content of the resource bank. Upon the request of a school district or a charter school, requires the department of education ("department") to provide technical assistance to the school district or charter school in designing a financial literacy curriculum. Directs the department to contract with one or more entities for implementation of the act. Authorizes the department to accept and expend public and private gifts, grants, and donations for implementation of the act, and creates the financial literacy cash fund ("cash fund").

Encourages each school district to adopt a financial literacy curriculum and to make successful completion of courses on financial literacy a graduation requirement.

For the 2004-05 fiscal year, appropriates \$39,114 to the department for implementation of the act. Appropriates the money from the cash fund and from the state education fund, if less than \$39,114 is credited to the cash fund.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

H.B. 04-1362 Charter schools - alternative authorization - state charter school institute - institute charter schools - application and process - financing - appropriation. Creates the state charter school institute ("institute") as an independent agency in the department of education ("department"). Permits the institute to authorize a form of charter school to be known as an "institute charter school" which exists independent of a school district. Creates a board ("institute board") to oversee the operations of the institute. Allows the institute board to promulgate rules regarding the authorization of institute charter schools. States that the institute and institute charter schools are to be deemed part of the thorough and uniform system of free public schools in the state. Clarifies that the institute is not to be deemed a school district. Encourages the institute to emphasize the authorization of institute charter schools that service at-risk students. Considers the institute to be a local education agency for purposes of federal law and an administrative unit for purposes of special education law.

Allows a school district to retain exclusive authority to authorize charter schools within the school district's boundaries if the school district meets criteria that demonstrate

to the state board of education ("state board") a commitment to, and oversight of, charter schools. Specifies the minimum criteria a school district must demonstrate. Makes an exception to meeting the criteria if the total enrollment of the school district is less than 3000 students or if the percentage of free or reduced-cost lunch students enrolled in the district's charter schools is near to or exceeds the overall percentage of free or reduced-cost students enrolled in the district as a whole. If a school district has not retained exclusive jurisdiction, clarifies that the institute and the school district have concurrent jurisdiction within the school district. Permits a party to challenge a grant of exclusive authority within 30 days after the state board grant of exclusive authority. Permits a grant of exclusive authority to continue so long as the school meets the requirements and submits a resolution to the state board annually.

Specifies that the institute board consists of 9 members who are appointed by the governor, the president of the senate, and the speaker of the house of representatives. Describes the powers and duties of the institute board. Permits the hiring of staff for the institute and the contracting for services. Specifies that all positions classified as professional officers and professional staff of the institute are exempt from the state personnel system. Authorizes the institute to receive gifts, grants, and donations and creates the state charter school institute fund ("fund"). Specifies that the institute is not required to receive applications until there is at least \$50,000 in the fund and is not required to review applications until there is at least \$150,000 in the fund.

Permits an appeal to the state board of an institute board decision to deny, revoke, or not renew an institute charter. Permits the state board to reverse the institute board's decision if it finds the decision was contrary to the best interests of the pupils or community. Specifies that an institute charter school is a public school in the state, unaffiliated with a school district, and subject to accreditation by the state board. Provides that institute charter schools are generally subject to provisions similar to the "Charter Schools Act".

Adjusts the funding for institute charter schools and certain district charter schools based on the percentage of the pupil enrollment eligible for free lunch in an institute charter school or in a charter school authorized by a school district that has retained exclusive authority to authorize charter schools and has more than 40% of its pupil enrollment consisting of at-risk pupils. Specifies the requirements for paying for federally required educational services.

Requires an institute charter school annually to certify to the state board and the institute the number of pupils enrolled in the institute charter school. Directs the department to withhold a portion of the state share of equalization funding from the school district in which the institute charter school is located and to forward the withheld amount to the institute. Permits the department to retain up to 2% of the amount withheld for administrative costs. Permits the institute to retain up to 3% of the amount withheld for oversight and management costs.

Requires each institute charter school to budget for instructional supplies, capital reserve, and risk management.

Requires a school district and its charter schools to negotiate annually for the payment of direct costs of authorizing and overseeing the charter school. Prohibits the withholding of moneys to cover direct costs by the school district if the parties have not agreed to the terms of the payment.

Amends the "Public School Finance Act of 1994" to specify the process by which the moneys are withheld and transmitted to institute charter schools. Permits an institute charter school to receive state education fund moneys. Allows an institute charter school to benefit from some provisions of the "Colorado Educational and Cultural Facilities Authority Act".

Makes an appropriation of \$150,000 to the institute from the state charter school institute fund, and an appropriation of \$5,000 for the provision of legal services to the state board.

APPROVED by Governor June 3, 2004

EFFECTIVE July 1, 2004

H.B. 04-1363 Extracurricular activities - not offered in school district of residence or attendance. Specifies that, if an activity is not offered at a public school within a student's school district of residence or school district of attendance, the student may participate in the activity at a public school within a contiguous school district or at the nearest public school with the facilities for that activity. If the student participates in the activity in a contiguous school district, authorizes the school district to select the school of participation.

APPROVED by Governor March 1, 2004

EFFECTIVE March 1, 2004

H.B. 04-1375 School districts - curriculum - human sexuality - student excused - parental notice - outline - exemption. Prohibits a school district from offering a planned curriculum that includes discussion of or instruction concerning human sexuality unless the school district provides to the parent or guardian written notification of the ability to excuse the student from that portion of the curriculum and a detailed outline of the topics and materials in that portion of the curriculum. Encourages school districts to disseminate policies that minimize undue attention or embarrassment for excused students. Clarifies that local comprehensive health education programs are exempt from these restrictions.

APPROVED by Governor May 28, 2004

EFFECTIVE July 1, 2004

H.B. 04-1397 School finance - funding formula - charter school reporting requirements - capital construction - special education - appropriations. Amends the "Public School Finance Act of 1994" (finance act) and related public education statutory provisions in the following respects:

Total Program Funding Formula

- For purposes of determining preschool and pupil enrollment, specifies that a school district shall only count and receive funding for preschool, kindergarten, and first-grade pupils who reach a specified age as of, on, or before October 1 of the applicable school year.
- Reduces the at-risk factor in the total program funding formula (formula) from 11.5% to 11.2% for the 2004-05, 2005-06, and 2006-07 budget years.
- For the 2004-05 budget year, increases the statewide base per pupil funding to \$4,666.29 to account for a 1.1% inflation rate plus one percentage point.
- Allows an adjustment to the cost of living factor in the formula based on the

- increase in teacher income rather than on inflation.
- Makes technical corrections to the formula.

State Board Oversight

- Allows the state board to put a school district on accreditation notice if the school district fails to comply with a written directive or order from the state board.
- Precludes a charter school and the state board from waiving the requirements of the finance act.

School District & Charter School Requirements

- Requires any contract between a charter school and a local board of education to specify the financial information the charter school must report to the school district, the deadline for such reporting in order to enable the school district to comply with its financial reporting requirements, and the circumstances under which the school district may withhold monthly payments because of the charter school's failure to comply with its reporting requirements.
- Requires a charter school to comply with all of the state financial budgeting and reporting requirements that apply to school districts.
- Authorizes a school district, under the circumstances described in the contract between the school district and the charter school, to withhold a portion of a charter school's monthly payment.
- Allows a charter school to seek a determination from the state board regarding whether the school district has improperly withheld funding from the charter school, and establishes procedures for making the determination. If the state board determines the school district improperly withheld funding from the charter school and the school district does not pay within 30 days after the determination, allows the department of education (department) to withhold the amount of the improperly withheld funds from the funding due to the school district and pay it directly to the charter school.

School District Capital Construction

- For the 2004-05 budget year, suspends the requirement that school districts receive the same level of funding that charter schools receive for capital construction.
- For the 2004-05 state fiscal year, requires the general assembly to appropriate \$2.5 million from the state education fund to the school construction and renovation fund and \$2.5 million from the state education fund to the school capital construction expenditures reserve to fund public school capital construction.
- Acknowledges that, for the 2003-04 budget year, an additional \$3,690,377 was made available to school districts as supplemental assistance for capital expenditures to address immediate safety hazards or health concerns within school facilities.

Special Education

- When a child with a disability enrolls in and attends a school in a district other than the child's district of residence, and the school does not provide an on-line program to the child:
 - Requires the district of residence to pay the tuition charge to the district of attendance for educating the child.
 - Precludes a district of attendance from charging the district of residence

tuition for the excess costs incurred in educating a child with a disability who receives educational services from the district of attendance for less than a percentage of time specified by state board rules.

- Requires the state board to adopt rules concerning, and the district of attendance to provide, notice to the district of residence when a child with a disability applies to enroll in a school in the district of attendance.
- When a child with a disability enrolls in and attends a charter school, including a charter school that provides an on-line program, or enrolls in and attends an on-line program that is not provided by a charter school:
 - Requires the district of residence to pay to the charter school or the provider of the on-line program the tuition charge for the excess costs incurred in educating the child.
 - Requires the tuition responsibility to be reflected in a contract between the charter school or the district of attendance and the district of residence in a form approved by the chartering district or the state board, respectively.
 - Requires the charter school or on-line provider to provide notice to the district of residence in accordance with state board rules when a child with a disability applies to enroll in the charter school or the on-line program.
 - Specifies the amount of the tuition charge is to be determined pursuant to state board rules.
- Requires the state board to adopt rules pertaining to the education of children with disabilities in charter schools and rules pertaining to the education of children with disabilities through on-line programs, and specifies what the rules are to include.

Administration of Finance Act

- Allows the department to transfer an amount specified by the General Assembly in the long bill for that budget year, from the amount appropriated for the state share of districts' total program funding, to offset the direct and indirect administrative costs incurred by the department in implementing the provisions of the finance act.
- Requires the state aid of each district to be reduced proportionately.

Appropriation

- Appropriates \$2.5 million from the state education fund to the school construction and renovation fund to provide matching grants for eligible capital construction projects.
- Makes the following adjustments to the FY 2004-05 long bill:
 - Reduces the appropriation to the department for assistance to public schools, public school finance, state share of districts' total program funding, by \$18,056,244, with \$16,091,207 as a reduction in the general fund appropriation and \$1,965,037 as a reduction in the state education fund appropriation.
 - Reduces the state education fund and school capital construction expenditures reserve appropriations by \$5,000,000.

Effective Date

- Provides that specified sections governing charter schools do not take effect

if House Bill 04-1141 becomes law.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

NOTE: House Bill 04-1141 was signed by the governor June 3, 2004.

H.B. 04-1433 Assessments - longitudinal student academic growth - model and calculation - diagnostic academic growth information - school accountability reports - governor's distinguished improvement awards. Requires the department of education ("department") to choose a public or private entity to develop a model to calculate students' annual academic growth for diagnostic purposes. Directs the department to calculate annually the amount of each student's and each school's academic growth in reading, writing, and mathematics over the periods between the administration of the Colorado student assessment program ("CSAP") assessments, which calculation shall apply to the model and be based on student CSAP scores.

Directs the department to convene a technical advisory panel ("panel") of experts on the measurement of longitudinal growth for accountability purposes. Directs the panel to review the model and to report to the department, the state board of education ("state board"), the education committees of the senate and the house of representatives, and the governor. Requires the state board to adopt a statistical model to calculate diagnostically annual academic growth. Specifies the required characteristics of the model.

Requires the department to calculate what constitutes sufficient academic growth for each student for each school year. Specifies requirements for the calculation. Directs the department to use available data to review and revise the calculation as necessary. Beginning with the 2004-05 school year, directs the department to provide diagnostic academic growth information for each:

- Student enrolled in a school district;
- Public school in a school district;
- Student enrolled in a charter school; and
- Student receiving a voucher, if the injunction on the Colorado Opportunity Contract Pilot Program is vacated.

Authorizes rule-making by the state board for procedures and time frames. Repeals the existing academic growth pilot program and school improvement measurement. Adds the academic growth of students rating to the school accountability reports. Beginning with the 2003-04 school year, requires the department annually to assign a rating for the academic growth of students, based on the proportion of students who make CSAP scale score gains. Sets as the ratings: "Significant decline", "decline", "stable", "improvement", and "significant improvement".

Requires the state board annually to present governor's distinguished improvement awards to the public schools in the state demonstrating the most academic growth of students based on the statistical model used to calculate academic growth of students. Directs the state board to present the financial award to at least one school in each of the 5 categories of schools: "Unsatisfactory", "low", "average", "high", and "excellent".

APPROVED by Governor June 3, 2004

EFFECTIVE June 3, 2004

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 04-7 State personnel system - exemptions - higher education. Modifies the criteria for determining which administrative employees of educational institutions and the department of higher education are exempt from the state personnel system to focus on an employee's duties and responsibilities rather than whether the employee reports to an officer.

Transfers the authority to determine which administrative positions in each educational institution are exempt under the criteria from the state personnel director to the president of each institution, subject to postaudit review by the state personnel director.

Transfers the authority to determine which administrative positions in the department of higher education are exempt under the criteria from the state personnel director to the director of the Colorado commission on higher education, subject to postaudit review by the state personnel director.

Requires the president of each educational institution and the executive director of the Colorado commission on higher education to submit an annual report to the state personnel director listing all positions that are exempt from the state personnel system.

APPROVED by Governor April 13, 2004

EFFECTIVE August 4, 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. 04-42 Department of higher education - student loan advisory board - reenactment - composition - affiliation - disclosure - conflict of interest - participation. Decreases the membership of the student loan advisory committee ("committee") from 12 to 11 members. Directs the governor to appoint 7 voting members, one from each congressional district. Specifies that 4 nonvoting members are to be members of the general assembly. Requires a person seeking appointment to the committee to disclose any affiliation he or she may have with another entity acting as a guarantor pursuant to federal law. Prohibits the appointment of a person who is employed by a company in competition with the student loan division. Deletes requirements that some members of the committee represent industry associations and higher education institutions.

Allows the director of the student loan division ("director") to delegate functions to the committee. Specifies procedures for the initial organizational meeting of the committee. Specifies record-keeping procedures for the committee. Requires disqualification and conflict of interest disclosures by the committee. Specifies quorum and voting procedures. Requires open meetings. Permits participation in committee meetings through the use of telecommunications devices.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

S.B. 04-57 Meningococcal disease - information. Requires each postsecondary institution in the state to provide to each new student or the student's parent or guardian certain information concerning meningococcal disease. If the student has not received a meningococcal immunization, requires the student, parent, or guardian to check a box acknowledging receipt of the information and indicating that the student has elected not to

receive a vaccination for meningococcal disease.

Provides immunity to a postsecondary institution that reasonably complies with the requirements of the act.

APPROVED by Governor April 20, 2004

EFFECTIVE August 4, 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. 04-189 College opportunity fund - program - performance contracting - fee-for-service contracting - enterprise status - appropriation. Establishes the college opportunity fund program ("program") in the department of higher education ("department"), to be administered by the Colorado student loan program ("CSLP"). Establishes the college opportunity fund ("fund") and specifies that the fund shall be a trust fund for the benefit of eligible undergraduate students ("students") and shall consist of a stipend for each student. Requires the general assembly, beginning with the state fiscal year commencing July 1, 2005, and for each state fiscal year thereafter, to make an annual appropriation, in trust for the students, to the fund.

Requires a student to apply for the program, and requires the CSLP to determine the student's eligibility for the stipend. Specifies that, if a student does not apply for or is determined ineligible for the program, the student shall be responsible for paying the student's total in-state tuition amount. Sets out the process for an institution of higher education to receive the stipend on behalf of a student. Prohibits a state institution of higher education ("state institution") from billing a student for any additional amount to make up for a reduction during the same fiscal year in the stipend amount or to compensate for issues relating to the timing of stipend payments.

Requires a private institution of higher education ("private institution") to enter into a performance contract with the department if the institution intends to receive a stipend paid on behalf of a student. Specifies further qualifications that a private institution must meet to receive a stipend on behalf of a student. Specifies that a student who attends a private institution may receive 50% of the stipend amount set for students enrolled in state institutions and that the amount of the stipend for the student may increase in proportion to the percentage of unfunded enrollment growth that is appropriated to the governing boards in subsequent years. Specifies how the unfunded enrollment growth will be calculated.

For the state fiscal year commencing July 1, 2005, and for each state fiscal year thereafter, requires the Colorado commission on higher education ("commission"), in consultation with the governing boards and participating private institutions, to estimate annually the number of undergraduate full-time equivalent students who are eligible for stipends at each institution of higher education and to report the numbers during the annual budget cycle. Specifies that the general assembly shall set annually the amount of the stipend per credit hour that a student may receive, which in no case shall exceed the student's total in-state tuition. Specifies that the student shall be responsible for paying the student's share of total in-state tuition, if any.

Limits the number of credit hours for which a student can receive a stipend to 145 credit hours, but allows the commission to grant a waiver of the limitation under specified circumstances. Authorizes a state institution to grant annually a one-year waiver of the

lifetime-credit-hour limitation for up to 5% of the students enrolled in the institution. Specifies courses for which a student may not receive a stipend.

Beginning with the state fiscal year commencing July 1, 2005, requires the general assembly to appropriate spending authority to each governing board for the amount of cash funds exempt estimated to be received by the governing board as stipends. Specifies that the spending authority for the stipends estimated to be received shall be calculated by multiplying the applicable per-credit-hour stipend by the number of eligible student credit hours that are estimated to be attributable to each institution of higher education under the direction and control of the governing board. Requires the tuition increases from which the general assembly derives the total cash spending authority for each governing board to be noted in a footnote to the general appropriations bill.

Beginning July 1, 2004, requires each governing board of a state institution, and any private institution of higher education that intends to receive stipends on behalf of students, to negotiate a performance contract with the department that shall specify the performance goals the institution shall achieve during the period that it operates under the performance contract. Allows a state institution that enters into a performance contract with the department to request an exemption from the procurement code and the central motor vehicle fleet system. Specifies that while a state institution is operating pursuant to a performance contract, the general assembly retains the authority to approve tuition spending authority for the governing board of the institution.

Specifies that the governing board of a state institution, while operating under a performance contract, need not consult with nor obtain approval from the commission to create, modify, or eliminate academic and vocational programs offered by the institution, so long as program changes are consistent with the institution's statutory role and mission. Allows the commission to override the creation or modification of an academic or vocational program if the change is inconsistent with the institution's statutory role and mission.

Beginning July 1, 2005, requires the commission to be responsible for ensuring the provision of specific postsecondary educational services in the state. Requires the department, on behalf of the commission, to enter into fee-for-service contracts with one or more governing boards of state institutions to provide the specified higher education services. Specifies that the department may only contract with the governing board of a state institution to the extent that the contract remains consistent with the governing board's performance contract.

Beginning July 1, 2005, authorizes the governing board of a state institution to negotiate a fee-for-service contract with the department for the delivery of higher education services by the institution to the residents of the state of Colorado. Specifies the higher education services that may be the subject of the fee-for-service agreement. Requires the commission to make annual funding recommendations to the general assembly and the governor regarding the funding necessary for the department to contract on the commission's behalf for the provision of higher education services in the state. Requires the general assembly annually to appropriate to the commission an amount of general fund moneys to carry out the purposes of the fee-for-service contracts.

Authorizes a state institution or a group of institutions to be designated as an enterprise by resolution of the governing board of the institution or group of institutions for the purposes of section 20 of article X of the state constitution. Specifies that a state institution or group of institutions may be designated as an enterprise only so long as the

governing board of the institution or group of institutions 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 total annual revenues in grants from all Colorado state and local governments combined. Specifies that the term "grant" for the purposes of section 20 of article X of the state constitution does not include: Fees received by a state institution pursuant to a fee-for-service contract between the department and the institution or the institution's governing board; or revenues received by a state institution or group of institutions that have been paid on behalf of a student as a stipend from the fund.

Grants the governing board of a state institution that is designated as an enterprise the exclusive authority to approve cash-funded capital expenditures for projects that are to be constructed, operated, and maintained solely from student fees, research building revolving funds, or other sources.

Contingent on the regents of the university of Colorado designating the university of Colorado as an enterprise under the provisions of the act during state fiscal year 2004-05, reduces the general fund appropriation to the regents by \$4,500,000 and increases the regents' cash fund spending authority by the same amount.

APPROVED by Governor May 10, 2004

EFFECTIVE July 1, 2004

S.B. 04-252 Enterprises - state institutions of higher education - pledge of tuition revenues - appropriation. Authorizes a state institution of higher education ("institution") or a group of institutions to be designated as an enterprise by resolution of the governing board of the institution or group of institutions for the purposes of section 20 of article X of the state constitution. Specifies that an institution or group of institutions may be designated as an enterprise only so long as the governing board of the institution or group of institutions 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 total annual revenues in grants from all Colorado state and local governments combined.

Specifies that the governing board of an institution or group of institutions that is designated as an enterprise may pledge up to 10% of tuition revenues of such an enterprise and all or a portion of a facility construction fee for a contract for the advancement of money on behalf of such institution. Specifies that the governing board shall not pledge general fund moneys appropriated by the general assembly. Repeals the exclusive authority of an institution that has been designated as an enterprise to approve cash-funded capital expenditures for projects that are to be constructed, operated, and maintained solely from student fees, research building revolving funds, or other sources.

Contingent on the regents of the university of Colorado designating the university of Colorado as an enterprise under the provisions of this act during state fiscal year 2004-05, reduces the general fund appropriation to the regents by \$4,500,000 and increases the regents' cash fund spending authority by the same amount.

APPROVED by Governor June 4, 2004

EFFECTIVE July 1, 2004

H.B. 04-1005 Enterprise status of auxiliary facilities of institutions of higher education. Removes the stadium at the university of northern Colorado from the statutory list of auxiliary facilities of institutions of higher education designated as enterprises in accordance

with the taxpayer's bill of rights (TABOR). In connection with the list, breaks out references to specific auxiliary facilities operated by Adams state college, Mesa state college, and Western state college of Colorado. Adds specified auxiliary facilities of Metropolitan state college of Denver to the list. Clarifies that the auxiliary facilities of Fort Lewis college designated in the list concern faculty operations and activities. Clarifies that any auxiliary facilities of specified institutions of higher education that were a part of any state college's enterprise prior to the establishment of the board of trustees of the institution shall, as they relate to the institution, be designated enterprises of the board of trustees of the institution.

APPROVED by Governor March 17, 2004

EFFECTIVE March 17, 2004

H.B. 04-1006 In-state tuition - active duty armed forces dependents. Specifies that a dependent of a member of the armed forces of the United States on active duty, including but not limited to the member's spouse:

- Who is continually enrolled in college in Colorado does not lose the dependent's status as an in-state student if the member is later transferred outside of Colorado; and
- Who attends a Colorado public college within 12 months after graduating from a Colorado high school is eligible for in-state tuition unless the person attended a college outside of Colorado.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

H.B. 04-1007 Optional retirement plans - fund sponsor selection process - fiduciary duties. Requires each governing board of a state college or university that establishes an optional retirement plan to establish a formal process for selecting companies to act as fund sponsors from which participants in the plan may select investment alternatives. Specifies that the selection process shall include requirements governing the following:

- Participant access to investment alternatives;
- Monitoring of the fund sponsor's contractual obligations;
- Periodic review of the viability and attractiveness of combining plans; and
- Periodic review of the fund sponsor's performance.

Specifies that a governing board of a state college or university shall be deemed to have met its responsibilities and fiduciary duties, and limits the liability of the board and specified individuals, as long as the board complies with the requirements.

APPROVED by Governor February 20, 2004

EFFECTIVE August 4, 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. 04-1009 State restrictions - optional exemption - motor vehicle fleet system - division of risk management - procurement code. Allows the governing board of each institution of higher education, by formal action of the board, and the Colorado commission on higher education, by formal action of the commission, to elect to be exempt from the requirements of the state motor vehicle fleet system, the state risk management system, and the

procurement code.

If an institution of higher education or the Colorado commission on higher education elects to be excluded from the risk management system, requires the institution or commission to conduct an analysis of the institution's or commission's ability to provide workers' compensation and the estimated property and liability losses, insurance costs, and administrative costs of risk management that the institution or commission will incur by implementing an independent program. Requires the institution or commission to submit a written report to certain members of the legislature before the institution or commission implements an independent risk management program.

APPROVED by Governor April 23, 2004

EFFECTIVE July 1, 2004

H.B. 04-1037 Academic credit - American sign language - policies and procedures. Permits a higher education institution to offer one or more elective courses in American sign language ("ASL"). Requires the Colorado commission on higher education ("CCHE") to adopt policies and procedures to require higher education institutions to treat ASL as a foreign language for purposes of granting and receiving academic credit. Directs CCHE to adopt policies that:

- Allow students to receive academic credit either by completing the courses or by demonstrating proficiency in ASL; and
- Permit ASL academic credit to be counted toward satisfaction of a higher education institution's foreign language requirements, except those requirements related to the content of an academic major, and toward satisfaction of the foreign language entrance requirements of the institution.

Permits school districts to offer one or more elective courses in ASL. Allows school districts to treat ASL as a foreign language and to:

- Grant academic credit for completion of an ASL course or demonstrated proficiency in ASL; and
- Count completion of an ASL course or demonstrated proficiency in ASL toward the fulfillment of any foreign language requirement for graduation.

Allows the Colorado school for the deaf and the blind, upon request, to provide assistance for the implementation of this act to CCHE, higher education institutions, the state board of education, and school districts.

APPROVED by Governor April 5, 2004

EFFECTIVE August 4, 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. 04-1039 Teacher loan forgiveness pilot program - eligibility. Beginning in the 2004-05 academic year, extends the teacher loan forgiveness pilot program to allow for payment of all or part of the principal and interest of the educational loans of a teacher who is hired for a qualified position, teaching math, science, special education, or linguistically diverse

education, regardless of how long the teacher has been teaching.

APPROVED by Governor April 13, 2004

EFFECTIVE April 13, 2004

H.B. 04-1086 Community college system - governor's task force - recommendations - master plan - use of Lowry campus. Enacts the following recommendations of the governor's task force to strengthen and improve the community college system:

- For the 2004-05 state fiscal year, the state board for community colleges and occupational education ("state board") shall reduce the administrative costs of the system office by at least 35%; and
- The savings from the reduction shall be used to:
 - Install a system-wide information technology system solution for the colleges;
 - Restructure distance learning;
 - Limit institutional research to the colleges themselves; and
 - Conduct a comprehensive review of the administrative costs for career and technical education.

Requires the state board to develop a master plan for the use, sale, or development of the real property at the Lowry campus. Specifies that the net proceeds from the sale, ground lease, or other disposition of the real property at the Lowry campus be maintained in an account for the state board to use for capital-development-related projects.

Requires the state board to report to the governor and the education committees of the general assembly on the progress made in implementing the recommendations.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1166 State board for community colleges - transfer of training program funds. Authorizes the state board for community colleges and occupational education to transfer all moneys available for the Colorado customized training program to the Colorado existing industry training program for the purpose of providing funding to meet any existing demand for training and education program within existing industries.

APPROVED by Governor March 17, 2004

EFFECTIVE March 17, 2004

H.B. 04-1194 Board of governors of the Colorado state university system. Changes all references to the president and vice-president of the board of governors of the Colorado state university system ("board") to the chairman and vice-chairman of the board. Allows the board to elect a secretary and treasurer of the board either from within the board's membership or from outside of its membership.

APPROVED by Governor April 7, 2004

EFFECTIVE April 7, 2004

H.B. 04-1207 Fixed tuition and fee rate contracts - governing board guidelines - repeal. Beginning in the 2005-06 academic year, authorizes the governing board of each state-supported institution of higher education that has been designated as an enterprise

("institution") to offer a fixed tuition and fee rate to a student who is willing to enter into a fixed-rate contract ("contract") with the institution.

Specifies that, if a student is unable to complete a degree program within the duration of the contract because a course is unavailable due to a lack of available classes or class space, the institution shall provide the course to the student free of charge. Requires each governing board that is participating in the fixed tuition and fee rate program to establish guidelines for each institution under its control relating to the program, and requires the governing board to submit the guidelines to the Colorado commission on higher education for review and approval.

Repeals the program after review in 2011.

APPROVED by Governor May 28, 2004

EFFECTIVE July 1, 2004

H.B. 04-1347 Financial assistance - Colorado national guard - appropriation. Specifies that, out of any moneys provided for the financial assistance program ("program"), the Colorado commission on higher education ("commission") shall first provide tuition assistance to individuals who are members of the Colorado national guard, in addition to the military dependents who currently receive this tuition assistance priority. Specifies that the commission shall not allocate more than \$650,000 in any fiscal year for the purposes of providing tuition assistance to individuals who are members of the Colorado national guard. Specifies that members of the Colorado national guard are eligible for tuition assistance to the extent that tuition assistance from other sources is first applied to the member's tuition prior to receiving assistance under the program.

For the 2004-05 fiscal year, appropriates \$410,207 from the general fund to the department of military affairs, Colorado national guard tuition fund, for the implementation of the act.

APPROVED by Governor May 27, 2004

EFFECTIVE July 1, 2004

H.B. 04-1350 Student financial assistance programs - name changes - definitions - procedure changes - investments - actuarial evaluation - release of information. Changes the name of the Colorado student obligation bond authority to collegeinvest. Changes the name of the student loan program to the Colorado college access network.

Allows persons who are not residents of the state to obtain student loans through the state student loan programs. Allows trust companies and domestic branches of foreign banks that are licensed by a state or the United States to participate as lenders in the state student loan programs. Broadens the definition of "student loan" to include loans made by institutions of higher education that are not located in Colorado or by a nonprofit corporation from another state that is operating on behalf of an institution of higher education, and allows collegeinvest to make an institutional loan to such institutions and nonprofit corporations.

Allows the board of directors of collegeinvest to take action upon an affirmative vote of a majority of the board members present at any meeting at which a quorum is present. Repeals the provision that requires the student loan division in the department of higher education ("division"), except by agreement to the contrary, to originate and disburse any student obligations made or purchased by collegeinvest that are not guaranteed student loans

or institutional loans. In case of a conflict between federal and state fiscal policies, directs the division to comply with the federal fiscal policies.

Clarifies that the state treasurer shall invest moneys in the prepaid expense trust fund ("trust fund") based on the direction of collegeinvest. Directs collegeinvest to evaluate the actuarial soundness of the trust fund if, at the end of a fiscal year, the aggregate amount of moneys in the trust fund that are invested in specified investments exceeds 10% of the investable assets of the trust fund. Allows, rather than requires, collegeinvest to contract with a private consultant to perform the actuarial evaluation and provide financial advice.

Repeals the requirement that collegeinvest, prior to financing the making of student obligations or institutional loans, submit a report of proposals, plans, or expectations to the Colorado commission on higher education ("commission"). Repeals the requirement that collegeinvest submit to the commission a copy of a preliminary official statement prepared in connection with the issuance of bonds or notes. Clarifies provisions regarding the terms of and the security for bonds and streamlines procedures for redemption of bonds.

Extends the protections against personal liability to the agents, as well as employees, of collegeinvest. Clarifies that, in addition to bonds, any notes or other obligations issued by collegeinvest are eligible for investment by fiduciaries. Allows collegeinvest to release data, information, or records generated as a result of the Colorado prepaid postsecondary education expense program and the college savings plan to the department of revenue.

APPROVED by Governor April 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1361 Area vocational schools - name change - credit transfers. Allows the governing body of an area vocational school to identify the area vocational school as a technical college. Directs the state board for community colleges and occupational education to adopt policies to ensure the transfer of postsecondary course credits from area vocational schools to institutions within the state system of community and technical colleges. Clarifies that any postsecondary course credits earned by a student while enrolled in an area vocational school may be transferred into an associate degree program at a community college or into another degree program at a 4-year institution in accordance with existing state credit transfer policies.

APPROVED by Governor May 21, 2004

EFFECTIVE August 4, 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. 04-1405 Education and cultural facilities authority - cultural housing facilities - multistate program. Authorizes the Colorado educational and cultural facilities authority to finance housing facilities that serve the cultural needs of their residents if the facility is part of a multistate financing program. Repeals the limitation in the definition of "educational institution" that excludes branch programs of institutions whose primary campus or facilities are located outside of Colorado.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

ELECTIONS

S.B. 04-84 Voter identification - modifications to requirements contained in the federal Help America Vote Act of 2002. Makes the following technical modifications to voter identification requirements implementing the federal "Help America Vote Act of 2002":

- Clarifies that the form of driver's license sufficient to demonstrate the elector's identification for voting purposes is a Colorado driver's license.
- In connection with proof of elector identification by means of a pilot's license, eliminates the requirement that the license contain a photograph of the eligible elector.
- In connection with the information that must be provided by an elector to register to vote in person, specifies that the elector shall provide the last 4 digits of the elector's social security number or, in the case of an elector who has been issued a current and valid Colorado driver's license, the elector's Colorado driver's license number. Requires the elector to specify whether he or she is a citizen of the United States instead of whether he or she is a native-born or naturalized citizen of the United States. Substitutes the word "gender" for the word "sex" in the question asking for the elector's gender.

APPROVED by Governor April 13, 2004

EFFECTIVE April 13, 2004

S.B. 04-153 Vote centers - combining polling places and precincts. Authorizes a designated election official to establish one or more vote centers for any election, subject to approval by the board of county commissioners. Defines "vote center" as a polling place at which any registered elector in the political subdivision holding the election may vote, regardless of the precinct in which the elector resides.

Requires each vote center to have a secure electronic connection to the computerized registration book maintained by the county clerk and recorder permitting all voting information processed by any computer at a vote center to be immediately accessible to all other computers at all vote centers in the county. States that a county may not use vote centers unless the secretary of state has certified that the secure electronic connection is sufficient to prevent any elector from voting more than once and to prevent unauthorized access to the computerized registration book.

States that precinct polling places shall not also be used in any election for which vote centers have been established, unless each precinct polling place has a secure electronic connection to exchange voting information with the computerized registration book maintained by the county clerk and recorder.

Requires the designated election official to determine the number, location, and manner of operation of vote centers in consultation with representatives of political parties.

States that a political subdivision may not use vote centers in a general election unless vote centers were used in a previous odd-year election or in a primary election held on or after January 1, 2006.

Allows a designated election official to combine polling places or precincts in any

election.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-213 Voter identification. Changes the definition of "identification" in the "Uniform Election Code of 1992" (election code) by deleting the requirement that a pilot's license contain a photograph of the voter and by adding the following forms of identification:

- A valid medicare or medicaid card;
- A certified copy of the voter's birth certificate, issued in the United States; and
- Certified documentation of naturalization.

Eliminates the requirement that voters who have a Colorado driver's license or identification card give the last 4 digits of their social security number in order to register to vote. Allows such voters to give either their driver's license or identification card number or the last 4 digits of the social security number.

States that the last 4 digits of a social security number shall not be considered a social security number for purposes of the federal "Privacy Act of 1974".

Allows voters registering to vote by emergency registration, who currently must show a Colorado driver's license or identification card, to show any form of identification as defined in the election code.

Allows voters to cast provisional ballots in any election. Allows voters desiring to cast a provisional ballot to show any form of identification as defined in the election code.

Specifies that the act applies to elections held on and after November 1, 2004.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1121 Campaign finance - contributions to persons involved in the political process. Authorizes a political committee to receive and accept moneys contributed to it by a corporation or labor organization for disbursement to a candidate committee or political party without depositing such moneys in an account separate from the account required to be established for the receipt and acceptance of all contributions by all committees or political parties in accordance with the state constitution.

Authorizes a candidate to accept:

- The aggregate contribution limit for a primary election at any time after the date of the primary election in which the candidate is on the primary election ballot; or
- The aggregate contribution limit for a general election at any time prior to the date of the primary election in which the candidate is on the primary election ballot.

Authorizes a candidate committee to expend contributions received and accepted for a general election prior to the date of the primary election in which the candidate is on the primary election ballot. Permits the candidate committee of a candidate who wins the

primary election to expend contributions received and accepted for the primary election in the general election.

Authorizes a candidate's candidate committee to reimburse the candidate at any time for expenditures the candidate has made on behalf of the candidate committee. Specifies that any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is made is to be treated only as an expenditure and not as a contribution to and an expenditure by the candidate's candidate committee. Regardless of when the expenditure is reimbursed, requires the expenditure to be reported at the time it is made in accordance with the reporting requirements of the "Fair Campaign Practices Act" (FCPA).

Authorizes any political committee that has registered with the federal election commission to file with the appropriate officer a copy of the registration filed with the federal election commission. Insofar as the registration contains substantially the same information required by the disclosure requirements of the FCPA, specifies that the political committee is considered to have registered with the appropriate officer for purposes of the disclosure requirements of the FCPA and is authorized to accept or make contributions as permitted by law. Specifies that any political committee that satisfies this registration requirement of the act is subject to all other legal requirements pertaining to contributions and disclosure applicable to political committees.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1227 Voting systems - testing and certification - authorization of electronic and electromechanical systems - prohibition of mechanical and punch card systems - records used in recounts - accessibility to persons with disabilities. States that the method of voting in all elections may be by paper ballots or by electronic or electromechanical voting systems. Prohibits the use of mechanical lever voting machines and punch card voting systems after January 1, 2006.

Specifies the number of electronic or electromechanical voting stations to be provided to each polling place, based on the number of active registered electors in the precinct.

Authorizes the use of electronic and electromechanical voting systems. Requires such systems to be tested independently and certified by the secretary of state. Requires all voting systems and voting equipment offered for sale in the state to comply with federal standards. States that a political subdivision is not required to replace an existing voting system in order to comply with federal standards, unless it is a punch card system.

States that the county clerk and recorder is the custodian of the voting system in a political subdivision. Authorizes the county clerk and recorder to appoint deputies to prepare and supervise the voting system.

Authorizes the governing body of a political subdivision to adopt an electronic or electromechanical voting system that is certified by the secretary of state.

Directs the secretary of state to adopt uniform rules for the purchase and sale of voting equipment in the state. States that the governing body or designated election official of a political subdivision may purchase a voting system only if it has been certified by the secretary of state. Requires the governing body or designated election official of a political

subdivision to notify the secretary of state before purchasing or selling voting equipment. Directs the secretary of state to coordinate the sale of voting equipment among political subdivisions and to notify political subdivisions of the availability and sources of new and used voting equipment.

States that the secretary of state shall certify electronic and electromechanical voting systems and approve the purchase, installation, and use of such systems by political subdivisions. Directs the secretary of state to establish standards for certification of such systems.

Establishes requirements for electronic and electromechanical voting systems. States that the permanent paper record produced by an electronic or electromechanical voting system shall be available as an official record for any recount. States that a recount of votes cast on direct record electronic voting machines shall be conducted using electronic ballot images or permanent paper records, as determined by the secretary of state.

Directs the secretary of state to adopt rules establishing minimum standards for such systems. Directs the secretary of state to adapt the standards for certification of such systems to facilitate the use of new technology.

Requires each designated election official to establish written procedures to ensure the accuracy and security of voting for review by the secretary of state.

Allows the provider of an electronic or electromechanical voting system to submit the system to the secretary of state after independent testing. Directs the secretary of state to examine and test such voting systems and certify such systems if they meet the certification requirements and standards.

Requires the secretary of state to notify political subdivisions when an electronic or electromechanical voting system is certified.

Requires a designated election official who wishes to use a certified electronic or electromechanical voting system in an election to apply to the secretary of state for approval of the purchase, installation, and use of the system. Allows the secretary of state to provide technical assistance to designated election officials in the approval process.

Requires certification of modifications to a certified electronic or electromechanical voting system.

Authorizes the temporary use of electronic and electromechanical voting systems that have been independently tested but are not yet certified upon approval by the secretary of state. Directs the secretary of state to adopt rules establishing standards and procedures for temporary approval of voting systems.

When a political subdivision adopts an electronic or electromechanical voting system, requires the vendor of the system to send to the secretary of state copies of the software, manuals, and other documentation required by the secretary of state.

Directs the secretary of state to review or inspect an electronic or electromechanical voting system used by a political subdivision upon the filing of a complaint. Requires voting system providers and designated election officials to notify the secretary of state if the system malfunctions.

If a certified electronic or electromechanical voting system fails to comply with the requirements and standards for the system, directs the secretary of state to:

- Specify actions to remedy the defect in the system and direct the designated election official or voting system provider to perform such actions;
- Prohibit the use of the system or any part of the system by a political subdivision until the problem is remedied;
- Limit the use of the system or any part of the system to particular circumstances or conditions; or
- Decertify the system.

Allows a political subdivision or voting system provider to ask the secretary of state to reconsider a decision to decertify an electronic or electromechanical voting system. Upon receipt of such a request, requires the secretary of state to hold a public hearing to reconsider the decision to decertify the system. Allows the secretary of state to amend or rescind a decision to decertify a system.

States the intent of the general assembly that all state requirements for accessibility of voting systems and polling places to persons with disabilities should meet or exceed federal requirements.

Requires polling places to be made accessible to persons with disabilities and establishes standards of accessibility. Exempts emergency polling places from the accessibility requirements. Requires designated election officials to file an accessibility survey with the secretary of state before designating polling places.

Establishes standards for accessibility of voting systems to persons with disabilities.

In elections held after January 1, 2006, requires each polling place to have at least one direct recording electronic voting system or other accessible voter interface device.

Requires a designated election official to test an electronic and electromechanical voting system after the system is maintained and programmed for an election. Requires testing of all electronic and electromechanical tabulation devices used at polling places.

APPROVED by Governor May 28, 2004

PORTIONS EFFECTIVE May 28, 2004
PORTIONS EFFECTIVE January 1, 2006

H.B. 04-1425 State ballot measures - legal publication. Amends the statute on legal publication of the title, text, and ballot question for constitutional amendments, initiated measures, and referred measures on the official ballot to conform the provision with the state constitution to make it clear that the constitution does not require publishing in every legal newspaper, but only in one legal publication in each county. States that legal publication can be made by either printing a notice in a legal newspaper or printing an insert that is distributed in such a newspaper.

Authorizes the director of research of the legislative council to negotiate agreements with one or more legal newspapers or with any organization that represents such newspapers to authorize the printing of a separate insert by one or more legal newspapers to be delivered by all of the legal newspapers participating in the agreement. Authorizes the director to select a legal newspaper or newspapers to make the publication in counties where more than

one such newspaper is circulated. Specifies that the executive committee of the legislative council shall determine the amount paid for the publishing based on available appropriations.

Provides that if no legal newspaper is willing or able to publish in a county, the director of research of the legislative council shall assure compliance with the publication requirements by causing the printing of additional inserts or legal notices and providing for alternative circulation of the inserts or legal notices in that county at government offices and other public facilities or private businesses, and if sufficient funds are available, by contract or by mail.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1445 Ballot title board - meeting times - rehearings. Deletes the requirement that the ballot title board begin meetings at 2:00 p.m. and allows the board to set the meeting time. Changes the timing requirements for a rehearing following the last meeting of the board so that a single meeting is required within 48 hours of the expiration of the 7-day filing period for a rehearing rather than within 48 hours of the filing of each motion for a rehearing.

APPROVED by Governor May 12, 2004

EFFECTIVE May 12, 2004

FINANCIAL INSTITUTIONS

H.B. 04-1103 Securities board - continuation under sunset law. Limits the terms of the securities board members to 2 consecutive terms.

Repeals the reporting requirement for the securities board to submit a report to the department of regulatory agencies that evaluates the securities commissioner.

Extends the automatic termination date of the securities board within the division of securities until July 1, 2015, pursuant to the provisions of the sunset law.

APPROVED by Governor February 20, 2004

EFFECTIVE July 1, 2004

H.B. 04-1109 Division of securities - continuation of the division of securities under sunset law - annuities - powers of the commissioner - cease-and-desist orders - grounds for discipline - examinations - filing of registered securities information - rescission offers - municipal bond authority advisory committee. Continues the division of securities (division) until 2015. Specifies that only annuities with a fixed rate of return are exempted from the definition of securities. Revises the process by which the securities commissioner (commissioner) issues cease-and-desist orders; specifically:

- Allows the commissioner to issue a cease-and-desist order after a show-cause petition is filed by the division;
- Sets out the time frames to request the hearing and the period during which the hearing must be held;
- Allows for a panel of the securities board or an administrative law judge to conduct cease-and-desist hearings.

Requires a person who is registering securities with the U.S. securities and exchange commission to submit the same information to the commissioner. Allows the commissioner to discipline a person for a violation of a foreign securities law, or for a failure to demonstrate the necessary qualifications for the license applied for by the person.

Allows the commissioner to require that a person retake an examination if the person has not been licensed in Colorado within 2 years prior to the date of application with the division.

Clarifies the manner in which rescission offers must be structured in order to avoid civil liability under Colorado law.

Requires that the municipal bond authority advisory committee meet at least annually instead of quarterly.

APPROVED by Governor April 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1110 Division of banking - foreign capital depositories - investment deposit act repeal - continuation of division of banking under sunset law. Authorizes the bank commissioner to examine any relevant relationship between state banks, affiliates, and third parties when determining the safety and soundness of the state bank. Permits banks to have more than one loan production office. Raises the threshold for required real estate appraisals

from \$100,000 to \$250,000, in parallel with federal law.

Repeals the Colorado investment deposit act. Requires principal officers of foreign capital depositories (FCDs) to furnish fingerprints in addition to other proof of identity. Effective June 1, 2004, establishes rules for the valuation of FCD assets for purposes of calculating fees payable to the state. Gives presumptive effect to valuations made by the department of revenue in disputed cases.

Extends the automatic termination of the division of banking in the department of regulatory agencies until July 1, 2013, pursuant to the provisions of the sunset law.

APPROVED by Governor April 7, 2004

EFFECTIVE April 7, 2004

H.B. 04-1111 Banking board - sunset review. Establishes the automatic termination of the banking board in the division of banking, department of regulatory agencies, on July 1, 2013, pursuant to the provisions of the sunset law. Increases the banking board by one member, requires 5 members to be from state banks and 2 members to represent banks with less than \$150 million in total assets, and repeals the requirement that no more than 4 of its members be from the same political party. Defines a "material supervisory determination" and creates an administrative appeals process for such determinations.

APPROVED by Governor March 3, 2004

EFFECTIVE March 3, 2004

H.B. 04-1126 Department of regulatory agencies - continuation of the division of financial services under the sunset law - credit unions - nursing care facilities - assisted living residences - correction to federal law references. Extends the automatic termination of the financial services division (division) until 2013.

Clarifies that a credit union may submit an application for approval of a community field of membership instead of a community charter. Requires that a credit union send notice of a hearing on a community charter application to the principal office of each savings and loan association, bank, or industrial bank in the proposed community to be served. Clarifies that at the annual meeting credit union members elect membership of the board of directors.

Specifies that supervisory and credit committee representatives are elected by the members of the credit union pursuant to the bylaws of the credit union. Specifies that a credit union only participate with other credit unions, credit union organizations, or financial organizations in making loans when the borrower is a member of the credit union originating the loan or the credit union purchasing a participation interest in the loan.

Clarifies how mergers of 2 or more credit unions may occur. Requires credit unions to provide notice to the division when the credit union opens or closes a branch office. Repeals subjective language concerning the authority of the commissioner of the financial services division (commissioner) to remove members of a board of directors.

Allows the financial services board to promulgate rules concerning record retention. Repeals the requirement regarding reserve transfers to conform with federal law. Allows credit union information to be shared with a federal home loan bank, a federal reserve bank, the division of banking, and the executive director of the department of regulatory agencies.

Authorizes a cemetery authority of an endowment care cemetery to establish an endowment care fund in a state or federally chartered savings and loan association authorized to act as a fiduciary.

Revises the record retention system for records in the possession of the commissioner in accordance with the state's public records laws.

Includes certain nursing care facilities and assisted living residences under the financial oversight of the commissioner.

Repeals obsolete language. Corrects references to federal law.

APPROVED by Governor March 17, 2004

EFFECTIVE July 1, 2004

H.B. 04-1226 Banking practices - trust account requirements - limited documentation - certificate of trust. On and after July 1, 2004, authorizes a bank to establish a deposit account for a trustee under a written trust agreement by using a certificate of trust, rather than the complete written trust agreement, to evidence the trust relationship and establish the deposit account. Specifies minimum requirements for a certificate of trust. Authorizes a bank to withhold disposition of any funds on deposit in the trust account upon the death, resignation, or adjudication of incompetence of all named trustees and successor trustees noted on the certificate of trust until the bank receives specified information necessary to satisfy the bank concerning the manner in which the funds are to be administered or distributed. States that a bank shall not be liable for administering a deposit account as provided by a certificate of trust as long as the bank has no actual knowledge that the terms of the written trust agreement are contrary to the terms of the certificate of trust. Specifies that a bank is not obligated to establish a deposit account for any trustee who refuses to furnish a copy of the written trust agreement.

APPROVED by Governor April 13, 2004

EFFECTIVE July 1, 2004

H.B. 04-1404 Investment of public funds - refunds - limitations - investments by local governments. Amends the definition of "act of issuance" under the "Supplemental Public Securities Act" to include an amendment to an ordinance, resolution, or decision to issue a security pursuant to delegated authority adopted by the issuing authority or officer of a public entity for the purpose of issuing a security. Changes the definition of "public entity" to include a nonprofit corporation organized under the law of this state and created solely for the purpose of issuing securities on behalf of another public entity.

Allows the determination of the securities to be refunded, and of whether a security will be secured by an assurance of payment by a 3rd party, to be delegated to a member of an issuing authority or to the chief financial officer or chief executive officer of the authority.

Changes the statute of limitations with respect to a legislative act or proceeding in connection with the authorization or issuance of securities by a public entity to 30 days after the authorization of the securities. Repeals certain limitations on investments by a public entity.

Allows the investment of public funds in certain contracts, including forward delivery contracts, if, at the time the contract is entered into, the long-term credit rating, financial

obligations rating, claims paying ability rating, or financial strength rating of the party or guarantor of the party with whom the public entity is investing is in one of the 2 highest rating categories rather than only the highest category. Allows such a contract to be purchased if the contract is purchased with revenues pledged to the payment of the sale of securities of a public entity.

In statutes governing interest rate exchange agreements, includes in the definition of "public securities" instruments secured by a pledge of ad valorem tax revenues. Allows public funds to be invested in securities subject to repurchase agreements even if they do not have a fixed coupon rate, so long as they are marketable. Allows public funds that are not needed for current operating expenses to be invested in accordance with specific conditions.

Gives municipal improvement districts the right to acquire, construct, and maintain improvements later authorized by voters of the district rather than only those improvements listed in the district's original petition of organization.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

GENERAL ASSEMBLY

S.B. 04-5 Legislative oversight of principal departments - presentations to committees of reference. Requires the executive director of each principal department of the executive branch of state government to make a presentation to the appropriate legislative committee of reference beginning with the 2005 regular session of the general assembly. States that the presentation shall include, but shall not be limited to, a description and explanation of the department's priorities for the next fiscal year and a description and explanation of the performance measures that the department uses to determine the effectiveness and efficiency of the programs and services that it provides.

Requires the speaker of the house of representatives and the president of the senate to assign the committee of reference to which each department shall make its presentation. States that the committees of reference shall hold hearings during which the departments shall make the presentations. Specifies a deadline by which each department shall make the presentation. States that a department may make the presentation in conjunction with any other presentation that it makes to the same committee of reference before the specified deadline.

APPROVED by Governor March 3, 2004

EFFECTIVE August 4, 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. 04-67 Obsolete statutes - repeal. Repeals numerous outdated provisions in the Colorado revised statutes.

APPROVED by Governor April 1, 2004

EFFECTIVE August 4, 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. 04-1043 Congressional redistricting - judicial review - factors. Prohibits courts from using non-neutral factors, including political party registration, political party election performance, and other factors that invite the court to speculate about the outcome of an election, in determining whether one or more congressional districts are lawful and in adopting or enforcing a change to any such district. Requires courts to use only neutral factors in the following order of precedence:

- First, population equality, contiguity, the use of whole general election precincts, and a prohibition on district overlap;
- Second, compliance with the federal "Voting Rights Act of 1965";
- Third, preservation of political subdivision boundaries, with precedence given to the most populous counties, cities, and towns;
- Fourth, preservation of communities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors and the traditional western slope and eastern plains communities of interest;

- Fifth, compactness; and
- Sixth, minimization of disruption to prior district lines.

APPROVED by Governor April 7, 2004

EFFECTIVE April 7, 2004

GOVERNMENT - COUNTY

S.B. 04-47 County clerk and recorder - filings - deadlines - exceptions. Requires a county clerk and recorder to:

- Make legible size prints of all recorded instruments on demand for a fee at any time after the first 3 business days after a document is recorded;
- Properly list a recorded document on the grantor and grantee index as soon as practicable but not later than 7 business days from the date on which it is endorsed;
- Endorse any document that is received by 1 p.m. on a business day by the end of that day;
- Endorse any document that is received after 1 p.m. by 5 p.m. on the following business day.

Permits a clerk and recorder to extend the foregoing deadlines for a reasonable period if an extenuating circumstance prevents the clerk and recorder from meeting the deadlines.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

S.B. 04-188 Speeding violations - surcharge - Colorado traumatic brain injury trust fund. Specifies that the surcharge on fines for violation of certain county ordinances that is paid to the Colorado traumatic brain injury trust fund shall be imposed only on persons convicted of operating a vehicle in excess of the speed limit. Reduces the amount of the surcharge from \$12 to \$10.

APPROVED by Governor May 21, 2004

EFFECTIVE August 4, 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. 04-219 County clerk and recorder - filing surcharge - electronic filings. Makes the following changes to the surcharge (surcharge) related to electronic filing capabilities that is collected for each document received for recording or filing by a county clerk and recorder:

- Requires the surcharge, which is set to expire on June 30, 2005, to be collected through June 30, 2007.
- Raises the amount of the surcharge from at least 50 cents to one dollar.
- Establishes new uses by the county clerk and recorder of the moneys retained from the surcharge.

Authorizes the general assembly to appropriate moneys in the clerk and recorder technology fund, which was formerly called the clerk and recorder electronic filing technology fund, to either the clerk and recorder technology panel (panel), which was formerly called the clerk and recorder electronic filing technology fund advisory panel, or the secretary of state, instead of just the panel. Changes the ways that the panel may use moneys from the fund.

Grants powers to the secretary of state to ensure uniformity among electronic filing

systems, including the power to:

- Assist a clerk and recorder in conducting certain assessments;
- Provide certain training;
- Provide accounting services and staffing for the panel;
- Establish a statewide purchasing network (purchasing network) for the acquisition of hardware, software, and services related to an electronic filing system; and
- Promulgate rules in specified areas, which is an expansion of the rule-making authority that the secretary of state currently has in this area.

Permits the secretary of state to establish standards by which a county officer other than a county clerk and recorder may voluntarily become part of the purchasing network for the acquisition of hardware, software, and services related to the administration of the officer's duties.

APPROVED by Governor May 27, 2004

EFFECTIVE July 1, 2004

H.B. 04-1129 Property taken for delinquent taxes - sale - lease - retention. Requires a county treasurer to post a notice of sale of personal property seized by the county for delinquent taxes within 180 days after the property is seized. If the amount bid at the sale is less than the minimum price, requires the county treasurer to sell the property within 150 days in the manner prescribed by the board of county commissioners.

Prohibits the county from operating a business seized for delinquent taxes.

States that when real property is conveyed to a county for delinquent taxes, the board of county commissioners may:

- Retain the property for a stated public project;
- Lease the property to a nonprofit entity affiliated with the county; or
- Sell the property within one year for the highest and best bid; except that the board may reject a bid that is less than the assessed value of the property.

Requires the notice of sale of real property by a county to state that if the property is at least 50 years old, it may be eligible for inclusion in the state register of historic properties or designation as a landmark and may be eligible for rehabilitation grants and incentives.

APPROVED by Governor March 17, 2004

EFFECTIVE August 4, 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. 04-1341 Sheriff fees. On and after July 1, 2004, authorizes fees collected by sheriffs for committing and discharging convicted prisoners to and from the county jail to be raised to a reasonable fee, not to exceed \$30. Requires each county to expend an amount equal to 20% of the revenues generated annually from the fee for the administration of a community-based treatment program, if the county has established, or chooses to establish, such a program. Requires each county to expend an amount equal to 20% of the revenues generated for training of sheriffs and local law enforcement officers. Requires each county

to expend the balance of the revenues on law-enforcement-related expenditures to defray the costs of processing prisoners into and out of custody.

APPROVED by Governor April 23, 2004

EFFECTIVE July 1, 2004

H.B. 04-1401 City and county of Broomfield - boundaries. Describes the territorial boundaries of the city and county of Broomfield, as it was created pursuant to provisions of the state constitution. Redefines the areas of the counties of Adams, Boulder, Jefferson, and Weld to exclude those portions that are designated as part of the city and county of Broomfield.

APPROVED by Governor April 23, 2004

EFFECTIVE April 23, 2004

H.B. 04-1413 FY 2004-05 budget reduction bill - county clerk and recorder - surcharge - electronic filings. Makes the following changes to the one dollar surcharge that is collected by a county clerk and recorder on each document received for recording or filing and that is set to expire on July 1, 2005:

- Eliminates the portion of the surcharge that was transmitted to the state for the purpose of making grants to counties to defray the costs of providing the technology necessary to accept electronic filings.
- For the 2004-05 fiscal year, requires a county clerk and recorder to collect a surcharge of up to 50 cents to be used to defray the costs of implementing and providing electronic filing and recording capabilities.

Eliminates the requirement that a clerk and recorder transmit to the state treasurer any moneys that were retained for the purpose of defraying the costs of implementing and providing electronic filing and recording capabilities but were not used by January 1, 2006. Eliminates the repeal of the statutory section that created the surcharge.

APPROVED by Governor May 12, 2004

EFFECTIVE May 12, 2004

GOVERNMENT - LOCAL

S.B. 04-2 Audits of local governments - exemption. Increases the maximum amount of revenues or expenditures that a local government may have in a fiscal year in order to qualify for an exemption from a local government audit.

APPROVED by Governor April 1, 2004

EFFECTIVE August 4, 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. 04-18 Retirement systems - maximum required contribution. Increases the maximum contribution that a county, municipal, or special district retirement plan may require employees to make from 6% to 8% of the employee's basic salary or wage.

APPROVED by Governor March 9, 2004

EFFECTIVE August 4, 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. 04-176 Conservation trust fund - local government expenditures - state oversight - appropriation. Authorizes the division of local government in the department of local affairs ("division") to oversee local governments' expenditures of moneys distributed from the state conservation trust fund ("fund") by:

- Authorizing the division to promulgate rules to allow the division to monitor expenditures, require annual reporting, inspect records, encourage compliance through issuance of guidance on allowable expenditures, and enforce compliance through orders, penalties, and withholding of local taxes and fund distributions;
- Requiring local treasurers or other custodians of local conservation trust funds to annually certify that local expenditures comply with standards established in the statute and rules;
- Requiring local governments that commingle fund moneys with nonfund moneys to separately account for such moneys; and
- Allowing the division to recoup its direct and indirect costs in overseeing the fund from the fund.

Specifies that interest earned on investments of local fund revenues remains in the local fund. Applies the act to distributions and expenditures of conservation trust fund moneys occurring on or after July 1, 2004.

Appropriates \$112,860 and 2 FTE to the division from the fund for the implementation of the act. Adjusts appropriations made in the 2004-05 long bill.

APPROVED by Governor June 4, 2004

EFFECTIVE July 1, 2004

S.B. 04-198 Volunteer firefighter pension plans - state contribution - administration - transfer of duties from fire and police pension association to department of local affairs. Transfers the responsibility for allocating the state contribution moneys to assist in funding volunteer firefighter pension plans from the fire and police pension association (FPPA) to the department of local affairs as of July 1, 2004. Requires the allocation of state funds to each plan to be based on the prior year contributions to the plan by the municipality or fire protection district for which the plan was established. Transfers the responsibility for procuring a volunteer firefighter death and disability insurance policy from the FPPA to the department as of July 1, 2004. Directs the department to develop an application procedure for municipalities and fire protection districts to receive a distribution of state assistance moneys. Authorizes the department to charge an application fee to any municipality or fire protection district that applies to the department for a distribution of the state assistance moneys. Establishes the volunteer firefighter advisory committee and directs the department to consult with the committee in the performance of its duties in connection with the distribution of the state contribution moneys to assist in providing certain benefits to volunteer firefighters.

APPROVED by Governor May 27, 2004

EFFECTIVE July 1, 2004

H.B. 04-1065 Human services referral service - grant of immunity. Immunizes 2-1-1 human services referral service providers and the Colorado 2-1-1 collaborative from certain types of civil liability in a manner similar to the providers of 9-1-1 services.

APPROVED by Governor February 20, 2004

EFFECTIVE February 20, 2004

H.B. 04-1203 Acquisition of private property by eminent domain by urban renewal authority for subsequent transfer to a private party - restrictions - exceptions - right of civil action - damages - limitations on extraterritorial condemnation by municipalities. Except as otherwise provided in the act, prohibits private property acquired by eminent domain by an urban renewal authority after the effective date of the act from being subsequently transferred to a private party unless:

- The owner of the property consents in writing to acquisition of the property by eminent domain by the authority;
- The governing body of the authority determines that the property is no longer necessary for the purpose for which it was originally acquired, and the authority first offers to sell the property to the owner from whom it was acquired, if the owner can be located, at a price not more than that paid by the authority and the owner of the property declines to exercise such right of first refusal;
- The property acquired by the authority has been abandoned; or
- The owner of the property requests or pleads in an eminent domain action that the authority acquiring the property also acquire property that is not essential to the purpose of the acquisition on the basis that acquiring less property would leave the owner of the property holding an uneconomic remnant.

Specifies that, where a proposed transfer of private property acquired by an urban renewal authority does not satisfy a specified exception under the act, property acquired by eminent domain by an authority after the effective date of the act may be subsequently transferred to a private party only upon satisfaction of each of the following conditions:

- The governing body has made a determination that the property is located in a blighted area or the property itself is blighted, and the urban renewal project for which the property is being acquired is to be commenced no later than seven years from the date the blight determination is made. Specifies that, for purposes of the act, the determination of whether a particular area or property is blighted is to be based upon reasonably current information obtained at the time the blight determination is made.
- Not later than the commencement of the negotiation of an agreement for redevelopment or rehabilitation of property acquired or to be acquired by eminent domain, the authority provides notice and invites proposals for redevelopment or rehabilitation from all property owners, residents, and owners of business concerns located on the property acquired or to be acquired by eminent domain in the urban renewal area by mailing notice to their last known address of record. Authorizes the authority at the same time to invite proposals for redevelopment or rehabilitation from other interested persons who may not be property owners, owners of business concerns, or residents within the urban renewal area, and to provide public notice thereof by publication in a newspaper having a general circulation within the municipality in which the authority has been established.
- In the case of a set of parcels to be acquired by the authority in connection with an urban renewal project, at least one of which is owned by an owner refusing or rejecting an agreement for the acquisition of the entire set of parcels, the authority makes a determination that the redevelopment or rehabilitation of the remaining parcels is not viable under the urban renewal plan without the parcel at issue.

Specifies that any owner of property located within the urban renewal area may challenge the determination of blight made by the governing body by filing, not later than 30 days after the date of the blight determination, a civil action in district court for the county in which the property is located pursuant to C.R.C.P. 106 (a) (4) for judicial review of the exercise of discretion on the part of the governing body in making the blight determination. Specifies that any such action shall be governed in accordance with the procedures and other requirements specified in the rule; except that the governing body shall have the burden of proving that, in making its blight determination, it has neither exceeded its jurisdiction nor abused its discretion.

Requires any authority seeking to acquire property by eminent domain in accordance with the requirements of the act to reimburse the owner of the property for reasonable attorney fees incurred by the owner in connection with the acquisition where the owner is the prevailing party on a challenge to a blight determination.

Requires any authority that exercises the power of eminent domain to transfer acquired property to another private party as authorized in accordance with the requirements of the act to adopt relocation assistance and land acquisition policies to benefit displaced persons that are consistent with those set forth in existing statutory provisions to the extent applicable to the facts of each specific property, and, at the time of the relocation of the owner or the occupant, to provide compensation or other forms of assistance to any displaced person in accordance with such policies. In addition, in the case of a business concern displaced by the acquisition of property by eminent domain, requires the authority to make a business interruption payment to the business concern not to exceed the lesser of \$10,000 or one-fourth of the average annual taxable income shown on the 3 most recent federal income tax returns of the business concern.

In any case where the acquisition of property by eminent domain by an authority displaces individuals, families, or business concerns, requires the authority to make reasonable efforts to relocate such individuals, families, or business concerns within the urban renewal area, where such relocation is consistent with the uses provided in the urban renewal plan, or in areas within reasonable proximity of, or comparable to, the original location of such individuals, families, or business concerns.

Specifies that, in the case of private property acquired by eminent domain by an authority for subsequent transfer to a private party, "blighted area" shall have the same meaning as set forth in the existing statutory definition governing urban renewal; except that, for purposes of such acquisitions only, "blighted area" means an area that, in its present condition and use and, by reason of the presence of at least 5 of the factors specified in the existing statutory definition of blight, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

Adds a new factor to the existing list of factors that define "blighted area" for purposes of statutory provisions governing urban renewal.

In connection with statutory provisions granting urban renewal authorities their condemnation powers, specifies that the acquisition of property by condemnation by an authority shall also satisfy the requirements of the act.

Where an authority intends to acquire private property by eminent domain within the urban renewal area to be subsequently transferred to a private party in accordance with the requirements of the act, requires the governing body, prior to the commencement of the acquisition of such property, to first hold a public hearing on the use of eminent domain as a means to acquire such property after written notice of the time, date, place, and purpose of the hearing has been provided to each owner of property that is within the urban renewal area at least 30 days prior to the date of the hearing. In order to authorize the use of eminent domain as a means to acquire property, requires the governing body to base its decision on such authorization on a finding of blighted or slum conditions without regard to the economic performance of the property to be acquired.

In addition to the findings otherwise required to be made by the governing body under existing statutory provisions governing urban renewal, where an urban renewal plan seeks to acquire private property by eminent domain for subsequent transfer to a private party pursuant to the act, authorizes the governing body to approve the urban renewal plan where it finds, in connection with a hearing, that the urban renewal plan has met the requirements of the act and that the principal public purpose for adoption of the urban renewal plan is to facilitate redevelopment in order to eliminate or prevent the spread of physically blighted or slum areas.

Effective January 1, 2004, prohibits any home rule or statutory municipality from either acquiring by condemnation property located outside of its territorial boundaries or providing any funding, in whole or in part, for the acquisition by condemnation by any other public or private party of property located outside of its territorial boundaries. Specifies that this prohibition shall not apply to condemnation for water works, light plants, power plants, transportation systems, heating plants, any other public utilities or public works, or for any purposes necessary for such uses.

Effective January 1, 2004, prohibits any home rule or statutory municipality from

either acquiring by condemnation property located outside of its territorial boundaries for the purpose of parks, recreation, open space, conservation, preservation of views or scenic vistas, or for similar purposes, or providing any funding, in whole or in part, for the acquisition by condemnation by any other private or public party of property located outside of its territorial boundaries for the purpose of parks, recreation, open space, conservation, preservation of views or scenic vistas, or for similar purposes. Specifies that this prohibition does not apply where the municipality has obtained the consent of both the owner of the property to be acquired by condemnation and the governing body of the local government in which territorial boundaries the property is located.

APPROVED by Governor June 4, 2004

PORTIONS EFFECTIVE June 4, 2004
PORTIONS EFFECTIVE January 1, 2004

GOVERNMENT - MUNICIPAL

H.B. 04-1072 Regular election date of municipality - authority of governing body of municipality to submit question to registered electors to change date. Authorizes the governing body of a municipality, in consultation with the clerk and recorder of the county in which the municipality is located, to submit to a vote of the registered electors of the municipality for placement on the ballot the question of whether the regular election date of such municipality shall be changed to either the Tuesday succeeding the first Monday of November in each odd-numbered year or the Tuesday succeeding the first Monday of November in each even-numbered year.

Specifies that, where a majority of the registered electors of the municipality voting on the question approve a change in the regular election date of the municipality, the governing body of the municipality shall by ordinance establish its new regular election date in accordance with the vote of the registered electors and may include in such ordinance any alteration in the terms of office of officials that may be necessary to accomplish the change in election dates in an orderly manner. Prohibits such ordinance from shortening the term of any elected official in office at the time of its adoption.

Authorizes any municipality that has changed its regular election date in accordance with the requirements of the act to reinstate the regular election date in effect prior to the change in the date commenced under the act.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1155 Newly annexed land used as right-of-way by agricultural users - municipal authority to regulate. Whenever a municipality annexes an area that contains any portion of a public transportation right-of-way a customary or regular use of which involves the movement of any agricultural vehicles and equipment, for the period during which land use within the annexed area is devoted to agricultural use and regardless of whether the annexed area has been zoned for agricultural uses, prohibits the municipality from adopting or enforcing any ordinance or regulation affecting the right-of-way, whether arising in connection with zoning, rezoning, the regulation of traffic, or otherwise, so as to restrict such customary or regular use of the right-of-way that is in existence as of the time of the annexation. Specifies that nothing in the act shall be construed as restricting the municipality from adopting or enforcing traffic restrictions that are either consistent with the customary or regular use of the right-of-way or are necessary for the safety of vehicular and pedestrian traffic using the right-of-way.

In addition to any other applicable notice requirements provided by law, not less than 30 days prior to final adoption of an ordinance or regulation affecting the right-of-way in an annexed area that is devoted to agricultural use and regardless of whether the annexed area has been zoned for agricultural uses, requires the municipality to send notice of the proposed ordinance or regulation to the following persons by means of the following methods:

- To any person who owns property in the annexed area that is contiguous to the right-of-way, by certified mail; and
- To such persons as appear on a list maintained by the municipality of interested persons who are to receive such notice by first-class mail. Requires

the name of any such person to remain on the list until such time as the person requests removal of the person's name from the list.

APPROVED by Governor April 23, 2004

EFFECTIVE September 1, 2004

H.B. 04-1430 Municipal elections - regular election date of municipalities - municipal recall elections. Conforms language governing the regular election date of cities that take place in November of odd-numbered years to election provisions contained in the taxpayer's bill of rights in the state constitution (TABOR).

Specifies that it is the responsibility of the governing body of a municipality ordering a recall election to determine whether voting in the recall election is to take place at the polling place or by mail ballot.

Specifies that a recall election is to be held as part of a regular election when the regular election is to be held within 180 days of submission of a recall petition, instead of within 90 days of submission of a recall petition, as is the deadline under current law.

Where the governing body of a municipality chooses to conduct a recall election by mail ballot, permits candidates not less than 10 calendar days beginning on the first calendar day after the governing body sets the date for the recall election within which to circulate nominating petitions, and requires such petitions to be filed no later than 45 days prior to the recall election.

Deletes references to mail ballot elections in existing statutory provisions governing petitions for nominating municipal candidates in coordinated elections.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

GOVERNMENT - SPECIAL DISTRICTS

S.B. 04-114 Regional transportation district - audits. Requires the state auditor to conduct or cause to be conducted performance audits of the regional transportation district to determine whether the district is effectively and efficiently fulfilling its statutory obligations. Requires the first performance audit to begin on or after January 1, 2005, and subsequent audits once every 5 years thereafter, or more frequently in the state auditor's discretion. Requires the state auditor to submit a written report of an audit of the district to the legislative audit committee upon completion of the audit. Requires the cost of the performance audits to be paid by the district. Eliminates the requirement that the state auditor shall only conduct a performance audit upon the affirmative vote of a majority of the members of the committee.

APPROVED by Governor May 21, 2004

EFFECTIVE August 4, 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. 04-221 Metropolitan districts - security services - covenant enforcement and design review services. Authorizes the board of a metropolitan district to provide security services for areas within the district. Requires the board of the district to provide written notice to, consult with, and obtain the written consent of local law enforcement agencies and master associations with the authority to provide security services in the area. Allows the agencies or associations to withdraw their consent after consulting with and providing written notice to the district.

Allows the board of a metropolitan district to furnish covenant enforcement and design review services within the district if authorized by a contract with the association or by the declarations of the association. Requires revenues used to furnish such services to be derived from the area in which the service is furnished.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1066 Regional transportation district - metropolitan football stadium district - election to be included in or excluded from district area - Castle Rock. Allows registered electors in the town of Castle Rock in Douglas county to elect to have all of the area included within the boundaries of the town included in or excluded from the boundaries of the regional transportation district and the metropolitan football stadium district. Requires that 2 separate ballot questions be presented to the electors, one regarding the town's inclusion in and one regarding the town's exclusion from each special district.

Specifies the requirements for the ballot questions to be presented to the electors and for conducting the election regarding the town of Castle Rock's inclusion in or exclusion from each special district.

Specifies that if one question is approved by a majority of the registered electors who voted in the election and the other question is not approved by a majority of such electors,

the question that was approved shall take effect. Specifies that if both questions are approved by a majority of the registered electors who voted in the election, only the question that received the greater number of votes in favor of the question shall take effect. Specifies that if neither question is approved by a majority of registered electors who voted in the election, neither question shall take effect and the boundaries of the district shall remain as they were before the election.

If the registered electors of the town of Castle Rock elect to be included in or excluded from the boundaries of one or both special districts, the town shall make a grant to the department of revenue for any of the costs that the department incurs as a result of the election. Specifies that no moneys from the general fund shall be appropriated to the department for any of the costs that the department incurs as a result of the election.

BECAME LAW April 27, 2004

EFFECTIVE August 4, 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. 04-1212 Denver metropolitan scientific and cultural facilities district - extension of district - amendments to ballot question - modifications concerning the administration of the district. Amends the ballot question and other provisions concerning the extension of the scientific and cultural facilities district (district) that will be submitted to the voters as follows:

- Extends the authority of the district to levy a sales and use tax 12 years from the date upon which the authority of the district is scheduled to expire.
- Authorizes the district to continue to collect, retain, and spend all revenue generated by the district tax in excess of the revenue and spending limitations provided in the taxpayer's bill of rights (TABOR).
- Modifies the rates of the 3 taxes collected annually by the district that are used to fund the following:
 - The Denver museum of nature and science, the Denver art museum, the Denver zoological gardens, the Denver botanical gardens, and the Denver center for the performing arts (tier I facilities);
 - Certain regional scientific and cultural facilities within the district that are not tier I facilities (tier II facilities); and
 - County scientific and cultural organizations (tier III facilities).
- Specifies that the rates of the 3 taxes collected annually by the district shall change after the district collects \$38 million in revenue and specifies how such rates will change.
- Adds the Denver center for the performing arts to the tier I facilities.
- Specifies that for the purpose of the election for the extension of the district, all of the electors within the boundaries of the counties of Adams, Arapahoe, Boulder, and Jefferson, within the boundaries of the city and county of Broomfield and the city and county of Denver, and within the boundaries of the county of Douglas with the exception of the town of Castle Rock and the town of Larkspur shall be eligible electors.
- If the voters approve the extension of the district, before the expiration of such extension, authorizes the district to submit to registered electors within the geographical boundaries of the district the question of whether the district shall

be authorized to continue to levy and collect the tax for a period not to exceed 12 years.

Effective July 1, 2006, modifies statutory provisions concerning the administration of the district as follows:

- Defines "annual operating expenses" as expenditures for all purposes except capital construction, endowment, and payment of debt.
- Includes foundation income and endowment income in the definition of "annual operating income" for organizations that receive funds from the district.
- Specifies that the members of a county cultural council shall reside within the district.
- Separates the boundaries of the district from the boundaries of the regional transportation district, and states that the district boundaries shall consist of all of the area within the boundaries of the counties of Adams, Arapahoe, Boulder, and Jefferson, all of the area within the boundaries of the city and county of Broomfield and the city and county of Denver, and all of the area within the boundaries of the county of Douglas with the exception of the town of Castle Rock and the town of Larkspur.
- Authorizes the eligible electors in any area within the boundaries of Douglas county that is not included within the boundaries of the district but is contiguous to the district to hold an election to vote on the inclusion of such area in the district.
- Specifies the rates of the 3 taxes to be collected by the district upon voter approval of the extension of the tax.
- Changes the number of directors on the board of directors of the district (board) by requiring the governor to appoint 4 directors if there is an odd number of county directors and 3 directors if there is an even number of county directors. Specifies that the total number of directors entitled to vote shall not exceed 11.
- Specifies that the board has the authority to determine the eligibility of tier II and tier III facilities that apply to the district for moneys and that the board may consider the applicants' financial and organizational capacity to further the goals of the district.
- Changes the allocation of the tax to each of the tier I facilities.
- Eliminates the board's authority to distribute 5% of tier I and tier II funds to facilities solely based on enhanced or innovative programs. Adds enhanced or innovative programs to the criteria for the distribution of 5% of said funds to facilities based on regional impact, accessibility, quality, need, and collaboration.
- In order to be eligible for district funds, requires tier II and tier III facilities to have a letter in effect from the internal revenue service verifying that the facility is a 501(c) (3) organization.
- Increases the annual operating income threshold required in order to qualify as a tier II facility.
- Increases the number of years that an organization shall have been in existence, operating, and providing service to the public in order to qualify for tier II facility funds, and specifies a minimum number of years that an organization shall have been in existence, operating, and providing service to the public in order to qualify for tier III facility funds.
- For organizations that receive tier II facility funds, reduces the total percentage

of such funds that may be distributed to an organization in any year.

APPROVED by Governor April 6, 2004

PORTIONS EFFECTIVE August 4, 2004

PORTIONS EFFECTIVE July 1, 2006

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

H.B. 04-1344 Denver metropolitan scientific and cultural facilities district - ability of landowners to petition into district - requirements. Allows the landowners of any area that has a boundary that is contiguous to any boundary of the Denver metropolitan scientific and cultural facilities district (district) to petition to be included in the district. Requires the petition to be signed by 100% of the landowners in the area sought to be included in the district. Specifies the information that shall be included in the petition. States that in order for the area in the petition to be included in the district, the board of directors of the district shall accept the area into the district.

Prior to including any new area into the district, requires the district to file a notice and map containing a legal description of the new district area with specified state and local government entities. Requires the department of revenue to notify any taxing jurisdiction affected by the inclusion of the new district area in order to facilitate the collection of taxes in such area.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

GOVERNMENT - STATE

S.B. 04-8 Department of personnel - powers and duties of the director - procedures for state employee health benefits. Eliminates the restrictions concerning the number and types of health benefit plans that the state personnel director is required to approve for selection by state employees.

Allows the state personnel director to adopt procedures to determine benefit eligibility requirements and the percentage of the state contribution to health benefits for all employees who work less than full time, are subject to the rules of the state personnel system, and are hired on or after January 1, 2005. Requires the director to include any proposed changes to the group benefits policy in the annual compensation report and recommendations submitted to the governor and the joint budget committee of the general assembly.

APPROVED by Governor April 8, 2004

EFFECTIVE August 4, 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. 04-22 Uniform compact - insurance - life - disability income - group annuity - long-term care - creation of commission - duties of the commission - uniformity of rate filings and forms - rules - participation in the compact. Makes findings and defines terms. Appoints the insurance commissioner as the state's representative to the interstate insurance product regulation commission (commission). Outlines the purpose of the commission. Establishes the commission as a body corporate and politic. Specifies that the commission is to:

- Develop uniform standards for individual and group annuity, life insurance, disability income, and long-term care insurance;
- Receive and review product lines; and
- Approve product filings.

Establishes venue for the commission in the state where the principal office of the commission is located. Specifies the powers of the commission. Sets out the organization of the commission. Requires that each member of the commission be entitled to one vote and be allowed to participate in the governance of the commission. Requires a 2/3 vote of the members of the commission for a uniform standard of the commission to be effective. Allows for a majority vote of the members of the commission for the rules governing the commission to be effective.

Creates a management committee of the commission. Sets out how the management committee is established. Requires the commission to annually elect officers of the management committee. Outlines the duties of the management committee. Allows for legislative committees to make recommendations to the management committee. Establishes 2 advisory committees of consumer representatives and insurance industry representatives. Allows the commission to establish additional advisory committees as it deems appropriate. Requires the commission to keep records. Provides for qualified immunity, defense, and indemnification of members of the commission, officers, the executive director, employees of the commission, and agents of the commission.

Sets out that the commission shall meet in compliance with the bylaws of the commission. Specifies that a uniform standard adopted by the commission is effective at least 90 days after its promulgation by the commission. Outlines the procedures for a state to opt out of this compact. Clarifies that if a state opts out of the compact, the uniform standards are invalid until such state enacts a law to repeal the opt-out provision. Allows for judicial review of any operating procedure or rule of the commission.

Requires the commission to establish procedures for public access to filings made to the commission. Requires the commission to monitor compacting states for compliance with procedures and rules of the commission. Allows the commission to attempt to resolve disputes between compacting states.

Requires insurers and 3rd parties seeking to have a product approved by the commission to file product information with the commission. Requires the commission to establish filing procedures and review processes for filings received by the commission. Declares that any product approved by the commission may be sold or issued in a compacting state in which the insurer is authorized to conduct business.

Outlines an appeal process for filings that are not approved by the commission. Allows the commission to monitor, review, and reconsider products and advertising approved by the commission for conformity with the commission's uniform standards.

Allows the commission to pay for administrative expenses of the commission. Allows the commission to fund its initial operations with moneys from the national association of insurance commissioners, compacting states, and other sources. Requires the commission to collect a filing fee from each insurer filing a product with the commission. Specifies that the commission is a tax-exempt entity. Prohibits the commission from incurring debt.

Allows any state to become a compacting state. Binds a compacting state upon legislative enactment of at least 2 or more compacting states. Clarifies that uniform standards of the commission are binding after 26 states join the compact or after states representing 40% of the premium volume for life insurance, annuity, disability income, and long-term care insurance products join the compact. Allows amendments to the compact to be adopted by the compacting states. Allows a state to withdraw from the compact. Outlines the procedure and effect of withdrawing from the compact.

Permits the commission to take action against a compacting state that defaults on its obligations under the compact. States that the compact is dissolved when only one state remains in the compact. Outlines the binding effect of the compact and specifies remedies when the compact exceeds the limitations of the law.

APPROVED by Governor March 11, 2004

EFFECTIVE August 4, 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. 04-89 Cooperative purchasing - local public procurement units - local housing agencies - certification. Authorizes the executive director of the department of personnel to certify any nonprofit local housing agency as a local public procurement unit for purposes of cooperative purchasing agreements. Requires the agencies to use the supplies, services, or

construction it procures for the rehabilitation, construction, acquisition, or provision of low- or moderate-income housing.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

S.B. 04-90 Public employees' retirement association - confidentiality of investment information. Specifies that information regarding private equity, private debt, and timber investments made by the public employees' retirement association may be kept confidential until the transaction is complete if disclosure of the information would jeopardize the value of the investment.

APPROVED by Governor March 29, 2004

EFFECTIVE August 4, 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. 04-107 State deferred compensation plan - public officials' and employees' defined contribution plan - membership of deferred compensation committee - confidentiality of financial information - moneys subject to legal process. Allows a retiree who participates in the state deferred compensation plan to serve as a member of the state deferred compensation committee.

Requires personal financial information of participants and benefit recipients of the state deferred compensation plan and the public officials' and employees' defined contribution plan to be kept confidential.

Specifies that moneys in the public officials' and employees' defined contribution plan are not subject to legal process except in specified circumstances related to a dissolution of marriage proceeding.

Clarifies that an office of a district attorney is an "employer" for purposes of the public officials' and employees' defined contribution plan. Corrects references to the federal internal revenue code that relate to the division of assets of a public employee in a dissolution of marriage action.

APPROVED by Governor April 1, 2004

EFFECTIVE April 1, 2004

S.B. 04-132 Public employees' retirement association - member account interest rate - contribution calculation, reporting, and payment requirements - suspension of matchmaker program - amortization of overfunding - employer contributions to the health care trust fund - service retirement eligibility - annual benefit increase. Reduces the rate of interest credited to the member contribution accounts of members of the public employees' retirement association (PERA) from 80% of the actuarial investment assumption rate to a maximum of 5% per year, effective July 1, 2004. Requires the PERA board to set the rate of interest to be credited each calendar year, subject to the maximum of 5%.

Changes the due date for contributions and contribution reports to PERA to 5 days after the date members are paid.

Reflects the reduction in the employer contribution rate table in the state and school division and in the judicial division that began in 2000 as provided by existing law. Further provides for the calculation, reporting, and payment of contributions to PERA.

Requires that matching employer contributions on members' voluntary contributions to tax-deferred retirement programs terminate for payroll periods that end after the last day of the calendar month following the effective date of the act, and thereafter resume only when PERA's assets exceed 110% of actuarial liabilities. Removes the one percent of salary limit on year-to-year changes in the amount of matching contributions.

Considers a division to be overfunded and requires a reduction in the employer contribution rate when the actuarial value of assets exceeds 110% rather than 100% of liabilities. Allows the amortization of overfunding for 30 years for overfunding up to 115% and for 20 years for overfunding in excess of 115%. Allows for the calculation of any decrease in employer contribution rates due to overfunding. Removes restrictions governing the minimum and maximum percentage change in employer contribution rates due to overfunding.

Changes the due date for contributions to the association's 401(k) plan to 5 days after the date members are paid and requires the contributions to be delivered to the service provider designated by the association.

Reduces the portion of employer contributions that is placed in the health care trust fund from 1.1% to 1.02% of salary.

For any person who becomes a member of the association on or after July 1, 2005, specifies:

- The age and service credit requirements for service retirement eligibility; and
- That the annual increase applied to benefits shall be the lesser of 3% or the increase in the consumer price index.

APPROVED by Governor April 30, 2004

PORTIONS EFFECTIVE April 30, 2004

PORTIONS EFFECTIVE July 1, 2004

PORTIONS EFFECTIVE July 1, 2005

S.B. 04-143 Construction contracts with public entities - partial payments - payment bonds. Modifies the mandatory payment retention system that public entities use for contract awards for the construction, alteration, or repair of any highway, public building, public work, or public improvement, structure, or system by authorizing public entities to make partial payments of the monthly amount due under a contract until 50% of the public project has been satisfactorily completed when the contract exceeds \$150,000 rather than \$80,000.

For a contract with a public entity that exceeds \$150,000 rather than \$80,000, allows the contractor to deposit acceptable securities with the public entity in lieu of having a percentage of the contract price withheld.

Requires a contractor that is awarded a state contract to deliver a performance bond and a payment bond to the state when the contract exceeds \$100,000 rather than \$50,000.

APPROVED by Governor April 1, 2004

EFFECTIVE August 4, 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. 04-146 Counterdrug activities - state patrol - procurement of equipment - cash fund. Authorizes the Colorado state patrol to receive moneys from local governments and state agencies for the procurement of law enforcement equipment suitable for counterdrug activities through the United States department of defense. Creates the counterdrug activities cash fund, into which these moneys will be deposited. Continuously appropriates the moneys in the cash fund to the Colorado state patrol to fund payments for the procurement of equipment for counterdrug activities.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

S.B. 04-147 Financial assistance to the elderly or disabled - department of revenue - administration. States that the laws concerning the procedure and administration of certain taxes shall apply to grants authorized by the department of revenue through the programs that provide financial assistance to the elderly or disabled for the payment of property tax, rent, and heat or fuel.

Authorizes the executive director of the department of revenue to promulgate rules necessary for the administration of the programs.

APPROVED by Governor April 8, 2004

EFFECTIVE August 4, 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. 04-157 Lobbyists - exclusion from lobbying. Eliminates the provision that a person who makes more than 3 appearances on a single issue, rule, rate, or bill before a committee, board, or commission is lobbying. Replaces the provision with an exclusion from the definition of "lobbying" of persons who are not otherwise registered as lobbyists and whose activities are limited to appearances to give testimony or provide information to committees of the general assembly or at public hearings of state agencies or who give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying.

APPROVED by Governor April 13, 2004

EFFECTIVE August 4, 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. 04-171 Contingency-based contracting. Specifies that a contingency-based contract entered into by a state agency is valid only if:

- The head of the principal department of state government entering into the contract or containing the agency entering into the contract signs the contract and an analysis of the contract and submits the contract and the analysis to the office of state planning and budgeting (office), and the office approves the contract and transmits its approval in writing to the department; or
- A state statute specifically authorizes the state agency to enter into the contract.

Requires the analysis of a contingency-based contract submitted to the office to address:

- The extent to which the contract requires the vendor's compensation to be computed on a contingency basis and the maximum potential contractual liability to pay contingency-based compensation to the vendor;
- The extent to which it is necessary to offer contingency-based compensation to the vendor and the amount of any reduction in fixed contractual costs achieved by offering contingency-based compensation;
- The extent to which the contractually specified performance measure used to determine contingency-based compensation is appropriate and capable of being accurately determined;
- The extent to which the contingency-based compensation specified in the contract might affect the state budgeting and appropriations process; and
- Any other factors that the department or agency deems relevant to consider in evaluating the contract.

Requires the office to promptly transmit written notification of a decision to approve a contingency-based contract to the head of the principal department that submitted the contract to the office and to the joint budget committee. Specifies that the new statutory provisions shall not be construed to repeal, supersede, or otherwise affect any other statutory provisions that limit the use of or require review or approval of contingency-based contracts or to authorize or prohibit a state agency from entering into a contingency-based contract in the absence of a statute that specifically authorizes the agency to enter into such a contract.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-204 Administration of the state-supervised lottery program. Reclassifies the state lottery division (division) within the department of revenue (department), currently classified as a **type 1** agency, as a **type 2** agency for purposes of the "Administrative Organization Act of 1968", but grants the lottery commission (commission) the full and exclusive authority to promulgate rules related to the lottery without any approval by, or delegation of authority from, the department.

Expands the types of rules under which the director of the division (director) is to supervise and administer the lottery to include state fiscal rules, state personnel rules, and state procurement rules. Requires the director to ensure that the division conducts full criminal background investigations of vendors, officers of licensed sales agents, members of the lottery commission, and division employees as are necessary to ensure the security and integrity of the operation of the state lottery. Authorizes the executive director of the department (executive director) to request the division of gaming to perform such investigations.

Extends existing disclosure rules to cover persons supplying services, equipment, or materials. Extends existing rules forbidding suppliers from being directly or indirectly connected with any person involved in the lottery or the department to include persons supplying services, equipment, or materials. Makes the state procurement code applicable to all contracts entered into by the lottery. Requires the executive director to ensure that any competitive solicitation process conducted by the lottery is designed to encourage broad vendor competition. Requires the evaluation team for any bid for a contract for services, equipment, or materials or for the purchase or lease of gaming equipment and materials, the amount of which bid is in excess of a specified amount, to include an individual, who is neither employed by nor affiliated with the division, and who possesses specific expertise in the procurement of the services, equipment, or materials or in the purchase or lease of the gaming equipment or materials that are the subject of the bid. Requires such individual to be selected by the executive director in accordance with the requirements of the act.

Clarifies that commission members are to receive as compensation for their services up to \$100 per month for each month in which there is an official commission meeting. Requires the commission to keep complete and accurate audio recordings of all of its meetings for at least 3 years.

Deletes existing statutory language permitting commission members and employees of the division to accept certain nonpecuniary items of insignificant value.

Prohibits any member of the commission or employee of the division who terminates his or her relationship with the commission or the division, for a period of one year from the date of termination of membership on the commission or employment with the division, as applicable, from accepting employment with any lottery vendor or representing any lottery vendor before the division or the commission.

Requires the commission to adopt by rule a code of ethics that is to be binding upon all of its members. Requires each member of the commission to complete training at least once each year on the code and to further certify on an annual basis that he or she is knowledgeable about the code and has no conflicts of interest.

Requires the division to deposit all liquidated damages into the lottery fund. Prohibits revenues received from liquidated damages from being expended by the division unless appropriated by the general assembly. Prohibits the division from receiving any goods or services in lieu of an assessment of liquidated damages and from requiring a vendor to purchase goods and services in lieu of an assessment of liquidated damages.

Specifies that the moneys reserved by the lottery at the end of each fiscal year to ensure the operation of the lottery for the next fiscal year are to be held in cash and investments.

Requires the annual audit of the lottery fund by or under the direction of the state auditor to include compliance with section 3 of article XXVII of the state constitution (GOCO).

Expands the persons to whom the commission and the director are to submit their required annual report to include the legislative audit committee and the joint budget committee. Requires the director to evaluate the lottery's expenditures to determine areas where the expenditures may be reduced with the goal of increasing net proceeds as a percentage of sales paid to the beneficiaries. Requires the director, by a specified date, to

report to the governor, the legislative audit committee, and the joint budget committee on any recommendations he or she desires to make based upon the evaluation.

Requires non-cash prizes that are forfeited by a lottery winner to be sold at fair market value. Requires the proceeds of the sale to be transmitted to the state treasurer for disbursement in accordance with existing law.

Makes modifications to the existing statutory factors the state auditor is to take into consideration in conducting performance audits of the division.

APPROVED by Governor May 27, 2004

EFFECTIVE July 1, 2004

S.B. 04-220 Leveraged leasing agreements - modifications - state sovereign immunity - risk management fund. Permits the executive director of the department of personnel to enter into an indemnity agreement with a private person to whom a qualified state capital asset is being leased as part of a leveraged leasing agreement, and, in connection therewith:

- Waives the state's sovereign immunity in an action for injuries resulting from the operation and maintenance of a qualified state capital asset that is the subject of a leveraged leasing agreement.
- Allows expenditures from the risk management fund to pay liability claims and expenses incurred pursuant to the indemnity agreement.

Excludes any building, structure, facility, utility, transportation infrastructure, or any other depreciable asset from the definition of "qualified state capital asset" so that the definition only includes qualified technological equipment. Eliminates the requirement that the state treasurer approve a leveraged leasing agreement entered into by the executive director of the department of personnel. Broadens the statutory limitation on liability given to a private person that enters into a leveraged leasing agreement from any liability in tort to any liability in any type of action.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

S.B. 04-224 Peace officer status - sunrise process - review and hearing by the P.O.S.T. board - P.O.S.T. board report. Creates a sunrise process for a group that desires peace officer status for itself or a specific position. Requires a group that seeks statutory peace officer status to submit the following to the peace officer standards and training board ("P.O.S.T. board"):

- A description of the group and the number of persons in the group;
- A description of the specific need for the authority and protection;
- An explanation of the public benefit of granting statutory peace officer status;
- An accounting of the costs associated with granting statutory peace officer status; and
- A resolution of support from the chief executive overseeing the group.

Directs the P.O.S.T. board, after receiving the information, to prepare an analysis and evaluation and recommendation. Compels the P.O.S.T. board to conduct a hearing with the proponents. After the hearing, directs the P.O.S.T. board to present a report to the proponents and the house and senate judiciary committees. Allows the proponents to ask the general assembly to consider legislation for 2 years after issuance of the report without going

through the process again.

Grants the P.O.S.T. board rule-making authority for determining the criteria applicable to peace officer status applications.

Requires any statutory peace officer status granted after July 1, 2003, that did not go through the sunrise process to follow the steps in the sunrise process at the direction of the P.O.S.T. board.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

S.B. 04-231 Secretary of state - electronic filing - electronic access. Authorizes the secretary of state to:

- Require any filing be made by electronic means as determined by the secretary of state;
- Designate electronic access as the sole means of access to a document stored by the department of state, to the extent such designation is reasonable and feasible;
- Use a phase-in period or any other method to mitigate hardship caused by mandatory electronic services; and
- Provide exceptions from mandatory electronic services where hardship or other good cause is shown.

Requires the secretary of state to assure that electronic filings or electronic access may be made without customized or specially designed electronic hardware or software.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-233 Parking structure in capitol complex - lease-purchase agreement - capitol parking authority - enterprise status - revenue bonds. Creates the capitol parking authority ("authority") within the department of personnel. Authorizes the authority to issue revenue bonds with the approval of the general assembly, and provides that it may constitute an enterprise for purposes of TABOR.

Authorizes the authority to enter into a lease-purchase agreement for construction of a parking structure on the southeast corner of 14th avenue and Lincoln street ("lease-purchase agreement"). Limits the total amount that may be financed under the lease-purchase agreement to \$7.5 million, and limits the term to 20 years. Specifies other allowable provisions, and requires the lease-purchase agreement to include provisions for early pay-off.

Allows the department of personnel to use moneys in the special account for off-street parking for making payments on the lease-purchase agreement.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

S.B. 04-236 Division of emergency management. Transforms the office of emergency

management, which is currently part of the division of local government in the department of local affairs, into the division of emergency management in the department of local affairs.

APPROVED by Governor May 27, 2004

EFFECTIVE August 4, 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. 04-243 Agency cost savings - performance-based bonuses. Permits an agency to use up to half of the amount of its cost savings, which are any moneys that an agency does not expend from its general fund appropriations for a given fiscal year that are a direct result of cost-cutting measures, for the purpose of paying performance-based bonuses to the employees of the agency. Establishes this use as an alternative to allowing an agency to transfer up to 20% of its cost savings from one item in the appropriation for the agency to a different item. Requires that prior to the end of the same year, an agency submit written notice to the joint budget committee, the office of state planning and budgeting, and the state controller of the amount of the cost savings achieved by the agency during the state fiscal year.

Requires the same criteria established for a salary increase based on performance to be used to determine eligibility for a performance-based bonus. Establishes that a performance-based bonus shall be in addition to any other compensation authorized by law, and that it shall not affect the compensation that the employee is entitled to receive in a subsequent year.

APPROVED by Governor May 27, 2004

EFFECTIVE August 4, 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. 04-244 Statewide internet portal authority - creation - board of directors - powers and mission of the authority - limitation on fees and charges - financing - bonds - annual report. Creates the Colorado statewide internet portal authority (authority). Includes the authority within the definition of a "special purpose authority" for purposes of the state fiscal policies relating to section 20 of article X of the state constitution. Designates the members of the board of directors of the authority.

Specifies the powers and mission of the authority, including the provision of electronic access for members of the public to electronic information, products, and services maintained or distributed by a state agency or local government through a statewide internet portal and direction to contract with a statewide internet portal integrator.

Specifies the sources of funding for the authority. Authorizes the issuance of bonds and notes of the authority payable from revenues of the authority. Specifies that such bonds and notes shall not be a debt of the state. Provides that all moneys received by the authority are held as trust funds.

Requires the authority to make an annual report within 6 months after the end of the

2004-05 fiscal year, and each fiscal year thereafter, to the state, veterans, and military affairs committee of the senate or other committee of reference designated by the president of the senate and to the information and technology committee of the house of representatives or other committee of reference designated by the speaker of the house.

APPROVED by Governor June 3, 2004

EFFECTIVE June 3, 2004

S.B. 04-251 Department of regulatory agencies - contracts for personal services - licensing - retention of fees. Authorizes the executive director of the department of regulatory agencies (department) to enter into contracts for personal services for the purpose of decreasing annual appropriations. Authorizes the executive director to contract with persons to perform the licensing and examination functions of the divisions in the department when a division lacks the necessary technical expertise. Allows contractors under such contracts to collect fees directly from applicants and to retain all or a portion of the fees as payment for services. States that the act does not limit the powers of any **type 1** board in the department.

Authorizes the real estate commission to contract with an independent testing service to develop, administer, or grade license examinations for real estate brokers or to administer licensee records. States that the contract may allow the testing service to recover the costs of the examination and the costs of administering exam and license records from the applicant.

Authorizes the board of real estate appraisers to contract for license examinations.

Allows contractors who administer and grade license examinations for insurance producers, broker-dealers, investment adviser representatives, and real estate brokers to retain fees collected from applicants.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-256 Unclaimed property - sale of securities - tourism promotion. Requires the state treasurer to sell securities that are held as unclaimed property after holding the securities for at least one year. Requires the proceeds of the sales to be deposited in a newly created unclaimed property tourism promotion trust fund. Prohibits the expenditure of the principal of the fund except to pay unclaimed property claims. Requires interest from the fund to be credited to the Colorado travel and tourism promotion fund.

Specifies that beginning with the 2005-06 fiscal year, not less than 10% of the moneys credited to the Colorado travel and tourism promotion fund shall be appropriated to promote the state fair and other events held at state fair facilities throughout the year. Requires the board of directors of the Colorado tourism office to consult with the board of commissioners of the Colorado state fair authority regarding the expenditure of this portion of the moneys.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-257 Public employees' retirement association - amortization equalization

disbursement - creation of defined contribution plan - public officials' and employees' defined contribution plan - bundled providers - appropriation. Separates the state and school division of the public employees' retirement association (PERA) into a state division and a school division. Renames the municipal division of PERA the local government division.

Clarifies the composition of the PERA board (board) as a result of the separation of the state and school division and the renaming of the municipal division as the local government division.

Creates 2 separate trust funds for the state division and the school division of PERA and renames the division trust fund the local government division trust fund.

Changes the due date for the delivery of contribution reports by PERA employers and the full amount of employer and employee contributions to PERA. Reflects the reduction in the employer contribution rate table in the former state and school division, now the state division and the school division, and in the judicial division that began in 2000 as provided by existing law. States that the employer contribution rate for the school division shall be 10.55% on and after January 1, 2013. Further specifies the manner of the calculation, reporting, and payment of contributions to PERA.

Considers a division to be overfunded and requires a reduction in the employer contribution rate when the actuarial value of assets exceeds 110% rather than 100% of liabilities. Specifies periods for the amortization of overfunding and for the calculation of any decrease in employer contribution rates due to overfunding. Removes restrictions governing the minimum and maximum annual percentage change in employer contribution rates due to overfunding.

Requires employers to deliver an amortization equalization disbursement to PERA. Specifies that the disbursement beginning in January 2006 shall be 0.5% of the employer's total payroll. States that the equalization disbursement shall increase by 0.4% of total payroll at the start of each of the following calendar years through 2012, except that the total of the amortization equalization disbursement shall not exceed 3% of the employer's total payroll for any calendar year.

States that the salary of a service retiree who is employed by a public employer after retirement shall be subject to employer contributions but shall not be subject to member contributions unless the service retiree voluntarily suspends service retirement benefits.

Changes the due date for contributions to PERA's 401(k) plan to 5 days after the date members are paid, and requires the contributions to be delivered to the service provider designated by PERA.

Authorizes the board to establish and administer a defined contribution retirement plan (PERA's defined contribution plan) for eligible state employees. In connection with PERA's defined contribution plan:

- Specifies that the assets of PERA's defined contribution plan shall be held in a separate trust fund of PERA created for such assets.
- States that an eligible employee shall elect to become a member of PERA or to participate in the public officials' and employees' defined contribution plan created by the state deferred compensation committee (committee's defined contribution plan) within 60 days of commencing employment. States that if

the employee does not make an election within 60 days, the employee shall become a member of PERA.

- Specifies that an eligible state employee, for purposes of electing to participate in PERA or in the committee's defined contribution plan, is an employee who is hired on or after January 1, 2006, has not been a member or retiree of PERA or an active participant in the committee's defined contribution plan during the 12 months prior to the date that the employee commences employment, is not covered by a student employees' defined contribution plan, and is not an employee of a state college or university.
- Specifies that an eligible employee who elects to become a member of PERA shall be covered by the association's defined benefit plan unless the employee elects to participate in PERA's defined contribution plan in lieu of the defined benefit plan within 60 days of commencing employment.
- Allows an employee who is a member of the defined contribution plan to irrevocably elect to remain in the plan within 60 days of commencing employment in a different state position for which the defined contribution plan is not otherwise available.
- Allows an employee who participates in PERA's defined contribution plan to have control of the investment of his or her account. Specifies certain requirements of the board related to such investments.
- States that the employer and employee contribution rates for PERA's defined contribution plan are the same as for the defined benefit plan. States that members of PERA's defined contribution plan shall be immediately vested in their own contributions to the plan and shall be immediately vested in 50% of the state's contribution to the plan. Specifies the schedule for further vesting in the state's contribution.
- Allows an employee who elected to participate in PERA's defined contribution or defined benefit plan to switch his or her participation to the other plan at any time during the 2nd to 5th year of employment. Specifies procedures for the purchase of service credit for employees who participate in PERA's defined contribution plan.
- Allows the board to provide optional coverage for disability, survivor, and retiree health care benefits to members of PERA's defined contribution plan. Allows the board, with the approval of the state deferred compensation committee (committee), to provide such optional coverage to any participant in the committee's defined contribution plan.
- States that PERA's defined contribution plan may accept a direct rollover or a member rollover to the extent permitted by federal law and authorized by PERA's defined contribution plan.
- Specifies distribution options and rights for PERA's defined contribution plan members.
- Allows a member of PERA's defined contribution plan to participate in optional life insurance and long-term care insurance and to enroll in PERA's health care and 401(k) programs. Allows the board, with the approval of the committee, to offer such optional benefits to participants in the committee's defined contribution plan.
- Requires PERA to include certain information in a quarterly report to employees who participate in PERA's defined contribution plan.
- Specifies that contributions to PERA's defined contribution plan shall not be assignable or be subject to execution, levy, attachment, garnishment, bankruptcy proceedings, or other legal process.
- States that a member of PERA's defined contribution plan shall not be eligible

for matchmaking contributions for voluntary contributions made from salary earned as a member of the defined contribution plan.

Modifies the committee's defined contribution plans as follows:

- Adds to the definition of "eligible employee" any employee who commences employment with an employer on or after January 1, 2006, and has not been a member or retiree of PERA or an active participant in the committee's defined contribution plan during the 12 months prior to the date that he or she commenced employment.
- Specifies that the definition of "employer" shall not include any state college or university as defined in the educational employees' optional retirement plan, any institution under the control of the board of regents of the university of Colorado, or an institution governed by the university of Colorado hospital authority.
- Specifies that the committee may establish and administer only one defined contribution plan.
- Directs the committee to select 3 separate and distinct bundled providers of investment products for the committee's defined contribution plan, and allows the committee to limit the number of funds offered by each bundled provider.
- Allows the committee to provide optional coverage for disability, survivor, retiree health care, life insurance, and long-term care benefits to participants in the committee's defined contribution plan.
- Authorizes the department of personnel to assess a fee for the actual and reasonable costs of administering the committee's defined contribution plan, and requires fees to be credited to the defined contribution plan administration fund. Authorizes each provider of investment products to charge participants in the committee's defined contribution plan an administrative fee that incorporates the cost of such assessment. Requires the providers to disclose the amount of administrative fees on a quarterly basis.
- Authorizes the department of personnel to work with the providers and PERA to assemble and distribute materials to educate new employees regarding the committee's defined contribution plan and PERA's defined contribution and defined benefit plans. Requires the department and PERA to share the cost of assembling and distributing such materials.
- In designating companies from which investment products shall be purchased for the committee's defined contribution plan, directs the committee to consider the ability of the companies to provide high quality information and advice on investment products and asset allocations and the fees and costs associated with the investment products.
- Allows any employee who participates in the committee's defined contribution plan to make an one-time irrevocable election to continue to participate in the plan upon commencing employment in a different state position for which a defined contribution plan is not available. Requires an employee to make such an election within 60 days of commencing new employment.
- Allows any employee who becomes an employee eligible to participate in the committee's defined contribution plan after January 1, 2006, to make a one-time irrevocable election to participate in the committee's defined contribution plan or PERA within 60 days of commencing employment.

Makes appropriations totaling \$117,891 from the defined contribution plan administration fund in order to implement the legislation.

APPROVED by Governor June 4, 2004

PORTIONS EFFECTIVE July 1, 2004
PORTIONS EFFECTIVE July 1, 2005
PORTIONS EFFECTIVE January 1, 2006

H.B. 04-1004 Internet protection for minors using public libraries. Requires the governing body of each public library by December 31, 2004, 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 public library 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 public library to continue to enforce the operation of the technology protection measure for each computer operated by the public library that allows for access to the internet by a minor.

Subject to the requirements of the act, requires an administrator, supervisor, or other authorized person to temporarily disable the technology protection measure entirely to enable access to the internet on a computer able to be accessed by a minor by an adult upon request without significant delay by the public library in responding to the request. Subject to the requirements of the act, authorizes an administrator, supervisor, or other authorized person to temporarily disable the technology protection measure entirely to enable access to the internet on a computer able to be accessed by a minor by a minor for bona fide research or other lawful purposes where the internet use in connection with the research or other lawful purpose is supervised by an administrator, supervisor, parent, guardian, or other person authorized by the public library to perform such function.

Where the public library has installed a technology protection measure that requires electronic verification of the age of the computer user, or where the parent or guardian of a minor has provided explicit prior approval for use of the computer by the minor, before the technology protection measure required by the act is disabled, specifies that no additional involvement by the staff of the public library is required.

Specifies that the technology protection measure shall not be disabled in connection with a computer located in an area in a public library facility used primarily by minors.

Specifies that nothing in the act shall be construed to prohibit a public library from limiting internet access to or otherwise protecting against materials other than those that are obscene, child pornography, or harmful to minors. Specifies that nothing in the act shall be construed to require any additional action on the part of any public library that is already in compliance with the requirements of the act as of July 1, 2004. Specifies that nothing in the act shall be construed to require any additional action on the part of any public library in circumstances where:

- No moneys exist in the budget for such library for the purchase of a technology protection measure that satisfies the requirements of the act; and
- After a good faith effort, the library is unable to acquire a technology protection measure free of charge that satisfies the requirements of the act.

APPROVED by Governor April 23, 2004

EFFECTIVE July 1, 2004

H.B. 04-1020 State employee incentive program for cost-savings innovations -

recommendations - report. Eliminates the current statutory incentive award suggestion system and the incentive award suggestion system board in the department of personnel. Requires the state personnel director to submit a report to the joint budget committee with recommendations for the implementation of a new state employee incentive program. Requires the director to consult with representatives from specific offices in developing the recommendations. Specifies certain elements that the director shall include in the recommendation for the employee incentive program, including a mechanism to return an amount equal to 50% of any cost savings to the taxpayer and to allow the department in which the employee is employed to retain an amount equal to 50% of the cost savings.

APPROVED by Governor April 7, 2004

EFFECTIVE April 7, 2004

H.B. 04-1022 Department of personnel - division of central services. Makes the following changes to the statutes that relate to the department of personnel (department) that are administered by the division of central services:

- Changes the definition of the services provided by the department.
- Requires the department to work with state agencies to prepare a strategic plan every 5 years, instead of providing recommendations for current and long-range operations.
- Adds responsibilities related to services, software related to services, and digital imaging and digital conversion techniques.
- Clarifies the department's responsibilities related to the state capitol buildings group.
- Modifies the statutes pertaining to the permanent assignment and replacement of state-owned motor vehicles.
- Eliminates the requirement that the department acquire motor vehicle liability insurance on all state-owned motor vehicles under the control of the department.
- Requires the commuting reimbursement rate and exceptions thereto be set by rule.
- Eliminates the state vanpool program.
- Allows the department to grant a waiver that allows a state agency to acquire a vehicle from a source other than the department.
- Eliminates a pilot program related to the procurement of travel products for state employees.

APPROVED by Governor April 7, 2004

EFFECTIVE August 4, 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. 04-1023 State rock - Yule marble. Designates Yule marble as the state rock of the state of Colorado.

APPROVED by Governor March 9, 2004

EFFECTIVE August 4, 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. 04-1093 Agricultural products preference - state government purchasing. Requires state agencies that purchase agricultural products to give a preference to products produced in the state by resident bidders if certain conditions are met. Specifies that, to be considered an agricultural product produced in the state, the product must be grown, raised, or processed in the state. Requires resident bidders seeking to qualify for the preference to certify to the state agency inviting the bid that the resident bidder's agricultural product was produced in the state.

APPROVED by Governor April 5, 2004

EFFECTIVE April 5, 2004

H.B. 04-1098 Custodial moneys - exclusion of federal moneys. Clarifies that custodial moneys do not include moneys granted by the federal government to the state for the support of state government services of the type for which expenditures are made in the most recently approved long bill, including, but not limited to, federal relief payments under the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003". Requires this type of federal moneys to be credited and paid to the general fund, unless otherwise provided by law, and subjects the moneys to annual appropriation.

Specifies that the act shall not cause federal relief payments received by the state prior to the effective date of the act to be credited or transferred to the general fund.

APPROVED by Governor April 30, 2004

EFFECTIVE April 30, 2004

H.B. 04-1171 Employee benefits - retirement health savings trust - investigation of benefits and drawbacks - report. Requires the state personnel director to investigate the benefits and drawbacks of establishing a retirement health savings trust for the benefit of state employees. Requires the director, in investigating the benefits and drawbacks of establishing a retirement health savings trust, to consider the feasibility of the following:

- The state, as an employer, establishing a trust for the purpose of providing retirement health benefits to state employees who choose to participate in the trust;
- The state specifying that providing retirement health benefits is an integral part of the state's activities;
- The state treating a trust that makes the provision of retirement health benefits possible as an integral part of the state and therefore including the trust in the state's tax-exempt status;
- The state creating an individual account within the trust for each state employee who chooses to participate and allowing the state to make pretax contributions, including unused annual or sick leave, to a state employee's account on behalf of the employee;
- The state maintaining substantial control of the trust and having the power to amend or terminate the trust and to appoint the trustees of the trust;
- The state allowing each state employee who participates in the trust to determine how his or her money will be invested;
- The state allowing all moneys in the trust to grow without being subject to state or federal income taxes;
- The state allowing participating state employees to make withdrawals on a tax-free basis after reaching a certain age, so long as the moneys are used for qualified medical expenses; and

- The state allowing any assets that remain in a participating state employee's account at the time of the employee's death to be used for qualified medical expenses by the employee's spouse, dependents, or other beneficiaries.

Directs the state personnel director to determine the benefits and drawbacks to the state and to state employees of allowing the state, as an employer, and state employees the option to make certain kinds of contributions to a retirement health savings trust. Requires the director to investigate the benefits and drawbacks of various potential terms of a retirement health savings trust.

Requires the state personnel director to submit a written report to certain members of the state legislature on or before December 1, 2004. Specifies that the report shall review the director's findings and shall make a recommendation regarding the establishment of a retirement health savings trust for the benefit of state employees.

APPROVED by Governor May 21, 2004

EFFECTIVE August 4, 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. 04-1222 FY 2004-05 budget reduction bill - controlled maintenance trust fund - eliminate designated cash flow reserve. Eliminates the designated cash flow reserve that currently exists within the controlled maintenance trust fund. Transfers the balance of the designated cash flow reserve to the state general fund.

APPROVED by Governor April 5, 2004

EFFECTIVE April 5, 2004

H.B. 04-1228 Coordinator of environmental problems within governor's office - repeal. Repeals existing statutory provisions creating a coordinator of environmental problems within the office of the governor.

APPROVED by Governor April 7, 2004

EFFECTIVE April 7, 2004

H.B. 04-1244 Risk management fund - payment of defense of liability claims - experts retained by board or commission within department of regulatory agencies - duty of attorney general to represent experts. Authorizes expenditures to be made out of the risk management fund to pay the defense of liability claims, including related expenses, brought against certain experts and consultants who are retained by boards or commissions within the department of regulatory agencies and who have statutory immunity from civil suit.

Requires the attorney general to represent the experts and consultants.

APPROVED by Governor April 23, 2004

EFFECTIVE July 1, 2004

H.B. 04-1255 Department of regulatory agencies - review schedule of regulated professions and occupations. Changes the review schedule by the department of regulatory agencies (DORA) for the motor vehicle dealer board, the read-to-achieve board, and the division of

rating events from 2008 to 2007, the compliance advisory panel to the air pollution control division in the department of public health and environment from 2007 to 2005, and the state board of examiners of architects, the utility consumers' board, and the consumer counsel from 2008 to 2006. Shortens the time by which certain functions of the department of agriculture are reviewed and the review of psychiatric technicians and certified nurse aides from 2010 to 2009. Schedules the service of process requirements for the division of real estate for review by DORA on July 1, 2008.

APPROVED by Governor April 7, 2004

EFFECTIVE July 1, 2004

H.B. 04-1267 FY 2004-05 budget reduction bill - controlled maintenance trust fund. For the 2004-05 and 2005-06 state fiscal years, repeals the transfers of moneys from the general fund to the controlled maintenance trust fund.

APPROVED by Governor April 21, 2004

EFFECTIVE April 21, 2004

H.B. 04-1353 Immunity - private organizations - hazardous material release - terrorism. Grants immunity from liability for death, injury, and property damage to private organizations and their officers, officials, directors, employees, and volunteers that are working under the direction of a local emergency planning committee or fire or law enforcement agency on emergency planning, training, or response activities regarding a hazardous material release, threat of release, or act of terrorism, except for willful and wanton acts or omissions.

Expands the immunity of government agencies to include threats of release of hazardous materials and acts of terrorism. Adds citizen corps councils and emergency rescue groups to the list of government agencies that have such immunity. Excludes willful and wanton acts or omissions from the grant of immunity.

APPROVED by Governor April 26, 2004

EFFECTIVE April 26, 2004

H.B. 04-1367 Exclusion of areas located within territorial boundaries of a municipality from area of a library district. Authorizes any of the following persons or entities, by filing a petition in the appropriate state district court (district court), to request an order of the district court excluding a particular area described in the petition that is within the territorial boundaries of a municipality from the area of a library district:

- The governing body of any municipality that includes all or any portion of the area of the library district within its territorial boundaries;
- A majority of the board of the library district, all or any portion of which is located within the territorial boundaries of the municipality; or
- 50% or more of the owners of real property within the area of the library district proposed for exclusion.

Requires the party filing the petition to give notice of the exclusion proceedings to the affected municipality and the board of the library district of the commencement of the exclusion proceedings and to also give notice by publication to the taxpaying electors, in a manner reasonably sufficient to notify the electors, of the commencement of the exclusion proceedings. Specifies that the municipality, the library district, and the taxpaying electors

are to be parties to the exclusion proceedings.

Requires the exclusion petition to be filed in the district court for the judicial district in which all or any portion of the area that is described in the petition is located.

Subject to the voter approval requirements of the act, where the library district does not possess any assets that are located within the area described in the petition, requires the district court to hold a hearing on the petition and order the area described in the petition, or any portion of such area, excluded from the library district where the municipality agrees, as evidenced by the passage of a resolution or ordinance by its governing body, to provide to the area described in the petition, on and after the date of the exclusion order, the same level of service that the library district was providing to the area as of the date of the filing of the petition.

Where the library district possesses any assets that are located within the area described in the petition, requires the municipality and the board to each submit a plan that addresses the disposition of the assets of the library district and the proposed continuation of services to all areas of the library district. Describes required elements of the plan. Where the municipality and the library district agree upon the terms of a plan, requires the parties to enter into a written agreement incorporating the terms of the plan, and to submit a copy of the agreement to the district court for its review. Insofar as the district court finds the terms of the agreement fair and equitable, requires the district court to approve the agreement and incorporate the provisions of the agreement into the exclusion order. Enumerates certain factors to be considered by the district court in making this determination.

Where the municipality and the library district are unable to enter into an agreement for a plan, requires the district court to review the plans submitted by the municipality and the library district and order each to carry out that portion of their respective plans on which the parties are in agreement. Authorizes the district court to impose such additional conditions and obligations on the library district and the municipality that the district court finds necessary to fulfill the goals of the act. Insofar as the district court permits the exclusion of the area described in the petition from the library district, requires any such conditions and obligations imposed by the district court to be made part of the exclusion order. Insofar as the district court denies the exclusion of the area described in the petition from the library district, requires the district court to enter an order dismissing the petition.

After the filing of a petition, authorizes 10% of the taxpaying electors of the area of the library district proposed for exclusion or 100 such electors, whichever number is less, to move the district court for an order setting a special election to be held within the area of the library district proposed for exclusion on the question of the exclusion of the area. Requires the district court to order the election only upon a finding that specified conditions have been met.

Requires the election to be held and conducted in the manner provided in the "Uniform Election Code of 1992". Specifies that only taxpaying electors shall be entitled to vote at an election held pursuant to the act. Requires the costs of the election to be borne by the following persons or entities in accordance with the following requirements:

- Requires the municipality to bear the costs of the election where the governing body of the municipality has filed the petition;
- Requires the library district to bear the costs of the election where a majority of the board of the library district has filed the petition; and

- Requires the taxpaying electors of the particular area proposed for exclusion from the library district to bear the costs of the election where 50% or more of the owners of real property within the area proposed for exclusion from the library district have filed the petition.

Where a majority of the taxpaying electors voting at an election approve the exclusion, requires the district court to order the area excluded from the library district. Specifies that, if a majority of those voting do not approve the question of exclusion, the district court is to enter an order dismissing the petition. Specifies that, in either case, where the petition has been filed by 50% or more of the owners of real property within the area proposed for exclusion from the library district, the order of the court is to include a provision uniformly assessing the costs of the election among the taxpaying electors of the area proposed for exclusion from the library district.

Specifies when an exclusion order is to become effective.

Specifies that no change in the boundaries of any library district shall be effective until the decree or order confirming such action, together with a description of the area concerned, is recorded by the county clerk and recorder of the county or counties in which the change in the boundaries took place. Requires the county clerk and recorder of any affected county to notify the county assessor of any such action.

Clarifies that any area excluded from a library district pursuant to the provisions of this section shall not be subject to any property tax levied by the board for the operating costs of the library district. Specifies that, for the purpose of retiring the library district's outstanding indebtedness and the interest thereon existing at the effective date of the exclusion order, the library district is to remain intact, and the excluded area is obligated to the same extent as all other property within the library district but only for that proportion of such outstanding indebtedness and the interest thereon existing immediately prior to the effective date of the exclusion order. Requires the board of the library district to levy annually a property tax on all such excluded and remaining property sufficient, together with other funds and revenues of the library district, to pay such outstanding indebtedness and the interest thereon. Empowers the board to establish, maintain, enforce, and, from time to time, modify such service charges and other rates, fees, tolls, and charges, upon residents or users in the area of the library district as it existed prior to the exclusion, as may in the discretion of the board be necessary to supplement the proceeds of the tax levies in the payment of the outstanding indebtedness and the interest thereon. Specifies that in no event shall the area excluded from a library district become obligated for the payment of any bonded indebtedness created after the date of the court's exclusion order.

Clarifies that the change of boundaries of the library district shall not impair nor affect its organization, nor shall it affect, impair, or discharge any contract, obligation, lien, or charge on which it might be liable or chargeable had such change of boundaries not been made.

VETOED by the Governor June 4, 2004

H.B. 04-1373 State personnel system - civil service reform - statutory updates and conforming changes - personal services contracting revisions - veterans' preference.

Conforms the "State Personnel System Act" to the civil service amendments of the state constitution and makes additional changes as follows:

Appointing authorities

- Specifies that the heads of principal departments and institutions of higher education are the appointing authorities for all subordinate officers and employees in the department or institution, and repeals provisions specifying division heads as appointing authorities within divisions.
- In addition to personal responsibility for any salary liability incurred, subjects an appointing authority that makes an appointment in willful violation of the "State Personnel System Act" to criminal liability and disciplinary action.

Department of personnel and administration

- Removes reference to the creation of the department of personnel pursuant to section 14 of article XII of the state constitution and renames the department of personnel and administration (DPA).
- Specifies that the head of the DPA is the executive director, instead of the state personnel director, and requires the executive director or the executive director's designee to perform the constitutional duties of the state personnel director.

State personnel director

- Requires all rules of the state personnel director to be adopted in accordance with the "State Administrative Procedure Act" (APA).
- Authorizes the state personnel director, instead of the state personnel board, to adopt rules concerning: Certification of a person to a position when an appeal concerning the selection and assessment process for the position is pending; standards of performance and conduct of state employees; and resignations from and reinstatement to state service.
- Authorizes the state personnel director to establish directives, in addition to adopting rules, concerning: The management of the state personnel system; additional elements of total compensation; a process to resolve employee disputes related to performance evaluations that do not involve corrective or disciplinary actions; the implementation of an employee performance evaluation process; leave benefits; the implementation of the state's prevailing total compensation philosophy; the transfer of annual leave between employees; and personal services contracts.

State personnel board

- Removes language concerning initial appointments to the state personnel board (board) but retains the requirement that members serve staggered terms of office.
- Allows state officers and employees to serve on the board.
- Limits board members to 2 consecutive terms of office.
- Modifies the grounds for which a board member can be removed to eliminate removal for final conviction of an offense involving moral turpitude or for reasons of permanent disability interfering with performance.
- Repeals the provision authorizing the board and any political subdivision of the state to contract for the furnishing of personnel services by the department and instead allows any department or institution of higher education to enter into agreements to provide or obtain personnel to or from a political subdivision.

Appeals to or reviews by the board

- Specifies that with regard to an appeal to the board concerning a decision of the state personnel director or an appointing authority, if the decision is modified or reversed on procedural grounds, the employee's remedy is limited to placement in the same situation as if the procedural requirements had been satisfied, and clarifies that an employee may still be permitted recoveries for improper personnel actions as otherwise provided by law.
- Retains but relocates the provision of law specifying that the board may authorize administrative law judges to conduct hearings for the board.
- Allows an employee to petition the board for review of the decision of an appointing authority regarding a grievance, and specifies the circumstances under which the board may grant the petition, the time within which the board is to grant or deny the petition, and the procedure for determining a petition that the board grants.
- Repeals the provision precluding an award of back pay or other award for any period of inexcusable delay in conducting the hearing or issuing a decision caused by the applicant or employee and instead specifies that if any party is responsible for an inexcusable delay, the party must pay the opposing party's costs.

Exemptions from the state personnel system

- Specifies that the chief of the Colorado state patrol is an officer who is exempt from the state personnel system (system).
- Authorizes the executive director of the DPA to designate or rescind the designation of a position in the system as an exempt office or employee, consistent with the state constitution.
- Allows an employee whose position is designated as exempt to decline the appointment and remain in the system without loss of any rights or protections.
- Authorizes the dismissal of an exempt officer or employee with or without cause upon 60 days' written notice from the department head.
- Limits the total number of exemptions to one exempt position for every 50 authorized system positions in a department, not to exceed 15 exempt positions per department.

Senior executive service

- Repeals the provision specifying the number of authorized senior executive service positions and the process for including positions in the senior executive service.

Selection system

- Instead of determining qualifications for appointments and promotions to positions in the system based on fair and open competitive examinations, requires the determination to be based on fair, open, and objective comparative assessment processes.
- Requires certified employees to reside in the United States, and to reside in the state unless: (1) the position is in a higher education institution and is funded through research grants or federal funds; (2) the position is for a person to perform out-of-state field audits; or (3) the state personnel director determines that the use of a resident would be impractical or would otherwise prevent accomplishment of the work.
- Specifies that applicants determined to be most qualified at the completion of the comparative assessment process are to be ranked and placed on an eligible

list, and the person appointed is to be one of the 6 most qualified persons referred from the list.

- Specifies that the following applicants for appointment or promotion in the system are entitled to the veterans' preference established in the state constitution: (1) an applicant who is serving or was separated under honorable conditions and served in a branch of the armed forces of the United States, including the national guard or armed forces reserve, during any period of declared war or undeclared war or other armed hostilities against an armed foreign enemy; (2) an applicant who is serving or was separated under honorable conditions and served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized; or (3) an applicant who has completed at least 24 months of service in the national guard or armed forces reserve, a portion of which was during any period of declared war or undeclared war or other armed hostilities against an armed foreign enemy.

Temporary appointments

- Repeals the requirement that an appointing authority obtain prior approval from the state personnel director before filling a vacancy in a permanent position by a temporary appointment and the requirement that an appointing authority obtain subsequent approval of a temporary appointment made in an emergency.
- Allows temporary appointments for not more than 270 consecutive calendar days in a 12-month period, instead of 6 months, and requires an eligible list for the position to be established within 3 months following the initial hire date of the temporary appointment, rather than within 6 months.
- Prohibits filling a permanent position through a succession of temporary appointments.
- Requires the state personnel director to adopt rules regarding the appointment of permanent, part-time employees to perform services that are seasonal or otherwise annually recurring.

Separations for cause

- States that employees in the system may be separated from state employment for cause, which includes either a reduction in force or a disciplinary proceeding resulting in dismissal.

Reduction in force

- Specifies that board procedures concerning reductions in force are to require that ordinary attrition and vacancies be taken into account before displacing state employees.
- Allows the board to approve a limitation of retention rights to major geographic regions within a principal department.
- Provides retention rights for certified employees hired on or after July 1, 2005, with fewer than 5 years of state service, but only with respect to vacant positions and positions occupied by probationary employees.
- Retains but relocates with amendments the provision allowing the adoption of rules authorizing voluntary separation incentives when necessary due to lack of work, lack of funds, or reorganization.

Disciplinary proceedings

- Allows a certified employee to be disciplined upon written findings of failure

to perform, willful misconduct, or final conviction of a felony or other offense as specified in law.

- Clarifies what constitutes a final conviction for purposes of constituting disciplinary grounds.
- Requires the appointing authority or designee to meet with an employee prior to making a final decision to discipline the employee, and requires the appointing authority to refer the matter to another appointing authority in the same department or institution when necessary for a fair determination.
- Specifies the contents of the notice of disciplinary action that must be provided to the certified employee who is subject to discipline.
- Requires an employee who files an appeal of a disciplinary action with the board to allege with particularity the action being appealed and the reasons for the appeal.
- Extends the time within which the board hearing is to be held from 45 days to 90 days after receipt of the appeal and allows one continuance for 30 days instead of 45 days.

Credit for prior state service

- For purposes of allowing a person currently or previously employed by the state in a position outside the system who enters into a system position to receive credit for prior state service, specifies that prior state service includes any period of state employment for which the person received compensation not limited to expense reimbursement, and excludes temporary employment with the state.

Personal services contracts

- Repeals the distinction between personal services contracts that implicate the system and those that do not implicate the system and instead allows personal services contracts if the department head determines that: (1) the contract does not pose an information technology security risk; (2) the government can maintain accountability; and (3) the contract provides the best value in the delivery of government services as determined by actual cost savings and improved quality over the term of the contract.
- Specifies that a personal services contract does not create an employment relationship.
- Requires a department contracting for personal services to ensure that the contract is performance-based and focuses on the overall expectations and results of the contract, and further requires the department to establish a written implementation plan specifying how performance will be monitored.
- Specifies the contents of a personal services contract.
- Allows personal services contracts for functions currently, commonly, or historically performed by state employees and permits the abolition of positions in the system as a result of a contract as long as no certified employee suffers a direct adverse impact.
- Specifies that a transfer or reassignment of a state employee in connection with a personal services contract does not constitute a direct adverse impact if the transfer or reassignment occurs pursuant to a written plan that limits employee relocations, addresses the suitability of the employee's new job duties, and provides for necessary retraining.
- Allows a department to contract for personal services that will be performed outside the United States if: (1) the department clearly demonstrates that the contract will not result in a reduction in the quality of services offered or

provided by the department to Colorado residents; (2) the contract contains safeguards to ensure the confidentiality and right to privacy of any medical and nonmedical personal information concerning Colorado residents that is provided by the contracting department to the contractor in connection with the personal services to be performed under the contract, consistent with federal law; and (3) the contractor discloses to the department the portion of the personal services to be provided to the state that will be performed outside of the United States.

- Requires a department to notify its employees, the state personnel director, and the public when it is considering eliminating system positions in connection with a personal services contract, make relevant data and information available, accept and consider comments regarding the proposed contract and implementation plan, and promptly notify its employees and the state personnel director if the contract is executed.
- Requires the state personnel director to maintain a listing of the notices of contracts and implementation plans issued during the past 12 months and to make the listings available to the public.
- Allows an employee of a contracting department to request a review of the contract and implementation plan by the state personnel director, and specifies that the decision of the state personnel director is subject to judicial review in accordance with the judicial review provisions of the APA.
- Specifies the types of personal services contracts that are not subject to these requirements or to individual review and approval by the state personnel director.

Effective date

Specifies that certain sections of the act are only effective if House Concurrent Resolution 04-1005, amending the state constitutional provisions concerning the state personnel system, the board, the department, the state personnel director, and the preference allowed for veterans, is adopted by the general assembly and approved by the voters.

APPROVED by Governor June 4, 2004

EFFECTIVE July 1, 2005

NOTE: (1) House Concurrent Resolution 04-1005 was adopted by the general assembly and will appear on the November 2004 ballot for approval or rejection by the voters.

(2) For the digest entry for House Concurrent Resolution 04-1005, see page 193 of this digest.

H.B. 04-1376 Sealing arrest or criminal records information - plea agreements. Allows a person in interest to petition a court to seal arrest or criminal records information, except basic identification information, if the records are of official actions involving a criminal offense that was not charged or a case that was dismissed due to a plea agreement in a separate case, and if:

- The petition is filed 15 years or more after the date of the final disposition of all criminal proceedings against the person in interest; and
- The person in interest has not been charged for any criminal offense in the 15 years since the date of the final disposition of all criminal proceedings against the person.

APPROVED by Governor May 28, 2004

EFFECTIVE August 4, 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. 04-1379 Periodic reports to the general assembly - health, environment, welfare, and institutions committees - repeal of certain reports. Repeals the reporting requirements that are directed to the health, environment, welfare, and institutions committees (HEWI) of the general assembly. Specifically, repeals:

- The ongoing evaluation by the state auditor's office concerning the results and effectiveness of exit and follow-up interviews for participants in the Colorado works program; and
- The annual report by the state office on aging to the JBC and the HEWI committees detailing the use of moneys from the older Coloradans program.

Repeals obsolete reporting requirements concerning nursing facilities, accreditation requirements for county health departments, and from the department of human services on health programs for children.

APPROVED by Governor April 14, 2004

EFFECTIVE August 4, 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. 04-1380 Reporting requirements to the general assembly - information technology grants - state colleges - repeal. Repeals the reporting requirement for the department of education's report to the education committees concerning the implementation of the information technology grant program. Repeals an obsolete reporting requirement concerning adoption of a common course numbering system for state colleges.

APPROVED by Governor April 21, 2004

EFFECTIVE August 4, 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. 04-1381 State historical fund - limited gaming revenue grants - requirements. Repeals provisions that currently prohibit Central City, Black Hawk, and Cripple Creek from:

- Granting more than \$100,000 in limited gaming revenues from the state historical fund for a single residential property; and
- Allowing grant moneys to be used to pay a tax liability incurred by the person who receives the grant.

Requires Central City, Black Hawk, and Cripple Creek to condition any grants of gaming revenues from the state historical fund above \$50,000 for any single residential property upon an agreement to repay the grant on a pro rata basis if the property is sold or transferred within 5 years after the grant is awarded. Specifies the method for calculating the repayment amount.

APPROVED by Governor May 12, 2004

EFFECTIVE May 12, 2004

H.B. 04-1383 Review of reporting requirements to the general assembly - business affairs and labor committees - repeal of certain public utility commission reports. Repeals the requirement for the following periodic reports by the public utilities commission:

- To the joint budget committee concerning the past fee revenues and expenditures for administration of the no-call list and projected fee revenues and projected expenditures of the no-call list; and
- To the transportation legislation review committee concerning the coal syngas component of natural gas public utilities supply portfolios.

APPROVED by Governor April 21, 2004

EFFECTIVE August 4, 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. 04-1384 Periodic reports to general assembly - state archives - repeal. Repeals the following periodic reporting requirement by the executive director of the department of personnel or the executive director's designee to the legislative audit committee concerning state archives. Repeals an obsolete reporting requirement concerning employee retirement benefits.

APPROVED by Governor April 23, 2004

EFFECTIVE August 4, 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. 04-1412 FY 2004-05 budget reduction bill - capital construction fund transfers - repeals. For the 2004-05 and 2005-06 state fiscal years, repeals all transfers from the general fund to the capital construction fund.

On July 1, 2004, transfers \$285,782 from the capital construction fund to the general fund.

Repeals transfers for the 2004-05 and 2005-06 state fiscal years from the capital construction fund to the corrections expansion reserve fund.

APPROVED by Governor April 28, 2004

EFFECTIVE July 1, 2004

H.B. 04-1417 FY 2004-05 budget reduction bill - Colorado heritage communities fund - transfer to general fund. Transfers the balance of the Colorado heritage communities fund to the general fund on July 1, 2004.

APPROVED by Governor May 12, 2004

EFFECTIVE May 12, 2004

H.B. 04-1420 FY 2003-04 budget reduction bill - general fund - revenue shortfall in FY 2003-04 - disbursement of statutory reserve. For the 2003-04 state fiscal year, if the June 2004 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, 2004, and ending on June 30, 2004, to direct the treasurer to disburse an amount of general fund moneys otherwise comprising the reserve as is necessary to cover any general fund appropriations then in effect, not to exceed \$48 million.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1421 FY 2004-05 budget reduction bill - tobacco settlement moneys - reallocation of moneys to various programs - funding for additional programs - transfers to general fund. For the 2004-05 fiscal year and each fiscal year thereafter, reallocates the tobacco settlement moneys received by the state, other than attorney fees and costs, as follows:

- To the Colorado nurse home visitor program, 9% of the settlement moneys in the 2004-05 fiscal year, an additional one percent each year through the 2013-14 fiscal year, and 19% of the settlement moneys in the 2014-15 fiscal year and future fiscal years, not to exceed \$19 million in any fiscal year;
- To the comprehensive primary and preventive care grant program, 3% of the settlement moneys, not to exceed \$5 million in any fiscal year;
- To the children's basic health plan trust, 24% of the settlement moneys, not to exceed \$30 million in any fiscal year, and not less than \$17.5 million in any year, with any shortfall allocated from the tobacco litigation settlement trust fund and, if necessary, from the moneys transferred from the tobacco litigation settlement cash fund to the general fund;
- To the state dental loan repayment program, \$200,000;
- To the Fitzsimons trust fund, the lesser of the amount due any lessor under a lease-purchase agreement or 8% of the settlement moneys, not to exceed \$8 million in any fiscal year;
- To the tobacco education, prevention, and cessation grant program, 5% of the settlement moneys, not to exceed \$8 million in any fiscal year;
- To the Colorado state veterans trust fund, one percent of the settlement moneys, not to exceed one million dollars in any fiscal year;
- To the read-to-achieve program, 5% of the settlement moneys, not to exceed \$8 million in any fiscal year; except that for the 2004-05 fiscal year, reduces the amount allocated to the read-to-achieve program by \$500,000 to provide state funding for senior services;
- To the Tony Grampsas youth services program, 4% of the settlement moneys, not to exceed \$5 million in any fiscal year;
- To the AIDS drug assistance program, 3.5% of the settlement moneys, not to exceed \$5 million in any fiscal year; and
- \$300,000 to fund the state's share of the annual funding required for the "Child Mental Health Treatment Act".

For the 2005-06 fiscal year and future fiscal years, transfers the lesser of 21% or \$20 million of the settlement moneys in the tobacco litigation cash fund (cash fund) to the general fund. At the end of any fiscal year commencing on and after July 1, 2004, transfers to the general fund, instead of to the tobacco litigation settlement trust fund (trust fund), any

unencumbered and unexpended moneys in the cash fund and moneys not appropriated for the next fiscal year from the cash fund. Requires the state treasurer to transfer the balance of moneys in the trust fund to the general fund on July 1, 2004. Specifies that up to 21% of the settlement moneys, less the amount annually transferred to the general fund, are to be deposited in the trust fund in the 2005-06 fiscal year and future fiscal years.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004
PORTIONS VETOED June 4, 2004

H.B. 04-1423 State departments - indirect costs - recovery - exceptions. For fiscal years commencing on or after July 1, 2005, requires each state department, institution, and agency ("department") to recover moneys for indirect costs allocated for a program or grant which is primarily funded with moneys other than state general fund moneys ("program or grant"). Specifies that the moneys recovered for indirect costs shall be from any fund source other than state general fund moneys, whether or not moneys from such fund source are appropriated by the general assembly, and that the moneys shall be recovered to the maximum extent allowable under federal and grantor rules and state law. Excludes from the definition of "department" the department of higher education, governing boards of state institutions of higher education, and state institutions of higher education. Requires each department to recover and apply the moneys collected for the indirect costs allocated for a program or grant from those fund sources to offset appropriations of state general fund moneys that may be otherwise required for the department's indirect costs. Establishes exceptions to these requirements and a process for a department to be granted such exceptions.

For budget requests for fiscal years commencing on or after July 1, 2005, requires each department to specify in the department's annual budget request the amount of state general fund moneys that are being requested to be appropriated for the indirect costs allocated for a program or grant if in the preceding fiscal year the amount of the department's actual collections of moneys for indirect costs allocated for a program or grant is less than the amount of indirect costs allocated for a program or grant and the department has allocated or plans to allocate a portion of state general fund moneys to cover the difference.

Requires the state controller to define by rule the term "indirect costs" on a basis for all departments as a whole and on an individual department basis.

VETOED by the Governor June 4, 2004

H.B. 04-1446 State employee compensation - multiple departments or institutions - state personnel director rules. Allows officers and employees in the state personnel system whose compensation is determined pursuant to the state constitution and the "State Personnel System Act" to receive compensation or fees from more than one department or institution of higher education only to the extent permitted by rules adopted by the state personnel director that are consistent with overtime provisions of state and federal law.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1449 Annual state group benefit plan year - determination by state personnel director - effective day for changes in state contribution rates. Authorizes the state personnel director to establish the annual group benefit plan year, and specifies that for the 2005-06 fiscal year and each fiscal year thereafter, recommended changes in the state contribution for group benefit plans are effective on the first day of the annual group benefit plan year established by the director.

APPROVED by Governor May 28, 2004

EFFECTIVE August 4, 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. 04-1465 Capital development committee - extension. Extends the repeal of the capital development committee to July 1, 2009.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

HEALTH AND ENVIRONMENT

S.B. 04-88 Family planning - breastfeeding - public places. Establishes that breastfeeding is a significant health choice for both mother and infant. Provides that a mother may breastfeed in any area that the mother has a right to be.

APPROVED by Governor April 23, 2004

EFFECTIVE April 23, 2004

S.B. 04-95 Certificates of stillbirth - option to file - registration - delayed filing. Defines "stillbirth" to have the same meaning as "stillborn death". Requires the state registrar to create a certificate of stillbirth. Requires a certificate of stillbirth to be offered to the mother in each instance of stillbirth which occurs in this state. States that if the mother decides to file a certificate of stillbirth, the certificate of stillbirth shall be filed with the state registrar within 3 days after the stillbirth occurs. Requires the state registrar to register the certificate of stillbirth if it has been completed and filed properly. Authorizes the person preparing the certificate of stillbirth to leave blank any reference to the name if the mother decides not to place a name on the certificate of stillbirth. Authorizes a delayed filing and registration of a certificate of birth resulting in stillbirth.

APPROVED by Governor April 19, 2004

EFFECTIVE July 1, 2004

H.B. 04-1013 Prevention services division - name change. Changes the name of the division of prevention and intervention services for children and youth to the prevention services division.

APPROVED by Governor March 17, 2004

EFFECTIVE August 4, 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. 04-1147 Environmental management system permit - pilot program. Authorizes the department of public health and environment (department) to implement an environmental management system permit pilot program (program) to allow participants to meet existing environmental requirements through the use of alternative methods and procedures while ensuring compliance with ambient air or water standards. Grants sole authority to the executive director of the department to promulgate and amend rules, to the extent that such rules are consistent with federal law, in order to specify the procedures and other necessary requirements for issuing, implementing, revoking, and enforcing an environmental management system permit (permit) and to establish alternative methods or procedures for meeting environmental standards. Sets the minimum elements that the department shall include in a permit. Requires the department to set the minimum criteria that an entity must meet, including being an environmental leader in Colorado, in order to be considered for participation in the program.

Authorizes the department to enforce a permit through entry onto properties covered by a permit and inspection of records. Applies department rules for the enforcement of permits to the program. Requires the department to review the program in consultation with

interested parties. Sunsets the program July 1, 2007.

APPROVED by Governor April 19, 2004

EFFECTIVE April 19, 2004

H.B. 04-1182 State board of health - methamphetamine laboratory cleanup standards - property owners - liability. Requires the state board of health to promulgate rules that establish the standards for the cleanup of illegal drug laboratories used to manufacture methamphetamine. Requires the rules to consider the findings of the hazardous materials and waste management division of the department of public health and environment in the July 2003 report titled "Cleanup of Clandestine Methamphetamine Labs Guidance Document" or a successor document outlining best practice standards for cleanup.

Requires property owners to meet the cleanup standards established by the board or demolish the contaminated property. Makes property owners who have met the cleanup standards established by the board or has demolished the property immune from a suit for health-based civil actions alleged by future property owners, renters, neighbors, or others occupying the property that result from the drug laboratory. Clarifies that the immunity does not apply to persons convicted for the production of methamphetamine.

APPROVED by Governor April 21, 2004

EFFECTIVE April 21, 2004

H.B. 04-1211 Water quality - water and wastewater treatment plant operators - certification - board - composition - terms - continuation under sunset law. Reduces the size of the water and wastewater facility operators certification board (board) from 13 members to 10, 9 of whom have voting privileges, and consolidates the geographic and subject-matter representation of the members.

Reinstitutes term limits for board members, allowing a maximum of 2 consecutive 4-year terms for any individual member.

Directs the board to set and coordinate the dates of certification examinations and provide post-exam feedback upon request to all examinees. For duties that the board chooses to delegate to contractors, requires the board to approve, in advance, any further subcontracting of such duties by the prime contractor.

Extends the automatic termination date for the water and wastewater facility operators certification board until July 1, 2013, pursuant to the provisions of the sunset law.

APPROVED by Governor April 6, 2004

EFFECTIVE July 1, 2004

H.B. 04-1298 Food - manufacturing and storage facilities - fees. Sets fees for owners of large, medium, and small wholesale food manufacturing or storage facilities. Exempts an owner of a wholesale food manufacturing or storage facility whose gross income is less than \$15,000 per year, a nonprofit food storage facility, and a grain storage facility from the requirement to pay an annual registration fee. Requires a refund of fees paid by an owner of a grain storage facility. Repeals the fees on July 1, 2007.

APPROVED by Governor April 23, 2004

EFFECTIVE April 23, 2004

H.B. 04-1348 Public utilities - noise standards. Authorizes the public utilities commission to set standards for permissible noise from electric transmission facilities. Instructs the commission to afford the public an opportunity to participate in proceedings that establish such noise standards. Prohibits a municipality or county from imposing more restrictive noise standards on public utilities. Shields from liability for noise the owner or operator of a facility that complies with such standards.

Applies to noise generated and civil actions that are at issue under Rule 16, C.R.C.P., on or after July 1, 2004.

APPROVED by Governor May 12, 2004

EFFECTIVE July 1, 2004

H.B. 04-1354 State board of health - health care credentials application review committee established - uniform health care professional credentials application - collection of data - rules - repeal of committee. Establishes the health care credentials application review committee (committee) to recommend to the state board of health (state board), and periodically review, a single application form for the collection of health care professionals' core credentials data. Requires the state board to appoint 8 members to the committee as follows:

- One member representing a statewide association or society of physicians;
- One member representing a statewide association or society of Colorado hospitals;
- One member representing a statewide association or society of health plans;
- One member representing a health care professionals' liability insurance carrier domiciled in Colorado;
- One member representing a statewide association or society of Colorado health care medical staff service specialists;
- One advanced practice nurse; and
- 2 members at large.

Allows each board member to bring consultants and advisors to participate in the board meetings.

Requires the committee to recommend a single application for the collection of core credentials data to the state board within 120 days after appointment. Requires the committee to meet at least annually.

Requires health care entities that collect core credentials data to use the uniform health care professional credentials application established by rule of the state board of health.

Repeals the committee, effective July 1, 2008, unless it is extended under the sunset law.

Grants rule-making authority to the state board.

APPROVED by Governor April 14, 2004

EFFECTIVE April 14, 2004

H.B. 04-1428 Recycling - waste tires - moratorium on waste tire landfills. Prohibits a local

governing body having jurisdiction from granting a permit for a monofill designated only for tire disposal until July 1, 2014. Requires entities that recycle waste tires to report to the department of public health and environment and the transportation legislation review committee about how many tires are recycled and what methods are used for recycling.

APPROVED by Governor June 4, 2004

EFFECTIVE July 1, 2004

H.B. 04-1435 Air quality - state implementation plan - volatile organic compounds - condensate storage tanks. Requires the air quality control commission (AQCC) to request the governor to submit the plan the AQCC adopted on March 12, 2004, ("Regulation 7") to reduce emissions of pollutants that create ozone pollution to the federal environmental protection agency for approval and incorporation into the state implementation plan. Gives legislative approval to the submission.

Requires entities that must comply with Regulation 7 by reducing emissions of volatile organic compounds from atmospheric condensate storage tanks to notify the local government of a proposed installation of an emission control unit. Gives the local government 10 business days to object to the installation. If the parties cannot resolve the objection, allows the local government to file a petition with the AQCC. Allows the AQCC to adopt criteria and procedures for such hearings, and requires the AQCC to hold a hearing to determine the matter within 45 days after filing of the petition.

APPROVED by Governor May 20, 2004

EFFECTIVE May 20, 2004

HEALTH CARE POLICY AND FINANCING

S.B. 04-28 Native Americans - federal approval - substance abuse treatment - appropriation. Clarifies that the department of health care policy and financing shall seek federal approval to provide substance abuse treatment to native Americans.

Appropriates \$21,741 from gifts, grants, and donations in the native American substance abuse treatment cash fund and \$21,741 in federal funds to pay for preparation of the documents necessary to apply for the federal approval.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

S.B. 04-29 Medically fragile individuals - alternative care planning - information - exceptions. Requires specified care plans within the state's medicaid program and programs for the developmentally disabled to include a process by which an eligible individual ("individual") may receive necessary care, which may include respite care, if the individual's family or care provider is unavailable due to an emergency situation or to unforeseen circumstances. Requires the care planning entity to inform the individual's family or care provider of these alternative care provisions at the time the care plan is initiated.

Specifies that these alternative care provisions shall not apply to individuals residing in alternative care facilities or nursing facilities. Clarifies that these alternative care provisions do not require a community centered board to provide services that the board is not otherwise required to provide to the individual receiving services.

Amends the definition of medical foster care to include medically fragile children who are dependent on tracheotomy tubes.

APPROVED by Governor April 20, 2004

EFFECTIVE August 4, 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. 04-138 Medicaid - monthly fee for children's waiver programs - repeal - appropriation. Repeals the department of health care policy and financing's authority to charge a monthly fee to families whose children are enrolled in either the children's home- and community-based services waiver program or the children's extensive support waiver program.

Makes various adjustments to the 2003 and 2004 general appropriations acts to reflect the repeal of this fee authority.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

S.B. 04-177 Medicaid - home- and community-based services - autism - funding. Establishes the "Home- and Community-based Services for Children with Autism Act" ("act") and requires the department of health care policy and financing ("department") to seek the federal authorization necessary to implement the provisions of the act. Defines which children are eligible to receive the home- and community-based services ("services") and what services

shall be provided under the act.

Specifies that no child may receive services in an amount in excess of \$25,000 annually. Requires the department to utilize the services of existing service provider agencies and limits the amount a service provider agency may retain for administrative costs. Limits the provision of services under the act to available appropriations from the Colorado autism treatment fund ("fund"), which is established. Requires the state department to develop the service provisions and a care planning process in consultation with parents of children with autism and medical professionals who have expertise in treating children with autism.

Establishes 2 alternative funding sources:

- If House Bill 04-1421 becomes law, beginning at the end of fiscal year 2004-05 and for each fiscal year thereafter allocates to the fund up to \$1,000,000 from unexpended tobacco settlement moneys.
- If House Bill 04-1421 does not become law, beginning in fiscal year 2005-06 allocates to the fund up to \$1,000,000 from tobacco settlement moneys currently allocated for tobacco education, prevention, and cessation.

Sets forth varying effective dates for a number of sections of the act contingent on the passage of House Bill 04-1421.

APPROVED by Governor May 27, 2004

EFFECTIVE January 1, 2005

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

(2) House Bill 04-1421 was approved in part and vetoed in part by the Governor, June 4, 2004.

S.B. 04-206 Medicaid - pediatric hospice care services - appropriation. Requires the department of health care policy and financing ("department") to seek the appropriate federal authorization, conditioned on the receipt of gifts, grants, or donations sufficient to provide for the state's administrative costs of preparing and submitting the request, for hospice care services ("services") for children eligible under the state's medicaid program. Specifies that the services shall include but need not be limited to: Respite care; expressive therapies; palliative care from the time of diagnosis of a potentially life-threatening illness; and continuum of care through the coordination of services, which may include skilled, intermittent, and around-the-clock nursing care. Authorizes the department to seek federal approval for modifications to the provision of hospice care for adults who are eligible for the state's medicaid program. Authorizes the department to seek gifts, grants, and donations, and creates the pediatric hospice care cash fund for receipt of any funds received.

Specifies the federal medicaid requirements for the eligibility of and election for hospice care from which the department shall seek an exemption. Requires the department, in any application for federal authorization under the act, to retain bereavement services to the extent available under federal law.

Requires the department to notify the joint budget committee of the general assembly ("JBC") of the extent to which the department receives federal approval for pediatric hospice care services, in order for the JBC to review the approved budget neutrality analysis for such

services prior to the department's implementation.

Appropriates \$22,000 from the pediatric hospice care cash fund to the department, and anticipates receipt of federal matching funds in the same amount, for the implementation of the act.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

H.B. 04-1027 Comprehensive primary and preventive care grant program - advisory council. Requires the comprehensive primary and preventive care grant program's advisory council ("advisory council") to review and make recommendations to the department of health care policy and financing ("department") on the protocols related to awarding grants to qualified providers and to provide feedback to the department on the design and content of the grant application and the grant application and evaluation processes. Repeals the advisory council's role regarding making recommendations on the award of service grants to qualified providers.

APPROVED by Governor March 9, 2004

EFFECTIVE August 4, 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. 04-1058 Medicaid - medical assistance eligibility determinations - report - county recovery. Authorizes the department of health care policy and financing ("department") to accept medical assistance applications and to determine medical assistance eligibility. Authorizes the department to designate the private service contractor that administers the children's basic health plan, Denver health and hospitals, and a hospital that is designated as a regional pediatric trauma center each to accept medical assistance applications and to determine medical assistance eligibility. Requires the department to report on the progress of these additional medical assistance sites.

Prohibits the department from pursuing recovery from a county for the cost of medical services provided to a person who has been incorrectly determined eligible for medical assistance by that county or any other entity. Repeals this prohibition, effective July 1, 2008.

APPROVED by Governor April 2, 2004

EFFECTIVE April 2, 2004

H.B. 04-1075 High-risk pregnant women - federal approval for extension of substance abuse treatment - appropriation. Directs the department of health care policy and financing ("department") to seek federal approval to extend to 12 months following a pregnancy substance abuse treatment services for high-risk pregnant women who are eligible for services under the medical assistance program.

For implementation of the act, increases the appropriation to the department for the high-risk pregnant women program by \$95,805, of which \$47,902 shall be a transfer from the department of human services substance abuse block grant program and \$47,903 shall be from federal funds. Transfers the \$95,805 appropriation from the department to the

department of human services.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1219 Medicaid - home- and community-based services for the elderly, blind, and disabled - transition - appropriation. Authorizes community transition services ("services") for elderly, blind, or disabled persons who are receiving home- and community-based services. Specifies that the services shall not exceed \$2000 per eligible person unless otherwise authorized by the department of health care policy and financing ("department") and shall be administered by a transition coordination service agency.

Appropriates \$21,924 and 0.4 FTE to the executive director's office of the department and decreases the department's medical services premiums appropriation by \$79,649 for the implementation of the act.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1220 Transportation services - administrative cost. Changes transportation from a service to an administrative cost under the "Colorado Medical Assistance Act".

APPROVED by Governor April 5, 2004

EFFECTIVE July 1, 2004

H.B. 04-1264 Payment schedule - no interruption - exception. Provides that the department of health care policy and financing ("department") shall not intentionally interrupt its normal provider payment schedule unless it receives a notice from the director of the office of state planning and budgeting and the state controller that there is a possibility that adequate cash will not be available to make payments to providers and for other state expenses. If the department does interrupt its payment schedule because of such notice, requires the department to notify the joint budget committee of the general assembly and any affected providers of its intent.

APPROVED by Governor April 13, 2004

EFFECTIVE April 13, 2004

H.B. 04-1265 Medicaid - community mental health services - transfer of administration - appropriation. Transfers the administration of community mental health services to medical assistance recipients from the department of human services to the department of health care policy and financing ("department"), including all positions of employment and items of property related to the powers, duties, and functions of administering these services. Specifies that the administration of medicaid community mental health services by the department includes program approval, program monitoring, and data collections. Authorizes the department to seek federal approval for any necessary changes to the state's waiver that authorizes the statewide system of community mental health care to reflect the provisions of this act. Authorizes the department to limit a recipient's freedom of choice with respect to a provider of mental health services and to restrict reimbursements for mental health services to designated and contracted agencies.

Specifies that the administration of the provision of mental health services to persons receiving services pursuant to *Arevalo v. Colorado Department of Human Services*, Case No.

81 CV 6961, in the district court for the city and county of Denver, and the administration of the mental health institutes shall remain the responsibility of the department of human services.

Requires the department and the department of human services jointly to produce a document to assist mental health consumers and advocates and providers that participate in Colorado's publicly funded mental health system to understand the respective roles of each department in the provision of mental health services and each department's ability to provide high quality and accessible mental health services. Specifies how the document shall be developed and made available to the public. Requires the state auditor, when conducting an audit of the statewide mental health system, to evaluate the coordination of services between the department and the department of human services and the impact of the administration of the mental health system on the quality of care within the statewide mental health system.

Makes various adjustments to the 2003 long bill for the implementation of the act.

APPROVED by Governor April 6, 2004

EFFECTIVE April 6, 2004

H.B. 04-1284 Providers - audit - overpayments. Establishes standard procedures for a review or an audit of a provider under the "Colorado Medical Assistance Act". Authorizes the department of health care policy and financing to contract with a qualified agent to conduct a review or an audit of a provider, and establishes requirements for such a contract.

Specifically includes laboratories certified by the federal government to perform high complexity testing in the definition of "provider".

APPROVED by Governor May 28, 2004

EFFECTIVE September 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. 04-1415 Nursing facilities - state nursing facility service program - provider fees - grant program - repeal - appropriation. Specifies that the state nursing facility service program shall be subject to available appropriations by the general assembly and may receive moneys other than those from the nursing facility cash fund, which is repealed. Repeals the nursing facility provider fee and the nursing facility quality of care grant program.

Appropriates \$838,528 from the general fund to the department of health care policy and financing for the state nursing facility service program.

APPROVED by Governor April 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1416 FY 2004-05 budget reduction bill - medicaid - breast and cervical cancer prevention and treatment program - appropriation. Eliminates the requirement that the general assembly appropriate 50 % of the state costs of the breast and cervical cancer prevention and treatment program from the general fund in state fiscal year 2004-05.

Appropriates \$1,015,048 from the breast and cervical cancer prevention and treatment fund to the department of health care policy and financing for the implementation of the act.

APPROVED by Governor May 12, 2004

EFFECTIVE July 1, 2004

H.B. 04-1438 Indigent care - data submission - hospital reimbursement - qualification. Directs the department of health care policy and financing ("department") to require any hospital provider who may receive payment under the Colorado indigent care program ("program") annually to submit data relating to the hospital's number of medicaid-eligible in-patient days. Requires the department to include this information by hospital in the department's annual budget request to the joint budget committee of the general assembly and the annual program report.

Specifies that in order to qualify for the program's payment formula disproportionate share hospital factor as described in rule by the medical services board, a hospital provider's percent of medicaid-eligible in-patient days relative to total in-patient days shall be equal to or exceed one standard deviation above the mean.

APPROVED by Governor May 28, 2004

EFFECTIVE July 1, 2004

H.B. 04-1447 Children's basic health plan - enrollment - children disenrolled from medicaid - funding - appropriation. Requires the department of health care policy and financing ("department") to provide a child who is no longer eligible for the state's medicaid program due to the implementation of Senate Bill 03-176 with notice of the opportunity to choose to be enrolled in the children's basic health plan ("plan") prior to the child's disenrollment from medicaid. Specifies that if a child's parent or legal guardian chooses to have the child enrolled in the plan, affirms income eligibility, and agrees to any applicable cost-sharing, the department shall enroll the child with no lapse in coverage between the child's enrollment in medicaid and the child's enrollment in the plan. Specifies that the child shall be eligible for the plan for a period of 12 months.

Establishes 2 alternative funding sources:

- If House Bill 04-1421 becomes law, makes various adjustments to the 2004 long bill for the plan.
- If House Bill 04-1421 does not become law, beginning in fiscal year 2004-05 allocates to the children's basic health plan trust up to \$250,000 from tobacco settlement moneys currently allocated to the tobacco education, prevention, and cessation grant program. Makes various adjustments to the 2004 long bill to reflect this funding option.

Sets forth varying effective dates for a number of sections of the act contingent on the passage of House Bill 04-1421.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

NOTE: House Bill 04-1421 was approved in part and vetoed in part by the Governor June 4, 2004.

HUMAN SERVICES - MENTAL HEALTH

S.B. 04-25 Mental health institute - Pueblo - ability to contract. Authorizes the Colorado mental health institute at Pueblo to contract with any governing board of a state-supported institution of higher education for services from a physician or other health care practitioner.

APPROVED by Governor March 23, 2004

EFFECTIVE March 23, 2004

S.B. 04-65 Child mental health treatment act - extension of repeal - creation of fund - appropriation. Continues monitoring and reporting requirements related to the "Child Mental Health Treatment Act" ("act"). Extends the repeal of the act to July 1, 2009.

Creates the child mental health treatment act fund ("fund"). Authorizes any portion of mental health services that are provided to a child who is covered by the act, but the cost of which is not covered by private insurance, federal medicaid funding, or the family's share, to be paid for from moneys in the fund.

Requires either of the following appropriations to be made to the fund:

- If an amount is appropriated from tobacco settlement moneys received by the state to the Fitzsimons trust fund as of June 30, 2004, to pay lease-purchase agreements in fiscal year 2004-05, then requires the general assembly to appropriate to the fund the difference, if any, between the lesser of \$8,000,000 or 8 % of the total amount of tobacco settlement moneys received by the state during the preceding fiscal year and the amount actually appropriated to the Fitzsimons trust fund but prohibits the amount appropriated to the fund from exceeding \$1,600,000; or
- If the state receives tobacco settlement moneys, but an amount is not appropriated from said moneys to the Fitzsimons trust fund as of June 30, 2004, for fiscal year 2004-05, then at the end of the 2003-04 fiscal year, but prior to any transfer of moneys from the tobacco litigation settlement cash fund to the tobacco litigation settlement trust fund, requires the general assembly to appropriate \$1,600,000, or so much thereof as may be available, to the fund from the amount remaining in the tobacco litigation settlement cash fund after the transfer of moneys to the general fund for continuous appropriation to the Tony Grampas Youth Services Program ("program").

Specifies that, at the end of the 2003-04 fiscal year, if moneys have been appropriated to the fund for the 2004-05 fiscal year from the difference between the lesser of \$8,000,000 or 8% of the total amount of tobacco settlement moneys received by the state during the preceding fiscal year and the amount actually appropriated to the Fitzsimons trust fund, then the amount transferred to the general fund and continuously appropriated for the program shall be increased by an amount equal to 50% of the amount appropriated to the fund; except that the total amount transferred to the general fund and continuously appropriated to the program shall not exceed \$7,594,816.

For the fiscal year beginning July 1, 2004, appropriates \$1,600,000 from the tobacco litigation settlement cash fund to the department of human services for implementation of the act. In addition, appropriates \$800,000 from the tobacco litigation settlement cash fund to the department of public health and environment, for the program. Adjusts appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2004, to the

department of health care policy and financing and the department of human services.

Makes specified funding portions of the act contingent upon House Bill 04-1421 not passing.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

NOTE: House Bill 04-1421 was approved in part and vetoed in part by the Governor, June 4, 2004.

H.B. 04-1123 Colorado mental health institute at Fort Logan - review - report. Conditioned upon potential partners for a merger with the Colorado mental health institute at Fort Logan ("institute") being identified, requires the department of human services ("department") to conduct a review of an alternative option to the existing administration, organization, and operation of the institute. Requires the executive director of the department to appoint a steering committee to assist and provide input to the department in conducting the review. Specifies that the review shall consider opportunities for the institute to merge with another hospital in the Denver metropolitan area. Identifies specific issues for the review to address.

Specifies that nothing in the review shall negatively impact the role of the Colorado mental health institute at Pueblo in the statewide public mental health system. Specifies that during the review, the department and the steering committee shall consult with representatives of the department of health care policy and financing and representatives of any hospital in the metropolitan area with which the institute could effectively and efficiently merge. Sets forth a reporting requirement.

Section 2 of this act provides that the act shall take effect only if the department of human services provides written notification to the revisor of statutes that potential partners for a merger with the Colorado mental health institute at Fort Logan have been identified by the contractor hired by the executive branch to identify such partners.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

NOTE: As of publication date, notification by the department to the revisor of statutes had not been received.

HUMAN SERVICES - SOCIAL SERVICES

S.B. 04-14 Colorado works program - county reserve account - retention of balance. Beginning in state fiscal year 2004-05, allows a county to retain, at the end of each state fiscal year, the balance of county block grant funds remaining in the county's reserve account rather than the county remitting a portion of the account balance to the long-term works reserve fund.

APPROVED by Governor April 8, 2004

EFFECTIVE July 1, 2004

S.B. 04-17 Colorado works - alien eligibility requirements. In order to comply with federal law:

- Modifies the definition of "qualified alien" under the Colorado works program; and
- Changes the eligibility requirement that a qualified alien live in the United States for over 5 years to a requirement that the qualified alien be in a qualified alien status for a period of 5 years.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-35 County board of social services - public assistance and welfare duties - commissioner duties - simultaneous meetings. Repeals the provision that requires a county or district board of social services ("county board") to perform its public assistance and welfare duties, responsibilities, and activities separate and apart from the board of county commissioner's duties and responsibilities. Specifies that the county board may hold a meeting to address the public assistance and welfare duties, responsibilities, and activities of the county or district department of social services ("county department") in conjunction with a meeting of the board of county commissioners. Requires the county board to act in accordance with rules adopted by the state board of human services when addressing public assistance and welfare duties, responsibilities, and activities of the county department.

APPROVED by Governor April 8, 2004

EFFECTIVE August 4, 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. 04-1029 Colorado works program - vocational education. Requires the department of human services ("department") to notify each county, within 30 days after the beginning of the state fiscal year, of the department's projection regarding the county's adjusted work participation rate for that state fiscal year.

Authorizes each county to place Colorado works participants ("participants") in vocational education for longer than 12 months in order to meet critical skills shortages in the labor market under specified conditions. Authorizes the department to suspend a county's ability to place participants in vocational education for longer than 12 months if the department certifies that allowing vocational education to count toward a participant's

required work activities would affect the state's ability to meet federal work participation rates.

APPROVED by Governor March 9, 2004

EFFECTIVE March 9, 2004

H.B. 04-1030 Colorado works program - evaluation - appropriation. Modifies the evaluation component of the Colorado works program and continues the evaluation for 5 years.

Appropriates \$500,000 from federal temporary assistance for needy families block grant funds to the department of human services for the implementation of the act.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1047 Child care assistance - county child support enforcement - requirement of recipient cooperation. Authorizes a county to require a person who receives child care assistance pursuant to the "Colorado Child Care Assistance Program Act", but who is not otherwise a recipient of public assistance, to apply for child support establishment, modification, and enforcement services related to support obligations owed by absent parents to their children and to cooperate with the delegate child support enforcement unit. Allows an exception for a person with good cause for not applying to receive these services.

APPROVED by Governor March 17, 2004

EFFECTIVE March 17, 2004

H.B. 04-1049 Colorado child care assistance program - Colorado works program - assistance for transitioning families. Subject to available appropriations, requires a county to provide child care assistance for a family transitioning off the Colorado works program ("program") due to employment or training without requiring the family to apply for low-income child care, unless:

- The family is leaving the program due to a violation of program requirements;
- The county does not include training as an eligible activity for low-income child care;
- The family is leaving the program due to employment and will be at an income level that exceeds the county-adopted income eligibility limit for the county's child care assistance program; or
- The county in which the family resides has a waiting list for the county's child care assistance program.

APPROVED by Governor April 5, 2004

EFFECTIVE August 4, 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. 04-1107 Office of homeless youth services - transfer - department of human services - appropriation. Transfers the office of homeless youth services and all powers, duties, and functions of such office from the department of public health and environment to the department of human services by a **type 2** transfer.

For the fiscal year commencing July 1, 2004, increases the appropriation to the department of human services for mental health and alcohol and drug abuse services, supportive housing and homeless program by 1.0 FTE.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1118 At-risk adults - false reporting of mistreatment or self-neglect - penalty. Makes it a class 3 misdemeanor for a person to willfully make a false report of mistreatment or self-neglect of an at-risk adult to a county department of social services or local law enforcement agency. Specifies that a person who willfully makes a false report of mistreatment or self-neglect is liable for damages proximately caused by the false report.

APPROVED by Governor April 5, 2004

EFFECTIVE July 1, 2004

H.B. 04-1271 Placement of children - out-of-home - dedicated family homes - pilot program - private moneys. Subject to available appropriations, requires the department of human services ("state department") to license dedicated family homes and to designate no more than 10 county departments of social services ("county departments") and child placement agencies ("CPAs") to recruit, train, monitor, and investigate house parents to operate dedicated family homes. Clarifies that county departments and CPAs participate in the pilot program only on a voluntary basis.

Specifies that private moneys received are to be used to reserve a bed or beds in a specified dedicated family home to which a child and his or her siblings may return until each child attains the age of 18. Subject to available appropriations, allows the state department to allocate private moneys for specified house parent inducements. Allows the state department to seek the acquisition or construction of property, facilities, or structures to be operated as dedicated family homes.

Directs the state department to submit a report on the effectiveness of dedicated family homes to the house and senate health, environment, welfare, and institutions committees no later than December 31, 2007. Repeals the program July 1, 2008. Defines "dedicated family home". Prohibits a house parent from operating a dedicated family home if the house parent has been convicted of certain offenses.

APPROVED by Governor April 21, 2004

EFFECTIVE August 4, 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. 04-1277 Early childhood and school readiness commission - continued study - membership - duties - report - funding - repeal - appropriation. Changes the name of the child care commission to the early childhood and school readiness commission ("commission"). Requires the commission to perform additional duties related to school readiness. Expands the membership of the commission from 15 to 17 members, and makes modifications to current membership requirements. Requires the commission to report to the general assembly on or before November 1, 2005, and again on or before July 1, 2007, concerning the matters studied by the commission and any recommendations to the general assembly.

Authorizes the state department of human services ("state department") to accept grants, gifts, and donations for the purposes associated with implementing the act, creates the early childhood and school readiness cash fund ("cash fund"), and makes the moneys in the cash fund subject to annual appropriation by the general assembly to the state department and to the legislative council for the direct and indirect costs associated with implementation. Authorizes the state department to enter into a contract for staff assistance if the commission receives gifts, grants, and donations sufficient to fund the staff assistance. Requires compensation for commission members who are members of the general assembly to be approved by the chair of the legislative council and paid by vouchers and warrants. Specifies that if the cash fund does not contain moneys sufficient to pay the members of the commission for each fiscal year from fiscal year 2004-05 to fiscal year 2006-07 by December 1 of the start of each such fiscal year, the act shall be repealed. Extends the repeal date of the commission from July 1, 2004, to July 1, 2007, unless repeal is required prior to July 1, 2007 due to insufficient funds to compensate members of the commission.

Appropriates \$26,100 from the early childhood and school readiness cash fund to the state department for allocation to the division of child care for implementation of the act for the fiscal year beginning July 1, 2004. Appropriates \$600 from the early childhood and school readiness cash fund to the legislative council for implementation of the act for the fiscal year beginning July 1, 2004.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

H.B. 04-1414 FY 2004-05 budget reduction bill - Title IV-E reimbursement cash fund - creation - state department allocation to counties - authorized uses - report - appropriation. States that for fiscal year 2003-04 and each fiscal year thereafter, after the amount set aside from federal revenues earned by the state to fully fund Title IV-E eligible services and costs of the administrative review unit, previously known as the state foster care review program, has been distributed to each county, the remaining moneys shall be transmitted to the state treasurer, for credit to the newly created excess federal Title IV-E reimbursements cash fund ("fund"). Makes the moneys in the fund subject to annual appropriation by the general assembly to the department of human services ("state department") to help defray the cost of performing administrative functions related to obtaining federal reimbursement moneys available under the Title IV-E program. In addition, authorizes the state department to allocate the moneys in the fund to counties for the provision of assistance, child care assistance, social services, and child welfare services. Specifies that moneys in the fund may be invested by the state treasurer, and that all interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Further specifies that any unencumbered and unexpended moneys remaining in the fund at the end of the fiscal year shall remain in the fund and shall not be credited or transferred or revert to the general fund or any other fund.

For fiscal year 2004-05, and in subsequent years if so specified by the general assembly, requires the counties to expend the moneys appropriated by the general assembly in a manner that will be applied toward the state's maintenance of historic effort pursuant to the federal "Social Security Act", as amended. On or before October 1, 2004, and on or before each October 1 thereafter, requires the state department to report the following to the joint budget committee of the general assembly: The amount of federal revenues earned by the state in the previous fiscal year pursuant to Title IV-E of the federal "Social Security Act", as amended; the amount of the earnings that were expended, including information concerning the purposes of the expenditures; and the amount of this money that was credited

to the fund.

For the fiscal year beginning July 1, 2004, appropriates \$1,600,000 to the state department to help defray counties' costs of performing administrative functions related to obtaining federal reimbursement moneys available under the Title IV-E program from the fund. Appropriates \$2,500,000 to the state department for allocation to the counties for provision of assistance, child care assistance, social services, and child welfare services for the fiscal year beginning July 1, 2004. Adjusts appropriations made to the state department for distribution to counties in the general appropriation act for the fiscal year beginning July 1, 2004.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

INSURANCE

S.B. 04-11 Certified capital companies - qualified distributions - limits. Prohibits certified capital companies from making qualified distributions for federal or state taxes and for professional services related to litigation challenging the validity or effect of the "Certified Capital Company Act", lobbying, or governmental relations.

APPROVED by Governor January 20, 2004

EFFECTIVE January 20, 2004

S.B. 04-21 Motor vehicles - coverage in jurisdictions outside of the United States. Eliminates the provision requiring an individual to purchase motor vehicle insurance that would indemnify against accidents in Canada or Mexico. States that this act applies to insurance policies issued or renewed on or after January 1, 2005.

APPROVED by Governor March 23, 2004

EFFECTIVE January 1, 2005

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

S.B. 04-26 Motor vehicle - cancellation - hearing. Increases the time period with which the insurance commissioner must hold a hearing concerning a policyholder's protest of the cancellation of motor vehicle insurance from 30 days to 45 days after receipt of the protest. Applies the act to cancellations of motor vehicle insurance on or after July 1, 2004.

APPROVED by Governor March 23, 2004

EFFECTIVE July 1, 2004

S.B. 04-78 Administration - insurance commissioner - financial responsibility - filings - release of securities - investments - insurance companies. Authorizes certain filings related to the regulation of insurance companies to be filed with the insurance commissioner ("commissioner") and the secretary of state in an electronic format.

In statutes relating to the ascertainment of surplus of domestic insurance companies, repeals the provisions that excluded from consideration as a liability a commission, collection fee, or compensation conditioned upon the payment of an uncollected, deferred, or future premium or a bonus coupon or dividend payable or deductible under a policy of insurance or annuity or other contract and conditioned upon the payment of an uncollected, deferred, or future premium.

Eliminates outdated provisions regarding deposit and safekeeping of securities held by the division of insurance. Changes the procedure for release of securities held by the division to an insurance company from requiring a court order to providing satisfactory evidence to the commissioner that all debts, obligations, and liabilities of the insurer have been paid and discharged or that adequate provisions for the payment or discharge of such debts, obligations, or liabilities have been made.

Specifies that domestic insurance companies may invest in collateral loans secured by the pledge of investments allowed for collateral loans as provided by nationally recognized insurance statutory accounting principles, subject to certain provisions. Specifies that domestic insurance companies may invest in additional investments as nonadmitted

assets under certain circumstances.

Repeals the commissioner's obligation to conduct examinations of rating organizations.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

S.B. 04-94 Health savings accounts - basic plan for small employer insurance - individual and large group insurance - state employees - PERA contributions. Eliminates the requirement that certain basic health benefit plans for small employers be offered in conjunction with a medical savings account. Specifies that a basic health benefit plan for a small employer is a plan that:

- Does not include coverage for mammograms, prostate screenings, and child supervision services and does not have the offer of coverage for mental health, hospice, or treatment of alcoholism coverage;
- Is a high deductible plan that qualifies for a health savings account; or
- Is a high deductible plan that does not include coverage for mammograms, prostate screenings, or child supervision services and does not include the offer of coverage for mental health, hospice, or treatment of alcoholism coverage that would qualify for a health savings account.

Allows any carrier authorized to conduct business in this state to offer a high deductible health plan that would qualify for a health savings account. Specifies that deductible amounts may apply to mammograms, prostate screenings, child supervision services, and prosthetic devices, if the federal department of treasury determines that these coverages are not preventive or that they have an acceptable deductible amount.

Requires the director of the department of personnel to evaluate the feasibility of offering to state employees a high deductible health plan that would qualify for a health savings account. Requires the director to report to the members of the business affairs and labor and health, environment, welfare, and institutions committees for the house of representatives and the senate no later than October 1, 2004.

Amends the definition of "salary" for the purposes of the public employees retirement association (PERA) to clarify that:

- Members who voluntarily contribute to a health savings account would be subject to PERA contributions and included in benefit calculations.
- Any paid leave contributed directly to the health savings account would not be subject to PERA contributions.

Applies to basic health benefit plans issued or renewed on or after July 1, 2004, and to health savings accounts established on or after January 1, 2004.

APPROVED by Governor May 17, 2004

EFFECTIVE July 1, 2004

S.B. 04-105 Health insurance regulation - provider networks reporting requirements - health care cooperatives - Colorado Care Health Insurance Program - small group health insurance regulation - individual health insurance coverage - health maintenance organizations - mental

health benefit coverage - insurance producer continuing education requirements. Repeals the annual reporting requirement for provider networks to file statements with the insurance commissioner (commissioner) that they are not transacting insurance business. Transfers the regulatory authority for health care cooperatives from the department of health care policy and financing to the division of insurance (division). Moves the health care cooperative laws from the consumer and commercial affairs statutes to the health care coverage statutes.

Repeals the "Colorado Care Health Insurance Program", which was never funded.

Repeals outdated and conflicting language from the small group health insurance laws. Specifically:

- Repeals small group rating bands and risk adjustment provisions that have been phased out;
- Repeals selected provisions related to self-insurance by business groups of one;
- Repeals provisions that potentially conflict with the federal "Health Insurance Portability and Accountability Act";
- Consolidates small employer health insurance statutes with the general provisions governing health care coverage;
- Eliminates the rate limitations for business groups of one to the average increase for an individual health carrier's entire book of business; and
- Eliminates the annual reporting requirement for individual carriers marketing to self-employed business groups of one.

Removes an apparent conflict between provisions governing individual sickness and accident policies and guaranteed issue of individual health benefit plans.

Makes health maintenance organizations subject to all of the examination provisions for health insurers.

Conforms mental health parity coverage provisions to federal law. Harmonizes the requirements for high-deductible health benefit plans with federal law. Harmonizes state law concerning payment of benefits.

Allows an insurance producer to accumulate continuing education credits for a specified period. Requires that an insurance producer complete at least 3 of his or her mandatory 24 hours of continuing education hours in ethics courses.

APPROVED by Governor May 21, 2004

EFFECTIVE August 4, 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. 04-106 Premium tax credits - reallocation from certified capital companies to venture capital authority. Reduces the aggregate value of premium tax credits applicable to insurance companies' investments of certified capital in certified capital companies made after January 31, 2004, from \$100 million to \$50 million.

Creates a venture capital special purpose authority ("authority") and conditionally designates the authority as an enterprise under article X, section 20, of the Colorado constitution. Directs the authority to conduct a competitive process for the selection of one

or more venture capital fund managers ("fund managers") to manage one or more rural venture capital funds, one or more statewide venture capital funds, and one or more distressed urban community capital funds.

Creates venture capital premium tax credits ("tax credits"), which may be claimed by insurance companies that have made a contribution to the authority and received a tax credit certificate from the authority. Requires insurance companies that wish to claim a tax credit to offer to make a contribution to the authority and to state a desired amount of tax credits. Requires the authority to issue certificates only to those insurance companies that contribute the highest percentage of their desired amount of tax credits. Directs the authority to issue tax credit certificates in the requested amount, with a total value of \$50 million to be taken by insurance companies at the rate of up to \$5 million per year for each of the calendar years from 2005 to 2014. If House Bill 04-1206 is declared unconstitutional, reduces the premium tax credit for investments of certified capital in certified capital companies from \$50 million to zero and increases the total value of venture capital premium tax credits from \$50 million to \$100 million.

Directs the authority to deposit 25% of the contributions into one or more rural venture capital funds, 50% of the contributions into one or more statewide venture capital funds, and 25% of the contributions into one or more distressed urban community capital funds ("certified capital"). Directs the fund managers to use certified capital to make seed and early-stage investments in qualified businesses or qualified rural businesses ("qualified investments").

Directs the authority to regulate the fund managers' use of certified capital. Limits fund managers' maximum allowable management, operational, and other fees ("qualified distributions") to 2.5% of certified capital unless specifically authorized by the authority.

Creates a revolving enterprise fund to be used for future qualified investments. Requires fund managers to remit to the revolving fund an amount equal to 100% of certified capital and, thereafter, a negotiated percentage of certified capital and proceeds.

APPROVED by Governor March 4, 2004

EFFECTIVE March 4, 2004

S.B. 04-116 Workers' compensation - rates - effective date. Requires workers' compensation insurance and medical benefit rates to take effect on January 1. Requires applications for such rates to be filed by August 1.

APPROVED by Governor April 8, 2004

EFFECTIVE August 4, 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. 04-125 Motor vehicle coverage - medical payments coverage - clean claims - submission of claims - prompt payment - penalties for late payment - rules. Makes legislative findings. Defines a clean claim, for the purpose of medical payments coverage for auto insurance, as a claim where no additional information is needed by the insurer to accept or deny the claim and a claim that is submitted with a properly executed application form for benefits. Allows a claimant to submit a claim by mail, electronically, by facsimile, or by hand.

Requires an insurer to maintain current claim data for access by the commissioner of

insurance (commissioner). Requires each insurer to provide a copy of its claim filing requirements to the insured upon request and to provide an application for benefits within 15 days after the receipt of a notification of loss.

Requires clean claims to be paid, denied, or settled within 30 days after electronic receipt and 45 days after receipt by any other means. If the claim requires additional information, requires the insurer to request specific information within 30 days after receipt of the claim. Requires the insured to submit such information within 30 days after receipt of the request. Allows the insurer to deny a claim for failure to timely submit the requested information. If the information is timely submitted, requires the claim to be paid, denied, or settled within 30 days after the submission. Requires all claims to be paid, denied, or settled within 90 days after receipt by the insurer, except for fraudulent claims, where unusual or extenuating circumstances exist, or where further investigation is necessary.

Institutes penalties against an insurer who fails to timely pay, deny, or settle a claim.

Allows the commissioner to investigate a claim filed by a provider against an insurer when the claim is related to the improper handling or denial of benefits. Allows the commissioner to impose penalties against an insurer who has a pattern and practice of violations.

Requires an insured to notify an insurer that he or she has been injured within 30 days after the accident that caused the injury.

Allows the commissioner to promulgate rules regarding the electronic submission of claims. Prohibits an insurer from refusing to accept hard-copy claim forms. Makes the failure to adopt and implement reasonable standards for the prompt resolution of medical payment claims an unfair method of competition or deceptive act or practice in the business of insurance.

Makes specified provisions of the act effective only if House Bill 04-1234 is enacted and becomes law.

APPROVED by Governor May 27, 2004

EFFECTIVE July 1, 2004

NOTE: House Bill 04-1234 was signed by the Governor May 21, 2004.

S.B. 04-211 Individual health insurance - CoverColorado - moneys from the unclaimed property trust fund transmitted to CoverColorado - administration of the unclaimed property trust fund moneys. Eliminates the requirement that the administrator of the unclaimed property trust fund (administrator) publish notification of unclaimed property in newspapers. Establishes an electronic list of the owners of unclaimed property. Requires this electronic list to be available to the public via the world wide web. Limits the amount the administrator may use for advertisement of the unclaimed property trust program to 2% of the amount paid for claims from the previous year out of the unclaimed property trust fund (fund).

Allows a portion of the fund to be transmitted to CoverColorado to pay projected claims, administrative expenses, reserves for claims incurred but not reported, and the surplus equal to 10% of projected annual claims when the board determines the CoverColorado program is unable to meet these expenses. Requires the board of CoverColorado to submit an annual report to the state treasurer concerning the projected claims, administrative expenses, reserves for claims incurred but not reported, and the surplus equal to 10% of

projected annual claims. Specifies that the report shall be substantiated by an actuarial evaluation of the program. Requires the state treasurer to report to the general assembly moneys expended from the fund to CoverColorado.

Repeals the CoverColorado cash fund (cash fund). Directs any remaining moneys in the cash fund to the program accounts of CoverColorado (program accounts). Directs moneys received from the fund to the program accounts. Requires the executive director of CoverColorado to report annually to the joint budget committee concerning the receipt and expenditure of moneys for the program. Allows the treasurer to promulgate rules concerning the timing of any transfer of moneys to CoverColorado.

APPROVED by Governor May 27, 2004

EFFECTIVE August 4, 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. 04-216 Property and casualty insurance - use of credit scoring - limitations - dispute resolution. Limits when an insurer offering personal lines of property and casualty insurance (homeowners and motor vehicle insurance) may use credit information to rate or underwrite. Specifies when credit information may not be used. Outlines how a consumer may receive reimbursement for an overpayment of premium based on erroneous credit information. Requires disclosure by the insurer if the insurer uses credit information to underwrite or rate an applicant or insured. If an insurer takes adverse action against an insured, requires the insurer to explain that adverse action has been taken and why the adverse action was taken.

Requires an insurer to file scoring models with the insurance commissioner. Excludes such information from being a public record upon the insurer's request.

Indemnifies a producer from liability associated with obtaining or using credit information in a manner that is consistent with the insurer's policies and applicable law. Prohibits consumer reporting agencies from selling data submitted in conjunction with an insurance inquiry.

Repeals the prohibition of the use of credit information for the determination of premiums for homeowner's insurance.

APPROVED by Governor June 4, 2004

PORTIONS EFFECTIVE June 4, 2004
PORTIONS EFFECTIVE January 1, 2005

S.B. 04-247 Certified capital companies - regulation. Reforms the regulation of certified capital companies ("CAPCOs") under the "Certified Capital Company Act" ("CAPCO act"). Redefines a "qualified business" by:

- Excluding certain types of businesses;
- Allowing an out-of-state business to commit to move into Colorado within 90 days after finalization of a contract and prohibiting follow-on investments unless the business is located in Colorado;
- Requiring submission of an affidavit from a principal officer of the business stating that the business intends to stay in Colorado for at least 3 years after the qualified investment and preventing the investment from counting toward minimum investment thresholds if the business does not stay in Colorado for at least 6 months after an investment.

Redefines a "qualified investment" by requiring qualified businesses to spend substantially all of the qualified investments in Colorado and excluding loans unless the business has received rejection letters from 2 banks and unless the state's revolving loan fund that covers the area where the business is located has declined the loan. With listed exceptions, prohibits CAPCOs from owning more than 49% of a business without approval from the Colorado economic development commission.

Requires CAPCOs to invest 100% of certified capital within 10 years and to annually report to the office of economic development ("office") the number and location of jobs created. Requires an amount of certified investments equal to at least 1/3 of statewide investments to be in seed or early stage businesses and allows statewide capital invested in rural businesses to count double with regard to only the 3-year and 5-year investment thresholds. Continues the authority of the office to regulate CAPCOs after the 10-year period, but only with regard to distributions to local nonprofit entities.

Prohibits a CAPCO from making distributions if it fails to invest 100% of certified capital. If 100% of certified capital has not been invested within 12 years, increases the local nonprofit entities' portion of future distributions to 60%. If 100% has not been invested within 16 years, increases the local nonprofit entities' portion of future distributions to 100% and allows the economic development commission to manage the CAPCO's investments.

Authorizes the office to assess an administrative fine against a CAPCO, in an amount not to exceed \$100,000 pursuant to a schedule adopted by rule, for any material violation of the CAPCO act. Allows the office to inspect the records of CAPCOs and qualified businesses to determine compliance with the CAPCO act.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

H.B. 04-1008 Motor vehicle - assignment of payment - medical payments coverage. Allows a person who sustains injuries in a motor vehicle accident to assign the payment of the covered benefits pursuant to a policy of medical payments coverage to a health care provider. Sets out the requirements of the assignment. Makes an insurer responsible for making payment to the assigned provider and states that if an insurer fails to honor an assignment and makes payment to the insured, the insurer is still liable for payment to the provider if the insured does not make a timely payment of an equivalent amount.

Applies to policies of motor vehicle insurance issued or renewed on or after April 5, 2004.

APPROVED by Governor April 5, 2004

EFFECTIVE April 5, 2004

H.B. 04-1026 Motor vehicle - medical payments coverage - amounts. Requires an insurer offering medical payments coverage for the purposes of motor vehicle insurance to offer \$5,000 in coverage, as well as any other amount deemed appropriate by the insurer.

Applies to medical payments coverage policies issued or renewed on or after July 1, 2004.

APPROVED by Governor April 12, 2004

EFFECTIVE July 1, 2004

H.B. 04-1079 Annuity contracts. Requires an annuity contract to allow a paid-up annuity benefit upon written request of the contract owner. Requires a company that wants to delay settlement of a contract for up to 6 months to obtain written permission from the commissioner of insurance (commissioner). Specifies when an annuity contract may provide for termination and payment of the paid-up annuity's present value.

Changes the minimum annuity interest rate to the lesser of 3% or the 5-year constant maturity treasury rate minus 1.25 to 2.25% so long as the resulting interest rate is at least 1%. Authorizes the commissioner to limit such deduction to less than 2.25% and to promulgate rules adjusting it further. Replaces the company's general authority to charge the lesser of 10% of the gross or \$30 with authority to charge \$50. Changes the minimum nonforfeiture amount to 87.5% of the gross considerations.

Grants the commissioner general rule-making authority regarding standard nonforfeiture regulation for individual deferred annuities.

Allows a company a year to implement the changes in the act.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1114 Property and casualty - motor vehicle. Prohibits an auto insurer from:

- Denying reimbursement to a health care provider for a covered service under a policy of medical payments coverage that is performed within the scope of practice for the health care provider; or
- Retroactively adjusting the reimbursement rate to a health care provider after 12 months.

APPROVED by Governor April 21, 2004

EFFECTIVE January 1, 2005

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

H.B. 04-1117 Health - small group - carrier reentry - reduction of waiting period. Allows a one-time reduction of the 5-year waiting period to 4 years for health insurance carriers that have elected to nonrenew or discontinue coverage for small group insurance. Allows the insurance commissioner discretion to allow such reentry after an evaluation of the impact of the reentry, the state's insurance market, and consistency with federal law.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1154 Powers of the commissioner - informal investigations - use of contract services - payment of information investigation by insurer - rules. Allows the commissioner of insurance (commissioner) to contract for personal services from professionals with the necessary expertise for the purpose of performing informal investigations of insurers. Requires the commissioner to promulgate rules concerning out-of-state travel requirements, special expertise for the investigation, and what constitutes a significant pattern of complaints or a well documented allegation to require an informal investigation. Requires an insurer or producer to pay the costs of the expert at the discretion of the commissioner.

APPROVED by Governor March 8, 2004

EFFECTIVE March 8, 2004

H.B. 04-1177 Health benefit coverage - prohibited practice - kidney donors - health benefit plan rating and reserve amounts for multiple employer welfare arrangements - definition of licensed health care provider - health care availability act application to laboratories - Colorado mental health institute at Pueblo - consumer protection for health discount programs - evaluation of balance billing. Prohibits an insurer from refusing to issue or renew, or to deny, coverage based solely on a person's donation of a kidney.

Makes it a violation of the consumer protection laws for a person to sell a health discount plan without providing the following information to consumers:

- A statement that the product is not insurance;
- The availability of a list of all health care providers within the state that participate in the discount health care services program; and
- A statement that the consumer has 30 days after the date of purchase to cancel the discount plan.

Reduces the reserve amount from 30% to 25% for a self-funded multiple employer welfare arrangement (MEWA). Allows a self-funded MEWA to reduce the amount of moneys posted with the division of insurance if the MEWA obtains excess insurance in amounts determined by the insurance commissioner.

Allows either a fully insured or a self-funded MEWA to use the same rating factors as are available for small employer carriers, specifically, age, family composition, geographic location, health status, claims experience, and standard industrial code. Creates rating flexibility of 25% decreases and 10% increases for age, health status, claims experience, and standard industrial code.

Adds acupuncturists to the definition of "licensed health care provider" for the purposes of joint underwriting association for medical malpractice insurance.

Requires the insurance commissioner to conduct public hearings, in collaboration with the division of registrations, department of public health and environment, and any other state agency, concerning when a person with insurance may be balance billed for services. Requires the insurance commissioner to report to the general assembly concerning the results of such hearings. Allows agencies to promulgate rules.

Adds laboratories that are federally certified to the health care availability act for the purposes of medical malpractice litigation.

Allows the Colorado mental health institute at Pueblo to accept persons who are uninsured, when the institute has the available resources to treat such persons. Requires the office of behavioral health and housing in the department of human services to report to the general assembly concerning uninsured persons treated and the affects of treating such people on the institutes resources.

Applies the act to health benefit coverage issued to a multiple employer welfare arrangement and health discount services sold on or after the applicable effective date of the act.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1190 Certified capital companies - distributions to local nonprofit entities. Adjusts the formula pursuant to which a certified capital company must transfer a portion of its profits to certain local nonprofit entities so that, as determined by rule promulgated by the office of economic development, if the company's internal rate of return:

- Has not yet exceeded 10%, the company must transfer to the local nonprofit entities 15% of further distributions from capital or proceeds or gains from any use of capital, other than distributions for taxes, repayments of indebtedness, and equity capital paid into the company before the effective date of the act.
- Ever exceeds 10%, the company must transfer to the local nonprofit entities 20% of further distributions from capital or proceeds or gains from any use of capital above the amount required to produce the 10% return. Allows the economic development commission to accrue transfers based on distributions for taxes, repayments of indebtedness, and equity capital paid into the company before the effective date of the act for transfer to the local nonprofit entities at a later date.

Applies to actions taken by, or with respect to, certified capital companies on or after May 28, 2004.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1206 Premium tax credits - reallocation from certified capital companies to CoverColorado. Reduces the aggregate value of premium tax credits applicable to insurance companies' investments of certified capital made after January 31, 2004, from \$100 million to \$50 million. Offsets the net revenue gains directly caused by such reduction by creating \$50 million in premium tax credits for insurance companies' contributions to CoverColorado. Allows an assessment against insurance companies for the CoverColorado program to occur only when other revenues, including the contributions made pursuant to the tax credit, are insufficient. If Senate Bill 04-106 is declared unconstitutional, reduces the premium tax credit for investments of certified capital from \$50 million to zero and increases the aggregate value of CoverColorado tax credits from \$50 million to \$100 million.

APPROVED by Governor March 4, 2004

EFFECTIVE March 4, 2004

H.B. 04-1210 Motor vehicle insurance - medical payments coverage - rules. Requires the insurance commissioner to promulgate any necessary rules related to the administration of medical payments coverage and coordination of coverage related to motor vehicle insurance. Repeals such rule-making authority on July 1, 2005.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1232 Property and casualty - motor vehicle - enhanced coverages - rules. Prohibits an insurer or a producer from automatically adding optional or enhanced coverages to a consumer's policy of motor vehicle insurance without explicit consent from the consumer. Requires the insurer or producer to maintain evidence of the insured's consent to coverage for 3 years. Specifies what "adequate evidence" of consent means. Allows the insurance

commissioner to promulgate rules concerning suitability of enhanced coverages.

Applies to policies of motor vehicle insurance offered on or after July 1, 2004.

APPROVED by Governor April 13, 2004

EFFECTIVE July 1, 2004

H.B. 04-1234 Property and casualty - motor vehicle coverage - rules - claims practices for property damage - operator's policy. Prohibits a property and casualty insurer from refusing to provide benefits to an insured who is a volunteer for a fire department when the insured is responding to an emergency. Requires a property and casualty insurer to:

- Provide payments for title fees, sales tax, and any other registration fees or charges associated with the total loss of a motor vehicle;
- Clearly disclose the coverage provided for the towing and storage of a motor vehicle and specifically advise an insured of additional expenses that may be incurred by the insured for towing and storage; and
- Create a fair and consistent methodology for evaluation of total loss of a motor vehicle.

Allows the insurance commissioner to promulgate rules related to motor vehicle insurance, including rules concerning unfair and deceptive trade practices and specifying when payments for any applicable replacement motor vehicle must be made by an insurer. Corrects references to self-insurers for the purpose of motor vehicle insurance. Recreates prior provisions allowing issuance of an operator's motor vehicle insurance policy.

Makes specified provisions of the act contingent on the passage of Senate Bill 04-125.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

NOTE: Senate Bill 04-125 was signed by the Governor May 27, 2004.

H.B. 04-1236 Property and casualty insurance - homeowner's - binders - notice of cancellation of binder - loss history - underwriting methodologies. Requires an insurer offering homeowner's insurance to provide notice to an applicant:

- Of a waiting period during which the insurer evaluates the property to be insured, of a decision to not issue a homeowner's insurance policy or to cancel a conditional policy, and of a decision to extend such waiting period in order to further evaluate the property;
- If specific underwriting criteria used by the insurer, other than paid claims on the property, adversely affected the applicant; and
- If the insurer uses credit scoring, claims history of the property, or claims history of the applicant in determining whether to insure the applicant's property.

Requires an insurer offering homeowner's insurance to file with the insurance commissioner its underwriting methodologies.

Requires an insurer to provide to an insured information regarding how to obtain a free loss history information report.

Prohibits an insurer from considering insurance coverage inquiries when setting rates

or determining eligibility for homeowner's insurance. Prohibits an insurer from providing information regarding claims to an entity other than one that compiles or monitors personal claim or loss experience shared by insurers for underwriting or rating purposes.

Applies to homeowner's insurance policies issued or renewed on or after January 1, 2005.

APPROVED by Governor June 4, 2004

EFFECTIVE January 1, 2005

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

H.B. 04-1292 Property and casualty insurance - homeowner's insurance - notice of conditional binder or policy required - notice of cancellation required - credit scoring prohibited - availability of loss history information report - cancellation and nonrenewal prohibited for coverage inquiries. Requires an insurer to provide notice to a potential insured that a binder or policy for homeowner's insurance is conditional for 30 days if the binder or policy is issued while assessing the risk related to the property. Requires the insurer to notify the potential insured if the conditional binder or policy is cancelled. Allows for extension of the 30-day period if there is an articulate and reasonable basis for cancellation of coverage and further investigation or repair to the property is necessary.

Prohibits an insurer from using credit scoring for the acceptance, denial, renewal, or rating of a potential insured for insurance underwriting purposes in connection with homeowner's insurance. Requires an insurer to provide to an insured information regarding how to obtain a free loss history information report.

Prohibits an insurer from considering insurance coverage inquiries when setting rates or determining eligibility for homeowner's insurance. Prohibits an insurer from providing information regarding claims to an entity other than one that compiles or monitors personal claim or loss experience shared by insurers for underwriting or rating purposes.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 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. 04-1390 Health care coverage - insurer requirement - disclosure of cancer screening coverages. Requires each health insurer to include with the required Colorado health benefit plan description form informational materials specifying a health plan's cancer screening coverages and the respective parameters.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

LABOR AND INDUSTRY

S.B. 04-23 Remuneration not included as wages - periodically distributed supplemental unemployment benefits. Excludes from the definition of "wages", for purposes of the "Colorado Employment Security Act", the amount of any payment made to or on behalf of an employee under a specific type of plan or system established by an employer for the purpose of supplementing unemployment benefits.

APPROVED by Governor March 23, 2004

EFFECTIVE August 4, 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. 04-226 Explosives permits - criminal history record check required prior to issuance - fingerprint-based criminal history record check required upon further investigation - appropriation. Requires an applicant for an explosives permit to submit his or her set of fingerprints to the department of labor and employment (department). Requires the department to conduct a criminal history record check of each applicant. Directs the department to forward the fingerprints to the Colorado bureau of investigation for a state and national fingerprint-based criminal history record check if the department finds that further investigation is necessary. Requires the applicant to pay for the costs of the check. Prohibits a person from purchasing explosives without an explosives permit.

Appropriates \$2,963 from the moneys collected to pay for the costs of the check to the department of public safety for the implementation of the act.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-249 Workers' compensation - definition of "employer" - general contractor. Amends the definition of an "employer" under the workers' compensation statutes for a general contractor who hires an independent contractor. Defines "individual" as a natural person for the purposes of this act and prior, related legislation.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1068 Workers' compensation - notice to pursue claim against third party - penalties. Expands the requirement to file notice of intent to pursue a workers' compensation claim for damages arising out of actions of a negligent stranger to all parties to the claim. Allows the party pursuing subrogation to recover attorney fees and costs. Specifies that if the party bringing a subrogation action is the insurer paying workers' compensation benefits and such party fails to provide notice to the injured employee or, if the injured employee is deceased, to the employee's decedents, any amount recovered by the insurer shall be reduced by \$50 per day for each day the notice was not given to the employee or the employee's decedents up to 20% of the total assigned interest at the time the notice was due.

APPROVED by Governor March 9, 2004

EFFECTIVE August 4, 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. 04-1087 High voltage power line safety requirements - establishment of care in defense of negligence claim. Proof of compliance with an applicable standard of the national electric safety code that is or was in effect at the time of installation of an overhead high voltage power line establishes the highest degree of care in the defense of a negligence claim asserted by persons or entities exempt from the high voltage power line safety requirements.

APPROVED by Governor March 17, 2004

EFFECTIVE August 4, 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. 04-1090 Workers' compensation insurance coverage - verification - department of revenue access to inquiries made by division of workers' compensation. Allows the director of the division of workers' compensation (director) to verify that all of an employer's employees are covered under a workers' compensation plan as part of the director's investigation of a default. Allows the findings of the director to be forwarded to the employer's workers' compensation carrier for further investigation. Applies to investigations of the director on and after August 4, 2004.

Allows the department of revenue access to the records of the division of workers' compensation to determine if an employer has any tax liability.

APPROVED by Governor April 23, 2004

EFFECTIVE August 4, 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. 04-1145 Liquefied petroleum gas - liability - limitation. Limits the liability of transporter, handler, supplier, and retail seller of liquefied petroleum gas (LPG) for damages related to the alteration, modification, or repair of equipment or appliances for use with LPG by any other person unless such alteration, modification, or repair was done without the knowledge or consent of the transporter, handler, supplier, or retail seller. Limits liability for a transporter, handler, supplier, or retailer of LPG for use of LPG in a manner or purpose other than that for which the equipment or appliance was intended. Specifies that a person who complies with applicable rules and the national fire code procedures, as adopted by the director of the division of oil and public safety, shall not be deemed to be grossly negligent or willful and wanton.

APPROVED by Governor April 23, 2004

EFFECTIVE August 4, 2004

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

MILITARY AND VETERANS

S.B. 04-126 Colorado division of civil air patrol - mission - division head. Identifies the mission of the Colorado division of civil air patrol in the department of military and veterans affairs to be to provide support for and facilitate the operation of the civil air patrol, Colorado wing. Requires the head of the division to be appointed by the adjutant general on behalf of the governor and in consultation with the duly appointed commanding officer of the civil air patrol. Establishes that all active officers in the civil air patrol, Colorado wing, including the duly appointed commanding officer of the civil air patrol, Colorado wing, are eligible to be appointed as the head of the division.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 04-12 Administrative suspension - interlock devices. Removes the requirement that a court or peace officer provide the record that authorizes the department of revenue to administratively revoke the driver's license of the person who tampered with a required interlock device.

APPROVED by Governor March 23, 2004

EFFECTIVE March 23, 2004

S.B. 04-36 Spilling material on highways - penalty. Reclassifies the violation of illegally spilling material from a car or pickup truck from a class B to a class A traffic infraction and increases the penalty and surcharge for said violation from \$35 and \$5.20, respectively, to \$100 and \$15, respectively. Reclassifies the violation from a class A traffic infraction to a class 2 misdemeanor traffic offense and increases the penalty and surcharge for the reclassified violation to \$500 and \$100, respectively, if the violation involves bodily injury to another person.

APPROVED by Governor April 5, 2004

EFFECTIVE July 1, 2004

S.B. 04-110 Trash and recyclable transportation. Prohibits transporting trash or recyclables in a vehicle if the load is not secured by a tarp or some other means. Exempts vehicles that are collecting trash or recyclables so long as the vehicle does not drive more than one mile between collection points.

APPROVED by Governor April 12, 2004

EFFECTIVE August 4, 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. 04-159 Driving under the influence - delayed or second test samples. Authorizes the department of public health and environment to allow testing of a sample of blood, breath, saliva, or urine to determine the blood alcohol content of a driver without the collection or preservation of a second or delayed sample.

APPROVED by Governor April 1, 2004

EFFECTIVE April 1, 2004

S.B. 04-196 Alcohol offenses - 2 years of interlock before new license - penalties - juvenile court jurisdiction. Requires a person who must hold a restricted license and who is a persistent drunk driver to hold the restricted license and use an interlock device for at least 2 years prior to being eligible for another driver's license.

Raises the penalty for a second or subsequent conviction of a person under 21 years of age driving with a BAC level between 0.02 and 0.05 ("baby DUI") to a class 2 traffic misdemeanor. Allows the prosecution to prosecute in juvenile court a defendant charged with a second violation of baby DUI. Permits the court to sentence a defendant convicted of baby DUI to no more than 24 hours of useful public service, order the defendant to submit to an alcohol evaluation, and order alcohol treatment for the defendant, in addition to other sentencing options.

Permits the court to sentence a defendant who has 2 or more DUI or DWAI

convictions to 2 additional years of probation for the purpose of monitoring compliance with court orders.

APPROVED by Governor May 27, 2004

EFFECTIVE July 1, 2004

S.B. 04-230 License plates - special - Vietnam veterans appropriation. Replaces the Vietnam veteran special license plate created by rule with a statutory Vietnam veteran special license plate. Authorizes such plates for trucks less than 12,001 pounds, passenger cars, motorcycles, and recreational vehicles.

Appropriates \$8,460 to the department of revenue for the implementation of the act.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 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. 04-1017 Minors - drivers' licenses - instruction permits - appropriation. Raises from 6 months to 1 year the required holding period for an instruction permit before a minor may obtain a driver's license. Raises from 15.5 years to 16 years old the age when a person may obtain an instruction permit without first meeting any driver's educational requirements. Authorizes a person who is 15.5 years old to obtain an instruction permit if such person has completed a prequalification driver awareness program.

Authorizes stepparents to assume liability for minor drivers, sign for instruction permits, and accompany certain minors with instruction permits. Extends instruction permits to 3 years.

Instructs the commissioner of insurance to report to the general assembly the effect of graduated drivers' licenses on insurance premiums.

Decreases the general fund appropriation to the department of revenue by \$49,261 and 0.8 FTE, reflecting a cost savings due to the implementation of this act.

APPROVED by Governor May 28, 2004

EFFECTIVE July 1, 2004

H.B. 04-1021 Consumption of alcohol - driving under the influence - reduced blood alcohol content - tastings - local authorization - hotel or restaurant licensee - partially consumed container of vinous liquor - reseal and remove container from premises - appropriation. For purposes of determining whether a person is driving under the influence of alcohol, lowers the blood alcohol content level to 0.08 grams of alcohol per 100 milliliters of blood or per 210 liters of breath. Defines "tastings" to mean the sampling of malt, vinous, or spiritous liquors on the premises of certain liquor licensees. Permits a county, city and county, or municipality to adopt an ordinance or resolution that authorizes tastings subject to certain limitations. Increases to \$1,000 the amount of malt, vinous, and spiritous liquors that a hotel and restaurant licensee may annually purchase from a retail liquor store. Authorizes a hotel or restaurant licensee to permit a customer to reseal and remove from the premises one opened container of partially consumed vinous liquor under certain circumstances.

For the 2004-05 fiscal year, appropriates \$83,950 and 0.4 FTE from the driver's license administration revocation account in the highway users tax fund to the department

of revenue, and appropriates \$8,377 and 0.2 FTE from the general fund to the judicial department for the implementation of the act.

Makes a 4-year statutory appropriation as follows: For fiscal year 2005-06, appropriates \$76,414 from the capital construction fund to the corrections expansion reserve fund; for fiscal year 2006-07, appropriates \$90,307 from the capital construction fund to the corrections expansion reserve fund and appropriates \$19,445 in general fund moneys to the department of corrections; for fiscal year 2007-08, appropriates \$13,893 from the capital construction fund to the corrections expansion reserve fund and appropriates \$42,425 in general fund moneys to the department of corrections; for fiscal year 2008-09, appropriates \$69,467 from the corrections expansion reserve fund to the capital construction fund and appropriates \$45,960 in general fund moneys to the department of corrections.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1025 Diesel vehicles - emissions inspections. Exempts a new diesel vehicle from getting an emissions inspection when it is sold, unless the current emissions certificate expires within 12 months.

APPROVED by Governor April 5, 2004

EFFECTIVE July 1, 2004

H.B. 04-1034 Driver's licenses - internet renewal - restrictions - implementation. Allows a driver to renew his or her driver's license via the internet when the driver is at least 21 years of age but under 61 years of age and the driver has paid a fee and any outstanding fines or penalties. Allows the department of revenue (department) to promulgate rules to implement internet renewals. Requires the department to submit to the commission on information and technology the department's plan to implement internet renewal of driver's licenses prior to implementing internet renewal. Requires the department to develop and implement information security programs. Requires the department to report to the transportation legislation review committee the steps taken to accomplish internet renewals.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1042 Proof of insurance - registration - compulsory insurance for motorcycles. Recreates the provision that requires an applicant to demonstrate proof of insurance at the time the applicant registers a motor vehicle. Includes motorcycles within the definition of a "motor vehicle" for the purposes of compulsory motor vehicle insurance.

APPROVED by Governor February 20, 2004

EFFECTIVE February 20, 2004

H.B. 04-1062 Motor vehicles - abandonment at repair shops. Establishes a process to be followed by a motor vehicle repair shop at which a motor vehicle worth \$2,000 or less has been abandoned in order to sell the abandoned motor vehicle, as follows:

- Requires as a threshold matter that the repair shop conduct or cause to be conducted an appraisal of the motor vehicle at least 15 days, but no more than 30 days, after the date of abandonment.
- Within 5 working days of the completion of the appraisal, requires the repair shop to provide notice to local law enforcement officials of the motor vehicle so that they can determine whether it was reported stolen. Requires the notice

to include the name and location of the repair shop and a description of the abandoned motor vehicle, including the make, model, color, and year; the number, issuing state, and expiration date of the license plate; and the vehicle identification number.

- Requires the law enforcement agency receiving notice of an abandoned motor vehicle to determine whether the vehicle has been reported stolen, and, if it has, to recover and secure the motor vehicle, notify the rightful owner of the recovery, and terminate abandonment proceedings.
- No later than 10 working days following notification from the law enforcement agency to the repair shop that an abandoned motor vehicle has not been reported stolen, requires the repair shop to report the abandonment of the motor vehicle to the department of revenue by internet communication on a form prescribed and supplied by the department for that purpose.
- Requires the abandonment report to contain information regarding:
 - The fact of possession, including the date the motor vehicle was left at the repair shop, the location of the repair shop, the identity of the law enforcement agency determining that the vehicle was not reported stolen, and the case number; and
 - A description of the motor vehicle, including the make, model, color, and year; the number, issuing state, and expiration date of the license plate; any other indicia of the motor vehicle's state or origin; the appraised value of the motor vehicle; and the vehicle identification number.
- No later than 10 working days following the deadline for submission of the abandonment report, requires the repair shop to obtain from the department of revenue correct owner of record and lienholder information for the motor vehicle.
- No later than 10 working days following the repair shop's receipt of owner of record and lienholder information for the motor vehicle, requires the repair shop to notify by certified mail the owner of record and all lienholders of its possession of the motor vehicle.
- Requires that the notice contain the following information: A statement that the motor vehicle has been reported abandoned to the department of revenue; the location of the repair shop; and a statement that the motor vehicle is subject to sale unless claimed within 30 calendar days after the mailing date of the notice.
- Requires the repair shop to sell the motor vehicle in a commercially reasonable manner not less than 30 nor more than 60 days after the mailing date of the notice.
- Specifies that if the sale price of the motor vehicle is \$200 or less, the sale may be made only for the purpose of dismantling the motor vehicle, and that if the sale price is more than \$200, the sale may be made for any purpose, but the motor vehicle shall be deemed to be a salvage vehicle for which the purchaser may only obtain a salvage title.

APPROVED by Governor April 23, 2004

EFFECTIVE January 1, 2005

H.B. 04-1076 Prohibitions - driving in passing lane. If the speed limit is 65 miles per hour or more, prohibits driving in the passing lane of a highway except when passing or turning left, or when the volume of traffic does not permit the motor vehicle to safely return to a nonpassing lane.

APPROVED by Governor March 17, 2004

EFFECTIVE July 1, 2004

H.B. 04-1088 Special license plates - military - weight restrictions - fees. Raises from 6,500 to 12,000 pounds the weight of a motor vehicle that may be issued special military license plates without paying a fee.

APPROVED by Governor March 8, 2004

EFFECTIVE July 1, 2004

H.B. 04-1193 Penalties for operating a motor vehicle without insurance - fines - driver's license suspension - registration suspension. Increases the mandatory fines associated with operating a motor vehicle on a public highway without a complying policy of insurance or certificate of self-insurance. Allows the court to suspend up to 1/2 of the fine imposed. Directs moneys from the fines imposed for failing to operate a motor vehicle without insurance to the law enforcement agency that cited the violation and to the clerk and recorder of the county in which the person was cited.

Requires the director of the department of revenue to suspend the registration of a motor vehicle operated by a person without proof of a complying policy of insurance until the violator files proof of future financial responsibility for specified periods. Increases the fines associated with offering fraudulent proof of future financial responsibility requirements.

Applies the penalty provisions of the act to persons cited for driving without proof of insurance and fines imposed upon these persons on and after January 1, 2005.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1197 Devices - obscuring a license plate - interfering with a traffic control device. Prohibits using a device that causes a license plate to be unreadable by an automated vehicle identification system. Punishes a violation with a \$100 fine. Clarifies that using an electronic device that causes a traffic light to change is a violation of the prohibition against interfering with a traffic control device.

APPROVED by Governor April 7, 2004

EFFECTIVE August 4, 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. 04-1199 Nonfelony traffic matters - minors under the age of 18 years - penalty assessment notice - content - parent or legal guardian of minor - notarized signature - court appearance - failure to appear - penalty - forgery of penalty assessment notice - suspension of driver's license. Establishes procedures to be followed by law enforcement, the courts, and the department of revenue in nonfelony traffic matters involving minors under the age of 18 years. Requires a penalty assessment notice issued and served on a minor under the age of 18 years to contain certain information.

Requires the notarized signature of a parent or legal guardian of a minor under the age of 18 years to be affixed to a penalty assessment notice under certain circumstances. Requires a parent or legal guardian of a minor under the age of 18 years to appear in court with the minor on certain traffic matters. Specifies penalties for the failure of a minor and the minor's parent or legal guardian to appear in court.

Requires the department of revenue to suspend the license of a person who is

convicted of an offense involving the forgery of a penalty assessment notice issued to a minor under the age of 18 years.

APPROVED by Governor May 28, 2004

EFFECTIVE July 1, 2005

H.B. 04-1231 Commercial drivers' licenses - authority of department of revenue - issuance of licenses - disqualification - information sharing - conformity with federal law. Directs the department of revenue (department) to adopt and effectuate any licensing sanction imposed by federal statutes or rules governing commercial motor vehicle safety.

Requires the department to maintain, for at least 3 years, records of a commercial driver's license application and of the applicant's convictions, disqualifications, and licensing actions affecting commercial driving privileges. Directs the department to share such information with law enforcement authorities, the federal secretary of transportation, prospective employers, and the applicant upon request.

Prohibits the issuance of a commercial driver's license to any person who is subject to a federal disqualification order based on an imminent hazard to public safety. Requires prior clearance by the federal transportation security administration before a person may obtain, renew, upgrade, or transfer a hazardous materials endorsement. For purposes of such clearance, allows fingerprinting of an applicant for a hazardous materials endorsement by any authorized person or agency. Prohibits the holder of a commercial driving learner's permit from obtaining a hazardous materials endorsement.

Specifies certain state-law offenses pertaining to drinking and driving, and pertaining to conduct at or near railroad crossings, as those covered by the terms "driving under the influence" and "railroad crossing offense" in federal law and rules.

Applies to offenses committed and commercial drivers' licenses issued or renewed on or after July 1, 2005.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2005

H.B. 04-1262 Automated vehicle identification system - traffic control signal - notice. Requires a jurisdiction using an automated vehicle identification system to detect traffic control signal disobedience to conspicuously post a sign at a reasonable distance notifying the public of the automated vehicle identification system.

APPROVED by Governor April 7, 2004

EFFECTIVE August 4, 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. 04-1368 Financial responsibility - department of revenue - accident report - repeal. Repeals the requirement that the owner or operator of a motor vehicle file a report with the department of revenue after a motor vehicle accident if such person failed to comply with the financial responsibility law.

APPROVED by Governor April 13, 2004

EFFECTIVE August 4, 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. 04-1386 Registration - salvaged motor vehicles - salvage notice - brands. Requires a physical brand to be placed on a vehicle that has been rebuilt from salvage before the vehicle is titled. Sets standards for such brand. Punishes a person who removes or alters a salvage brand or who knowingly possesses a motor vehicle for 45 days with a removed or altered salvage brand. Exempts persons who need to remove or alter a salvage brand to make legitimate repairs.

Lowers from 8 to 6 years the age of a vehicle to which the salvage brand and title provisions apply.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1400 Motor vehicles - warranties - contractual obligations. Requires the warranty contract included with a vehicle protection product to:

- Identify in the contract the warrantor, the seller, the warranty holder, and the terms of the sale;
- State that the warranty obligations are guaranteed under a warranty reimbursement insurance policy;
- State that, if the payment due under the terms of the warranty is not provided by the warrantor within 60 days, the warranty holder may file directly with the warranty reimbursement insurance company;
- State the name and address of the warranty reimbursement insurance company; and
- State "This agreement is a product warranty and is not insurance."

Requires warranty reimbursement insurance policies to state that the warranty reimbursement insurance company will reimburse or pay on behalf of the vehicle protection product warrantor all covered sums or services. Requires warranty reimbursement insurance policies to state that, if the payment due is not provided by the warrantor within 60 days after proof of loss has been filed, the warranty holder may file directly with the warranty reimbursement insurance company.

Clarifies that a vehicle protection warranty is not insurance for the purposes of laws regulating the business of insurance.

APPROVED by Governor May 12, 2004

EFFECTIVE July 1, 2004

NATURAL RESOURCES

S.B. 04-40 Division of wildlife - wildlife rehabilitation center purchase - repeal. Declares it desirable for the division of wildlife (division), in the department of natural resources, to acquire the Frisco Creek wildlife hospital and rehabilitation center. Authorizes the division to purchase 3 parcels of land in Rio Grande county that are commonly referred to as Frisco Creek wildlife hospital and rehabilitation center and that together compromise approximately 243 acres. Allows the division to purchase such water and mineral rights located on or appurtenant to such land as the division may choose. Authorizes a sales price of up to \$1,200,000, to be paid from the great outdoors Colorado trust fund, for the purchase of the parcels.

Repeals 3 future repeal dates concerning the division's authority to purchase property.

APPROVED by Governor April 13, 2004

EFFECTIVE April 13, 2004

S.B. 04-97 Division of wildlife - real estate purchase authorization - appropriation. Authorizes the division of wildlife (division) in the department of natural resources to purchase an office building in Colorado Springs without engaging in a bid process and with a sales price of up to \$1,600,000, to be paid from the wildlife cash fund.

Appropriates \$1,600,000 to the division for implementation of the act.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

S.B. 04-205 Construction materials - mining permit application - notice to surface owners of record. Specifies that applicants for a mining permit for construction materials must mail a copy of the application to only those surface owners whose interests appear of record.

APPROVED by Governor May 13, 2004

EFFECTIVE May 13, 2004

H.B. 04-1032 Wildlife - hunting - youth hunting licenses. Repeals the repeal date of discounted small and big game youth hunting licenses. Such licenses require the licensee to be accompanied by an adult.

APPROVED by Governor March 9, 2004

EFFECTIVE August 4, 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. 04-1135 Wildlife - sanctuaries - licensing. Authorizes operation of a wildlife sanctuary by a nonprofit entity. Establishes a \$100 license fee. Requires a sanctuary to have a licensed veterinarian on staff or under contract. Authorizes the wildlife commission to regulate such sanctuaries, subject to review of proposed rules by the captive wildlife and alternative livestock board.

APPROVED by Governor May 28, 2004

EFFECTIVE August 4, 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. 04-1151 Wildfire emergency fund - private and public moneys - expanded uses - initial aerial attack plan. Authorizes the Colorado state forest service to seek and accept gifts, grants, reimbursements, or donations from public or private sources for the wildfire emergency response fund. Further authorizes the Colorado state forest service to use the wildfire emergency response fund to provide funding or reimbursement for the first hour of a firefighting helicopter to a wildfire at the request of any county sheriff, municipal fire department, or fire protection district. Requires the state forester, a representative of county sheriffs, a representative of the Colorado state fire chiefs' association, the director of the office of emergency management, and the adjutant general or his or her designee to collaborate to develop an initial aerial attack plan designed to address the availability of appropriate aerial firefighting resources for the initial aerial attack of a wildfire. Requires the initial aerial attack plan to include recommendations concerning specified subjects, and requires completion of the plan by no later than September 1, 2004, with updates each September 1 thereafter. Requires the state forester to submit a written report detailing the initial aerial attack plan to the governor and the members of the general assembly by no later than September 15, 2004, and by each September 15 thereafter.

APPROVED by Governor April 2, 2004

EFFECTIVE April 2, 2004

H.B. 04-1213 Preservation - natural areas council - continuation under sunset law. Extends the automatic termination of the Colorado natural areas council until July 1, 2014, pursuant to the provisions of the sunset law.

APPROVED by Governor April 7, 2004

EFFECTIVE July 1, 2004

H.B. 04-1263 Division of wildlife - licenses - submission of social security number - exception. Unless required by federal law or mandated as a condition of the state receiving federal funds, prohibits the division of wildlife in the department of natural resources from requiring submission of a license applicant's social security number.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1359 Colorado geological survey - Colorado school of mines - location - study. Requires the department of natural resources ("department") and the Colorado school of mines ("school") to collaboratively conduct a study relating to the location of the Colorado geological survey ("survey") and the manner in which the survey can most effectively serve the needs of the state of Colorado. Specifies the issues the study shall include.

Requires the director of the department and the president of the school to each appoint 4 people from their respective staffs, at least 2 of whom shall be practicing professional geoscientists, who shall be responsible for conducting the study and consolidating the information into a report. Requires the department, in collaboration with the school, to conduct a public meeting to seek input on the scope of the study to be conducted and, after completion of the study, to seek input on the study's findings from affected interests. On or before November 30, 2004, requires the department and the school to report to the house of representatives and the senate on the study's findings and the public input received at the public meetings.

BECAME LAW June 5, 2004

EFFECTIVE June 5, 2004

H.B. 04-1393 Ski areas - liability - operator and skier duties - competitors' assumption of risk. Defines "freestyle terrain" and requires such terrain to be designated with an orange oval. Defines "extreme terrain" and requires such terrain to be designated with two black diamonds containing the letters "E" in one and "X" in the other in white and the words "extreme terrain". Adds freestyle terrain, extreme terrain, and jumps to the definition of inherent dangers and risks of skiing. Updates other provisions to reflect additional types of activities and competitions taking place at ski areas. Specifies competitors' assumption of risks. Requires snowboards to include a self-arrest device.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1426 Hard rock and metals - mining permit application - notice to surface owners of record. Limits the requirement for notice to surface owners regarding application for a mining permit for hard rock or metal mining to only those surface owners whose interests appear of record.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

H.B. 04-1431 Continuation of wildlife management public education advisory council under sunset law. Continues indefinitely the wildlife management public education advisory council under sunset law.

APPROVED by Governor May 28, 2004

EFFECTIVE August 4, 2004

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

PROBATE, TRUSTS, AND FIDUCIARIES

H.B. 04-1048 Beneficiary deed - creation - postpone real property conveyance until grantor's death - medicaid eligibility exclusion - requirements - effectiveness - vesting of title in grantee-beneficiary - exemption from laws governing wills and probate - rights of creditors and purchasers - actions against grantee-beneficiaries - disclaimer. Creates the beneficiary deed as an alternative to a will to make a real property conveyance effective on the death of the grantor-owner. Clarifies that an applicant for or recipient of medical assistance, for which it would be permissible for the department of health care policy and financing to assert a claim, shall not be entitled to the medical assistance if the person has a beneficiary deed in effect. Specifies that the execution of a beneficiary deed by an applicant for or recipient of medical assistance shall cause the property to be considered a countable resource for purposes of asset recovery.

Specifies certain requirements concerning the form, execution, effect, revocation, and recording of a beneficiary deed. Clarifies that the beneficiary deed does not replace other real property conveyance methods that postpone ownership until the death of the grantor. Specifies that the effectiveness of a beneficiary deed does not depend on a grantee-beneficiary's signature, consent, agreement, or notice. Specifies that, unless the grantor-owner designates otherwise, a beneficiary deed shall have the same effect as a bargain and sale deed. Describes how title to the interest in real property transferred by a beneficiary deed vests in the grantee-beneficiary.

Exempts a beneficiary deed from most provisions governing wills and probate. Establishes procedures concerning the use of a beneficiary deed to transfer a joint tenant's property interest. Specifies the rights of creditors and purchasers in situations involving beneficiary deeds. Protects a person who purchases from a grantee-beneficiary under certain circumstances. Limits actions against grantee-beneficiaries. Permits a grantee-beneficiary to disclaim any part of or all of the real property interest described in a beneficiary deed.

APPROVED by Governor May 12, 2004

EFFECTIVE August 4, 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. 04-1280 Death certificates - disasters - procedures. Following a disaster, authorizes a spouse, next of kin, or public administrator, or after 30 days, any person, to petition the county coroner to determine the cause of death when a person's remains have not been located or are unidentifiable. Sets standards and imposes a \$25 fee for such petition. If the coroner finds sufficient evidence to support the petition, authorizes the coroner to issue a death certificate. Limits the time a person may file a petition to 5 years following the disaster.

Authorizes a person to petition a court if the coroner fails to act on the petition within 30 days.

Instructs a county to retain a copy of the death certificate and related documents.

APPROVED by Governor April 23, 2004

EFFECTIVE August 4, 2004

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. 04-24 Division of registrations - letters of admonition - subpoenas - license renewal and reinstatement - immunity - oaths - fines. Makes consistent the issuance of letters of admonition, grants of immunity, renewal and reinstatement of licenses, investigation subpoenas, and the disposition of fines collected for the following regulated professions and occupations:

- Accountants;
- Architects;
- Audiologists and hearing aid providers;
- Barbers and cosmetologists;
- Boxing;
- Pharmaceuticals and pharmacists;
- Electricians;
- Engineers and surveyors;
- Acupuncturists;
- Podiatrists;
- Chiropractors;
- Dentists and dental hygienists;
- Physicians and physician assistants;
- Midwives;
- Nurses, nurse aides, and psychiatric technicians;
- Nursing home administrators;
- Optometrists;
- Physical therapists;
- Respiratory therapists;
- Psychologists, social workers, marriage and family therapists, and licensed professional counselors;
- Outfitters and guides;
- Plumbers; and
- Veterinarians.

Allows the licensee, registrant, or certificate holder to request a formal hearing 20 days after the mailing date of a letter of admonition. Specifies that if the licensee, registrant, or certificate holder requests such formal hearing, the letter of admonition shall be vacated.

Provides uniformity in immunity provisions related to civil actions for the examining or licensing board, commission, or the director of the division of registrations within the department of regulatory agencies (director) acting as the regulator for a profession. Further clarifies that staff, witnesses, and consultants to the regulating entity for actions taken in good faith and within official duties of the board, commission, or director have civil immunity. Specifies that a person filing a complaint, in good faith, against a licensee, registrant, or certificate holder is immune from civil and criminal liability related to such complaint.

Requires that renewals and reinstatements of licenses, registrations, and certificates be within a schedule determined by the director. Clarifies that a license, registration, or certificate shall be valid for a period of not less than one year and not more than 3 years, as determined by the director in consultation with the examining or licensing board or commission for the profession. Sets out provisions for a 60-day grace period for renewals without the risk of disciplinary action. Outlines provisions for reinstatement of licenses, registrations, and certificates.

Allows each examining or licensing board or commission, or the director as the regulator for a profession to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the production of witnesses, documents, or things. Allows such examining or licensing board or commission or the director to petition the district court of competent jurisdiction to comply with such subpoenas.

Clarifies that all fines collected by an examining or licensing board or commission shall be transferred to the state treasurer to be credited to the state's general fund.

Repeals redundant provisions requiring that board officials take an oath.

Requires that budget requests for the division of registrations reflect the direct and indirect costs that are appropriated by the general assembly annually. Allows contractors for the division of registrations to retain payment for the costs of examination or other services rendered by the contractor. Allows the executive director of the department of regulatory agencies (executive director) to contract out functions of the division of registrations when the executive director determines that the division is without sufficient expertise, skill, or experience to perform such functions within the division. Allows the executive director to contract out services for the purposes of decreasing the annual appropriations to the division.

Applies to disciplinary proceedings, including, but not limited to, investigatory subpoenas issued pursuant to a disciplinary proceeding; fines; and renewal and reinstatement of any license, registration, or certification on or after the applicable effective date of the act.

Makes various provisions contingent on the passage of House Bill 04-1115, House Bill 04-1215, or House Bill 04-1102.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 2004

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

(2) House Bill 04-1115 was signed by the Governor May 28, 2004. House Bill 04-1215 was signed by the Governor April 7, 2004. House Bill 04-1102 was signed by the Governor May 21, 2004.

S.B. 04-44 Alcohol beverages - retail gaming tavern - hotel and restaurant. Authorizes the owner of a retail gaming tavern to own an interest in a hotel and restaurant establishment licensed to sell alcohol beverages.

APPROVED by Governor April 1, 2004

EFFECTIVE August 4, 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. 04-45 Boxing - state boxing commission - toughperson fighting prohibited. Defines toughperson fighting. Prohibits toughperson fighting in Colorado. Prohibits promoting, advertising, conducting, competing in, or participating in toughperson fighting. Makes toughperson fighting a class 1 misdemeanor. Makes permitting or authorizing toughperson fighting in a retail liquor establishment a violation of the liquor code.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

S.B. 04-51 Physicians - temporary licensure. Extends the length of time for which a physician from another country may receive a temporary license from 2 years to 5 years.

Applies to applications for temporary licensure or renewal of a temporary license on or after April 8, 2004.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

S.B. 04-71 Fireworks - definitions - division of fire safety - enforcement of open fire bans. Amends the definition of "permissible fireworks" to incorporate the appropriate federal code of regulations citation. Expands the definition of what is not a firework to items that contain 16 milligrams or less of pyrotechnic composition per item and snappers that do not contain more than one milligram of explosive composition per item. Adds to the definitions of "cylindrical fountains", "cone fountains", "wheels", and "illuminating torches" provisions for multiple-tube pyrotechnic composition amounts. Limits "explosive auto alarms", "toy propellant devices", "cigarette loads", "strike-on-box matches", and other trick noise makers to 50 milligrams of explosive composition. Limits "snake or glow worm" pellets to 2 grams of pyrotechnic composition. Adds "multiple tube device" as a permissible firework. Excludes aerial devices and audible ground devices, including firecrackers, from permissible fireworks.

Limits the amount of permit fees a governing body may assess for permissible fireworks and retail sales of fireworks to the amount that is reasonable and necessary to cover the direct and indirect costs associated with granting an application and enforcement.

Clarifies that it is the division of fire safety within the department of public safety that licenses retailers, display retailers, wholesalers, and exporters of fireworks. Specifies that fees collected from these licenses are collected by the director of the division of public safety and that such moneys are to be used for the administration of the regulation of fireworks.

Specifies what is competent evidence for the purposes of prohibiting fireworks during open fire bans.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 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. 04-93 Alcohol beverages - responsible vendors - violation - mitigation. Enacts the "Responsible Alcohol Beverage Vendor Act". Defines a responsible alcohol beverage vendor as a vendor that complies with the server and seller training program established by the director of the liquor enforcement division of the department of revenue. Instructs the director to set standards for such program.

When penalizing a vendor whose employees have served a minor during an underage compliance check, makes being a responsible vendor a mitigating factor.

APPROVED by Governor April 20, 2004

EFFECTIVE July 1, 2004

S.B. 04-109 Pawnbrokers - regulation of contracts - records. Changes the period during which a pawnbroker's contract for purchase may be in effect from a maximum of 90 days to a minimum of 30 days. Defines a "fixed price" to cancel a contract for purchase as 1/5 of the original purchase price per month plus the original purchase price. Changes the period of a "fixed time" from a maximum of 90 days to a minimum of 30 days. Prohibits local licensing authorities from enacting regulations that are more restrictive than the statute with regard to fixed price or fixed time. Allows pawnbrokers to keep customer transaction information in an electronic record and prohibits state and local governments from enacting fees or taxes related to the use of this information.

APPROVED by Governor April 8, 2004

EFFECTIVE August 4, 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. 04-127 Notaries public - advertisements for services - unauthorized practice of law - prohibited conduct. On and after July 1, 2004, makes certain knowing and willful conduct of notaries public a deceptive trade practice and official misconduct, subject to the civil penalties for deceptive trade practices and the criminal penalties for official misconduct. Includes among such prohibited practices the offer to represent another person in an immigration proceeding or the use of the words "notario publico" in an advertisement.

APPROVED by Governor March 23, 2004

EFFECTIVE July 1, 2004

S.B. 04-128 Motor vehicle salespersons - license administration. Changes where motor vehicle salesperson licenses are mailed from the salesperson's home address to the salesperson's business address. Clarifies that a person who leases motor vehicles needs to be licensed as a motor vehicle dealer, salesperson, or wholesaler.

APPROVED by Governor March 23, 2004

EFFECTIVE August 4, 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. 04-237 Alcohol beverages - racetracks - hotels, restaurant, and taverns. Authorizes an alcohol beverage racetrack licensee to own a hotel and restaurant or tavern license.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-246 Pharmacists - limitation on number of pharmacy personnel a pharmacist may supervise. Changes the number of pharmacy interns and pharmacy technicians a pharmacist may supervise from 2 to 3, of whom no more than 2 may be pharmacy interns. If 3 pharmacy technicians are on duty, requires at least one to be certified by a nationally recognized certification board, possess a degree from an accredited pharmacy training program, or have completed 500 hours of experiential training at the pharmacy accredited by the pharmacist manager.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-254 Alcohol beverages - special events - wine festivals - limited wineries. Clarifies that a special event permit may be issued on the premises of a wine festival permittee or a limited winery licensee. Authorizes joint fines for alcohol violations, not to exceed \$25 per licensee or \$200 total.

APPROVED by Governor May 25, 2004

EFFECTIVE May 25, 2004

H.B. 04-1050 Cemetery - unauthorized changes - burial memorial - inscription. Prohibits any person other than the owner of a burial memorial or person authorized by the owner of the burial memorial from changing the inscription on the burial memorial. Requires a cemetery authority to give written notice to a purchaser or a grace space, niche, or crypt as to who is the owner of a burial memorial. Clarifies that unauthorized changes to a burial memorial is guilty of the crime of defacing property.

APPROVED by Governor April 5, 2004

EFFECTIVE April 5, 2004

H.B. 04-1053 Motor vehicle salespersons - grounds for license denial, suspension, or revocation - failure to notify consumer regarding financing outcome. Allows denial, suspension, or revocation of the license of a motor vehicle dealer, wholesale auction dealer, wholesaler, buyer agent, or used motor vehicle dealer if the licensee fails to give timely notice as determined by the motor vehicle dealer board to a prospective buyer regarding the acceptance or rejection of a motor vehicle purchase order agreement when the licensee is working with the prospective buyer on a finance sale or a consignment sale.

APPROVED by Governor March 9, 2004

EFFECTIVE March 9, 2004

H.B. 04-1102 Dentists - dental hygienists - recreation of regulation - examinations - panels of the board - disciplinary actions - professional review committees. Recreates the state board of dental examiners (board) and its regulation of dentists and dental hygienists. Continues the board's authority until 2014. 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, on and after January 1, 2005, by 3 members, of whom 2 are dentists and one is a 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 the 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 or alcohol, 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. 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. Allows for an audit of the records of a professional review committee by the board or its designee.

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.

Increases the fee paid to the dentist peer health assistance fund.

Applies to licenses and registrations related to the practice of dentistry issued or renewed on or after May 21, 2004.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1112 Licensing - money transmitters - continuation of the Money Order Act under sunset law. Continues the "Money Order Act" until July 1, 2013, and renames the act as the "Money Transmitters Act".

Replaces the yearly examination of books with risk-based criteria for persons who are licensed to exchange or transmit money. Requires licensees to post public notices that customers may complain of illegal acts to the division of banking. Extends from 30 to 90 days the deadline for obtaining a surety bond. Extends from 120 to 150 days the deadline for filing annual financial statements. Increases from \$25 to \$250 the fines for late filings. Requires licensees to submit to the division of banking a copy of the independent auditor's engagement and management letters.

Clarifies that the banking board has the same powers and duties concerning violations of the "Money Transmitters Act" as it does concerning the "Colorado Banking Code". Authorizes the banking board to seek an injunction to stop an unlicensed person from selling or issuing money orders or other exchange. Imposes civil penalties not to exceed \$100,000 for disobeying such injunction. Clarifies that, under state law, a licensee must comply with federal money laundering laws.

Requires an applicant to submit fingerprints of its principal owners and officers. Instructs the banking board and Colorado bureau of investigation to run a criminal history check on such persons. Denies an applicant a license if the applicant fraudulently applies for a license, willfully fails to comply with the "Colorado Banking Code", was convicted of a crime involving a breach of fiduciary duty or fraud, or is subject to an injunction for violating

a state or federal law regulating the money services business.

APPROVED by Governor April 21, 2004

EFFECTIVE April 21, 2004

H.B. 04-1115 Professional engineers and professional land surveyors - continuation of state board of registration for professional engineers and professional land surveyors under sunset law. Changes the name of the state board of registration for professional engineers and professional land surveyors to the state board of licensure for professional engineers and professional land surveyors (board). Deletes the requirement that one member of the board be licensed both as an engineer and a surveyor and instead requires only that such member be licensed as a surveyor. Standardizes the regulation of the 2 professions.

Expands the definition of the practice of engineering to include holding oneself out as a licensed professional engineer and performing engineering services. Expands the definition of professional land surveying to include the preparation of property descriptions and surveying to establish basic control for engineering projects.

Increases the board's fining authority to \$5,000 for each offense. Authorizes the board to issue letters of concern. Authorizes engineers' and surveyors' use of electronic seals. Requires surveyors to describe the physical evidence used to establish or restore a public land survey monument or aliquot corner. Requires surveyors to file with the board monuments that are set or accepted unless such monuments have been recorded within the previous 20 years. Adjusts engineers' and surveyors' licensing requirements.

Extends the automatic termination of the state board of registration for professional engineers and professional land surveyors to July 1, 2013, pursuant to the provisions of the sunset law.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1127 Nurses - title protection. Restricts persons who are not licensed as registered professional nurses or licensed practical nurses from using the title of "nurse", "registered nurse", or "licensed practical nurse" or the abbreviations for such titles. Allows a person who provides nonmedical support services to use the title "Christian Science nurse" when providing such services to a member of his or her religious organization.

APPROVED by Governor May 12, 2004

EFFECTIVE May 12, 2004

H.B. 04-1214 Licensing - river outfitters - continuation under sunset law. Extends the automatic termination date of the licensing of river outfitters until October 1, 2010, pursuant to the provisions of the sunset law.

APPROVED by Governor April 6, 2004

EFFECTIVE August 4, 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. 04-1215 Wildlife outfitters - registrations - continuation of regulation of outfitters under sunset law. Effective July 1, 2004, requires a business entity that registers as an

outfitter to give the division of registrations (division) a list of officers, directors, members, partners, owners of 10% or more of the entity, and other persons who have managing or controlling authority in the entity. Requires such entity to designate an individual as an agent and responsible party and to notify the division within 10 days if such individual changes. Authorizes the director of the division to deny a registration if:

- The applicant is a person who was listed by another entity and the entity was subject to discipline;
- An entity lists a person who was listed by another entity and the former entity was subject to discipline; or
- An entity lists a person who was previously subject to discipline.

Decreases from \$300 to \$100 the minimum fine for administrative violations. Imposes a fine of \$1,000 to \$5,000 per violation for providing outfitting services without registering with the division. Authorizes the suspension of an outfitter's registration if the outfitter has multiple convictions for criminal trespass. Changes the definition of a controlled substance to match the definition in the "Colorado Criminal Code". Removes the requirement that the use of a controlled substance present a danger to clients in order to constitute grounds for discipline. Makes dependence on such substances grounds for discipline.

Changes the deadline for appealing a letter of admonition to 30 days after the date of mailing, rather than 20 days after the date of proven receipt.

Effective January 1, 2005, directs the division and the division of wildlife to provide a notice with hunting and fishing licenses stating that it is illegal to provide outfitting services without registering as an outfitter.

Clarifies that a property owner who merely authorizes a person to take wildlife on the property owner's property is not an outfitter.

Changes the definition of guide from an employee who guides, leads, or assists another's travel to an employee or contractor that accompanies an outfitter's clients for the purpose of hunting wildlife.

Extends the automatic termination date for the regulation of outfitters to July 1, 2014, pursuant to the provisions of the sunset law.

APPROVED by Governor April 7, 2004

PORTIONS EFFECTIVE July 1, 2004
PORTIONS EFFECTIVE January 1, 2005

H.B. 04-1240 Bail bond agents - insurance producer with bail bonding agent authority appointment - termination - advisory committee - licensing - bonding agreements - prohibited activities - liability of bond obligors - rate filing - continuation of regulation of bail bonding agents under sunset law. Requires an insurance producer with bail bonding agent authority to have a contract with an insurer before the producer can claim to be an agent of the insurer. Requires an insurer to inform the insurance commissioner (commissioner) of each producer bail bonding agent appointment and termination. Requires renewal fees to be paid on October 1 of the renewal year.

Requires the commissioner to notify each bail bonding agent about changes to the state laws regarding bail bonding agents. Requires a person who wishes to be a bail bonding

agent to notify the commissioner whether he or she has entered a guilty plea to a felony or accepted a plea of nolo contendere to a felony.

Creates an advisory committee to the division of insurance (division) to render advisory opinions regarding bail bond issues until July 1, 2013.

Requires each bail bonding agent to provide a report to the division in a form and manner as required by the division. Requires the division to deny, suspend, revoke, or refuse to renew a bail bond license if the agent knowingly failed to comply with or knowingly violated any provisions of the bail bond laws if the agent knew or reasonably should have known the laws or has plead guilty or nolo contendere to a felony.

Requires all bonding agreements to be signed by the defendant or third-party indemnitor. Requires each agent to have a third-party agent or his or her own office for the purpose of service of process. Requires each agent to keep current records at the place of business or with the third-party agent. Requires each agent to provide a receipt when accepting money or any other consideration. Allows the commissioner to examine the business practices, books, and records of an agent.

Changes the maximum fee an agent may charge from \$20 to \$50. Requires bail bonding agents to provide disclosure statements to each indemnitor. Clarifies that penalty provisions in article 7 are in addition to any other applicable penalties. Allows a bail bonding agent to use collateral to secure different obligations.

Requires a court to set aside a bond forfeiture if a surety provides proof prior to the entry of judgment that the defendant is in custody in any jurisdiction within the state. Requires a forfeiture to be vacated if a surety provides proof that the defendant is in custody in any jurisdiction within the state within 90 days after the entry of judgment. Requires a surety to bear the costs of extradition of a defendant up to the amount of the bond. If a court elects to extradite a defendant, requires forfeiture to be stayed until the defendant appears in court.

Requires bail bonding agents to file a schedule of premium rates charged and changes with the division. Defines "costs associated with extradition" as the round-trip mileage between the Colorado court of jurisdiction and the location of the defendant's incarceration.

Extends the automatic termination date for the licensing of bail bonding agents by the division of insurance until July 1, 2013.

APPROVED by Governor June 4, 2004

EFFECTIVE July 1, 2004

H.B. 04-1248 Cigarette wholesalers - tobacco product distributors - license requirements - fines. Requires cigarette wholesalers and distributors to record the identity of purchasers of cigarette products for resale and to keep such records for 12 months. Directs the department of revenue (department) to prescribe by rule the form of the information. Establishes fines for violations. Prohibits the department from issuing or renewing the license of a cigarette wholesaler or distributor of tobacco products if the wholesaler or distributor owes any delinquent taxes or interest unless there is an agreement in place with the department to pay the amount due. Requires the department to revoke a license if taxes or interest are determined to be due and unpaid. Requires the state auditor to determine the department's compliance with federal requirements regarding a state enforcement program designed to reduce the amount of tobacco products sold to minors in an audit to be completed by July 1,

2007.

APPROVED by Governor April 5, 2004

EFFECTIVE August 4, 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. 04-1251 Department of regulatory agencies - division of registrations - mental health professionals - continuation of regulation - sunset of mental health boards. Continues the boards of psychologist examiners, social work examiners, marriage and family therapists, and licensed professional counselor examiners, the state grievance board, and the department of regulatory agency's licensing and disciplinary functions relating to the addiction counselors programs until 2011.

Eliminates the requirement for periodic joint meetings and allows the boards to conduct meetings by electronic means. Requires all meetings to be open to the public except when the harm to a complainant or other recipient of services outweighs the public interest in observing the proceedings or when a mental health professional is participating in good faith in an addiction program. Repeals the requirement that members of the mental health boards take an oath.

Repeals the requirement that the fees for each board remain uniform. Exempts certain mental health professionals from the requirement to disclose information during the initial contact with a client.

Clarifies that the exemption from regulation for mental health professionals only applies to court-appointed mental health professionals working within the scope of the appointment. Clarifies that the regulation of mental health professionals does not apply to a professional coach who has had coach-specific training and who serves clients exclusively as a coach.

Changes the grounds for discipline from "addicted to or dependent on alcohol or any habit-forming drug" to habitual or excessive use or abuse of alcohol or drugs. Increases the length of time that sexual contact with a client is prohibited from 6 months to 2 years after the professional relationship has ended.

Requires mental health professionals to pass one written examination for licensure and one written mail-in jurisprudence examination. Requires the board to register psychologist candidates. Clarifies that a psychologist candidate is not required to register with the database of unlicensed psychotherapists. Grants jurisdiction over psychologist candidates to the state board of psychologist examiners.

Repeals the direct regulation of registered social workers and licensed independent social workers by the board of social work examiners. Attaches the title protection for social worker to the attainment of a bachelor's or master's degree in social work from a social work education program accredited by the council on social work education, or a doctoral degree in social work from a doctoral program within a social work education program accredited by the council on social work education. Includes in the definition of the practice of professional social work consultation, supervision, and teaching in higher education.

Exempts licensed addiction counselors from being compelled to testify in court without the consent of the client. Allows licensed addiction counselors to place a person

under a 72-hour mental health hold.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

H.B. 04-1300 Notary public - regulation - appropriation. Repeals the existing requirement that a notary public be an elector, replacing it with a requirement that a notary be a resident who is at least 18 years of age. Prohibits people who have been convicted within the previous 5 years of a misdemeanor that involves dishonesty from being a notary public. Changes from 7 years to permanent the revocation period for a notary's commission.

Requires a notary public who electronically notarizes an electronic document to use an authorization number supplied by the secretary of state. Requires the secretary of state to accept electronic applications to become a notary public as soon as possible. Requires notaries that are otherwise required to use a journal to record such authentication number in the journal. Authorizes and caps a fee a notary may charge for electronic notarization.

Exempts documents affecting title to real property that are signed by a public trustee, county treasurer, county sheriff, or a deputy from the notarization requirements.

Appropriates \$47,746 to the department of state for implementation of the act.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

H.B. 04-1306 Motor vehicle dealers - licensing - fees - renewal. Authorizes a motor vehicle salesperson to transfer a license to another dealer upon paying a fee. Repeals a provision that refunds half of an applicant's fees if the application is denied. Gives a licensee a 30-day grace period to renew a license upon paying a late fee.

APPROVED by Governor April 7, 2004

EFFECTIVE August 4, 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. 04-1308 Pharmacy board - records to be maintained. Makes legislative findings. Requires a wholesale prescription drug distributor to obtain and maintain a record of the inventories and records of all transactions regarding the receipt and distribution of prescription drugs. Requires specific information to be maintained for 2 years. Requires distributors to maintain these records for prescription drugs distributed on and after July 1, 2004.

APPROVED by Governor April 13, 2004

EFFECTIVE July 1, 2004

H.B. 04-1357 Alcohol beverages - wineries - restaurants. Creates a new vintner's restaurant license for the sale of alcohol beverages that authorizes a licensee to manufacture up to 250,000 gallons of wine and sell it to wholesalers or to the public at a restaurant. Also authorizes a vintner's restaurant licensee to sell other alcohol beverages for consumption on the premises. Requires alcohol beverages that are sold on the premises and not manufactured on the premises to be purchased from a wholesaler. Requires at least 15% of a vintner's restaurant's sales to be food.

Prohibits a person who owns a vintner's restaurant to own other alcohol beverages licenses. Allows a person with an interest in a vintner's restaurant license to own in whole or in part or have an interest in another vintner's restaurant, a brew pub, or a hotel and restaurant license; an arts license; an airline public transportation system license; or certain financial institutions.

Clarifies that a vintner's restaurant shall pay the same excise taxes that other wineries are required to pay. Imposes a state license fee of \$325 and a local license fee of \$500. Authorizes a vintner's restaurant to sell alcohol beverages on Sunday between 8 a.m. and 12 midnight.

APPROVED by Governor May 12, 2004

EFFECTIVE May 12, 2004

H.B. 04-1406 Physicians - physician assistant - electronic posting of medical malpractice judgments. Requires the state board of medical examiners to electronically post information concerning final judgments in court cases alleging malpractice or professional negligence against a physician or a physician assistant and the physician or physician assistant is found negligent.

APPROVED by Governor May 21, 2004

EFFECTIVE August 4, 2004

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. 04-108 Unclaimed property - exclusions - waiver of right to claim property - verification exception - transfer of state-owned unclaimed property. Excludes gaming award points and gaming chips or tokens issued or sold by a licensed gaming establishment that have not been taken into the state's custody by January 1, 2004, from the provisions of the "Unclaimed Property Act". Defines "gaming award points", "gaming chip or token", and "licensed gaming establishment".

Allows an owner of property in the custody of the administrator of the unclaimed property program (administrator) to waive the right to claim the property. Upon receipt of a waiver, requires the administrator to transfer the property to the CoverColorado cash fund. Relieves the state of any liability for property that has been transferred to the cash fund pursuant to a waiver that has been received.

Allows the administrator to waive the requirement that a person claiming property from the unclaimed property program verify the claim if the value of the property is less than or equal to \$100.

Allows the administrator, upon a determination that unclaimed property belongs to the state or a state governmental agency, to transfer the property to an operating account of the state or agency.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 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. 04-1157 Manufactured home - certificate of title. Prior to the sale or transfer of a manufactured home, requires the legal holder of a certificate of title to the manufactured home to provide a copy of the certificate of title to any title insurance agent, title insurance company, or financial institution requesting information related to the payoff of a mortgage within 14 days of the request. Requires the legal holder of a certificate of title to deliver the certificate of title to a title insurance agent within 45 days, in specified circumstances. Establishes an alternative procedure if the holder lost the certificate of title. Requires the title insurance agent to present the certificate of title to the person in whose name the certificate of title is issued or to an authorized agent. Establishes a civil cause of action for failure to comply with the foregoing requirements related to a certificate of title. Requires a manufactured home for which a Colorado certificate of title has been issued to continue to be valued and taxed separately from the land on which it sits until the title has been purged and the manufactured home becomes real property.

APPROVED by Governor May 21, 2004

EFFECTIVE August 4, 2004

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. 04-96 Telecommunications - sale of assets - without commission approval. Specifies that authorization by the public utilities commission is not required for the sale, assignment, or lease of assets owned by a telecommunication service provider that are not used in the provision of regulated services or are land and support assets and are not directly used in the provision of regulated services.

APPROVED by Governor March 17, 2004

EFFECTIVE March 17, 2004

S.B. 04-111 Emergency telephone service - governing body authority - additional costs - total implementation. Authorizes a governing body to incur additional costs related to the continued operation of an emergency telephone service, payable from the existing emergency telephone charge imposed by the governing body. States that such costs include, but are not limited to, costs associated with equipment directly related to receipt and routing of emergency calls; costs associated with total implementation of emergency notification and telephone services by emergency service providers, including costs for programming, radios, and training programs; and personnel expenses necessarily incurred for a public safety answering point, regardless of county size. After certain basic costs and charges are fully paid from the existing emergency telephone charge imposed by the governing body, authorizes a governing body to use remaining funds collected to pay for the necessary equipment to redirect calls for nonemergency telephone services.

APPROVED by Governor June 4, 2004

EFFECTIVE July 1, 2004

S.B. 04-168 Renewable energy - authority to create renewable energy cooperatives - issuance of bonds by the Colorado agricultural development authority. Authorizes the creation of renewable energy cooperatives (cooperatives) to promote electric energy efficiency technologies and to generate, transmit, and sell electricity from renewable resources and technologies at wholesale.

Allows the Colorado agricultural development authority to issue revenue bonds to construct renewable energy generation facilities and electric transmission lines to facilitate the transmission of electricity generated by cooperatives. Requires the bonds to be repaid from revenues derived from the use of the generation facilities or transmission lines. Provides that the bonds shall not constitute indebtedness of the state and that income derived from the bonds shall be exempt from specified state and local taxes.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

H.B. 04-1225 Low-income energy assistance program - creation - exemptions - customer opt-out provision - administration - repeal. Requires gas and electric utilities to collect an energy assistance charge from each electric and gas customer beginning September 1, 2005, unless a customer opts not to pay the charge. As an alternative, allows municipally owned gas, electric, and gas and electric utilities and rural electric cooperatives, through a self-certification process, to implement alternative energy assistance programs.

Requires the public utilities commission to provide an opt-out mechanism whereby customers can choose not to contribute to the energy assistance program. Requires the public utilities commission to adopt rules to implement the opt-opt mechanism. Requires the energy assistance charge to appear on the monthly billing statement.

Requires utilities to transfer the moneys collected to energy outreach Colorado (the organization) on a specified schedule. Directs the organization to hold the moneys in a separate account and expend the moneys only for the purposes of improving energy efficiency and low-income energy assistance in the form of payment to utilities on behalf of qualified individuals. Requires the organization to develop an annual budget and to submit an annual report to the general assembly, the legislative audit committee, and the office of the state auditor. Requires the report to be made available to the public.

Authorizes the organization to provide low-income energy assistance on a prioritized basis to households where one or more persons are recipients of old age pension, aid to the needy disabled, aid to the blind, and supplemental security disability benefits.

Repeals the low-income energy assistance program, effective January 1, 2010, except that if at any point after September 1, 2006, the total costs of the program exceed the revenue generated from the energy assistance program, then the program shall be repealed immediately.

VETOED by the Governor June 4, 2004

STATE PUBLIC DEFENDER

H.B. 04-1028 Public defender processing fee - paid at final disposition. Changes the public defender application fee to a processing fee. Requires the fee to be paid at sentencing, adjudication, or other final disposition, rather than at the time of application. Allows the court to waive the fee at sentencing or adjudication or other final disposition. Repeals the court's power to reduce the fee from \$25 to \$10.

APPROVED by Governor May 11, 2004

EFFECTIVE August 4, 2004

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

STATUTES

S.B. 04-61 Colorado Revised Statutes - enactment of 2003 statutes. Enacts the softbound volumes of Colorado Revised Statutes 2003 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor March 4, 2004

EFFECTIVE March 4, 2004

S.B. 04-239 Revisor's bill. 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 bill.

Makes specified provisions effective contingent on the passage of Senate Bills 04-105 and 04-207.

APPROVED by Governor May 27, 2004

EFFECTIVE August 4, 2004

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 04-105 was signed by the Governor May 21, 2004. Senate Bill 04-204 was signed by the Governor June 4, 2004.

TAXATION

S.B. 04-1 Legislative interim committee on stimulating economic development through business personal property tax exemptions and other methods - creation - duties - repeal. Creates the interim committee on stimulating economic development through business personal property tax exemptions and other methods (committee). Establishes the membership of the committee, the compensation for its members, and the subjects for the committee to study.

Requires the committee to meet 6 times during the 2004 interim. Requires the meetings to be open to the public. Requires legislative council staff and the office of legislative legal services to be available to assist the committee in carrying out its duties. Requires the committee to make a report to the general assembly, which may include recommendations for legislation. Repeals the committee on January 1, 2005.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

S.B. 04-3 Enterprise zones - information from zone administrators - reports to legislative audit committee. Requires the executive director of the department of local affairs to make an annual presentation to the legislative audit committee that reviews and summarizes the information that the enterprise zone administrators submit to the executive director. Eliminates the state auditor's duty to submit a biennial report to the governor and the general assembly reviewing the executive director's report concerning information that enterprise zone administrators submit to the executive director. Requires the state auditor to include the information from the executive director's report in the enterprise zone audit report that the state auditor submits to the governor and the general assembly no less than once every 5 years.

APPROVED by Governor April 8, 2004

EFFECTIVE August 4, 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. 04-59 Property tax - possessory interests - agricultural land. States that the actual value of possessory interests in agricultural land for property tax purposes shall be the actual amount of the annual rent paid for the property tax year.

APPROVED by Governor May 27, 2004

EFFECTIVE January 1, 2005

S.B. 04-63 Tax refunds - appeal of rejection. Requires all lawsuits related to the rejection or disallowance of certain tax refunds to be filed consistent with the existing statutory provision for an appeal related to a deficiency or a refund, which includes the requirements that there be a final determination by the executive director of the department of revenue and that the appeal be filed within 30 days of the final determination.

Repeals the provision that would allow a taxpayer to file a lawsuit in the absence of a final determination. Eliminates the requirement that a lawsuit for a tax refund, with some exceptions, must be filed after 6 months of the date of filing the claim for a refund, but before 2 years after the date of the mailing of a notice of disallowance of the refund.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

S.B. 04-87 Sales and use tax - exemptions - nonsubstantive recodification. Reorganizes the statutory sections that contain the exemptions from sales and use tax and relocates the sections into a new part.

APPROVED by Governor May 21, 2004

EFFECTIVE July 1, 2004

S.B. 04-120 Charitable trust - community or useful public service jobs - property tax exemption. Permits a charitable trust that is exempt from taxation under the federal internal revenue code to be eligible to provide community or useful public service jobs, so long as the charitable trust meets any other requirement related to the provision of such jobs.

Requires property that is owned and used by a charitable trust that is exempt from taxation under the federal internal revenue code to be treated the same as property that is owned and used by any other type of nonprofit organization for the purpose of claiming a religious purpose property tax exemption.

APPROVED by Governor April 20, 2004

EFFECTIVE August 4, 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. 04-178 Income tax - voluntary contribution for organ and tissue donor awareness fund - anatomical gift execution procedures - appropriation. Replaces the procedure that allows an individual to authorize an anatomical donation by signing a card on the back of the individual's driver's license or state identification card with a requirement that the individual notify the federally designated organ procurement agency of the desire to become an anatomical donor so that the individual's name can be placed on the organ and tissue donor registry. Requires the department of revenue (department) to place contact information for the organ and tissue donor registry on the back of each minor driver's license, driver's license, and state identification card. Replaces the procedure that allows an individual to remove his or her name from the organ and tissue donor registry by crossing his or her signature off the card on the back of a driver's license or state identification card with a requirement that the individual notify the federally designated organ procurement agency of his or her decision to be removed from the registry.

For income tax years that commence on or after January 1, 2004, but before January 1, 2007, requires a voluntary contribution designation line for the organ and tissue donation awareness fund (fund) to appear on Colorado individual income tax return forms. Requires the department to determine annually and report to the state treasurer and the general assembly the total amount designated to the fund, and requires the state treasurer to credit that amount to the fund. Requires the state treasurer to make transfers from the fund at least quarterly to the department for the reasonable costs of tracking and reporting moneys designated as voluntary contributions to the fund.

Requires moneys designated to the fund to be used in the same manner as other fund moneys. Makes an appropriation of \$501 from the fund to the department of revenue. Makes a legislative declaration.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 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. 04-182 Tobacco escrow funds - release of moneys of nonparticipating manufacturers. Requires amounts placed into escrow on account of units sold in Colorado by a tobacco product manufacturer that is not a participating manufacturer under the terms of the tobacco litigation master settlement agreement to be released from escrow and revert back to the tobacco product manufacturer to the extent that the amounts exceed the amounts of master settlement agreement payments that the manufacturer would have been required to make had it been a participating manufacturer.

APPROVED by Governor April 8, 2004

EFFECTIVE April 8, 2004

S.B. 04-207 Pet animal care and facilities - unpaid fines - denial of license renewal - income tax - pet overpopulation fund voluntary contribution. Authorizes the commissioner of agriculture to refuse to renew any license issued pursuant to the "Pet Animal Care and Facilities Act" to any person who has not paid civil penalties owed for a violation of such act.

Reestablishes the pet overpopulation fund voluntary contribution program so that a designation line for the pet overpopulation fund appears on Colorado state individual income tax return forms for income tax years commencing on or after January 1, 2004, but prior to January 1, 2007.

APPROVED by Governor June 4, 2004

EFFECTIVE June 4, 2004

H.B. 04-1067 Business personal property tax - conversion to unclaimed property. Requires the department of revenue (department), within 18 months of cancellation, to forward to the state treasurer specified information regarding any refund of business personal property tax that is represented by a warrant that has not been presented by a taxpayer for payment within 6 months from its date of issuance and that has been cancelled by the department or by the state controller in accordance with standard operating procedures. Requires the department also to forward to the state treasurer an amount of money equal to the amount of the warrant.

Gives the amount of the refund the status of unclaimed property that is presumed abandoned and adds such amount to intangible property that may be claimed pursuant to the provisions of the "Unclaimed Property Act". Allows the department to reclaim from the unclaimed property trust fund any amount forwarded by the department to the state treasurer that was based on a warrant representing an erroneous refund.

Requires a person claiming a refund represented by a cancelled warrant to file a claim for the amount of the refund with the state treasurer under the "Unclaimed Property Act" rather than with the department. Requires the department and the state treasurer to cooperate to ensure that any taxpayer who contacts the department to claim the amount of a refund represented by a cancelled warrant is provided with the information or assistance necessary to obtain the refund from the state treasurer.

APPROVED by Governor April 7, 2004

EFFECTIVE April 7, 2004

H.B. 04-1071 Tax - cigarette or other tobacco products - bad debt credit. Requires the department of revenue to give credit to a wholesaler or distributor for taxes paid on cigarettes or other tobacco products that are bad debts. Prohibits the credit to be given unless the bad

debt has been charged off as uncollectible on the books of the wholesaler or distributor. Requires a wholesaler or distributor to repay the credit if the wholesaler or distributor receives payment for the bad debt subsequent to receiving the credit. Requires a wholesaler or distributor to provide certain evidence in order to claim a credit for the bad debt. Makes the person who owes the bad debt to the wholesaler or distributor responsible for cigarette or tobacco product tax in an amount equal to the bad debt credit.

APPROVED by Governor April 5, 2004

EFFECTIVE August 4, 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. 04-1119 Child care facilities tax credit - extension - clarification. With respect to the existing income tax credit for taxpayers who make contributions to promote child care in the state:

- Specifies that the term "child care" means care provided to a child 12 years of age or younger.
- Specifies the types of child care facilities and child care programs to which a taxpayer claiming the credit may make donations.
- Specifically allows a taxpayer to claim the credit for a donation made to any program that received donations for which the credit was allowed to the donor for any income tax year that ended before January 1, 2004.
- Changes the future repeal date of the credit from January 1, 2005, to January 1, 2010.

APPROVED by Governor March 9, 2004

EFFECTIVE March 9, 2004

H.B. 04-1237 Sales and use tax - collection and remittance of tax - electronic database of state addresses - retailer held harmless. Allows any retailer that collects and remits sales and use tax to the department of revenue to use an electronic database of state addresses to determine the jurisdictions to which tax is owed on any purchase. Holds harmless any retailer that collects the incorrect amount of tax from a purchaser due to incorrect data contained in the database.

Requires any database that a retailer uses to determine the jurisdictions to which tax is owed on a purchase to be certified by the department of revenue. Requires an electronic database provider to apply to the department for certification and specifies the criteria that a database is to satisfy in order to be certified as acceptable for use by retailers. Specifies that a department certification is valid for 3 years.

Authorizes the department of revenue to designate an entity to examine electronic databases and report to the department as to the accuracy and suitability of the databases for use by retailers. Allows the entity to impose a fee on all electronic database providers that apply to have a database certified in order to cover the reasonable and documented costs of examining the database.

Allows the department of revenue to waive the certification process and certify an electronic database as suitable for use by retailers if the database has been previously certified by a public or private entity and the certification criteria of the certifying entity are the same as or more stringent than the department's criteria.

Authorizes the department of revenue to deny or revoke the certification of any electronic database for just cause. Directs the executive director of the department to promulgate rules for the administration of the electronic database system.

APPROVED by Governor May 17, 2004

EFFECTIVE May 17, 2004

H.B. 04-1241 State use tax - motor vehicles. Clarifies that any motor vehicle purchased and held for resale in this state by a licensed motor vehicle dealer who meets the eligibility requirements to receive a full-use dealer plate is considered to be in the regular course of business and is not subject to the state use tax. Establishes that a motor vehicle shall be considered to be purchased and held for resale if:

- The manufacturer's certificate of origin or certificate of title for the motor vehicle is assigned to the motor vehicle dealer;
- The motor vehicle is included in a current list of vehicles for retail sale that is prepared by the motor vehicle dealer in the ordinary course of business; and
- At any given time, the motor vehicle is available to be purchased and delivered to a retail customer within 3 business days.

APPROVED by Governor April 26, 2004

EFFECTIVE April 26, 2004

H.B. 04-1356 Tax-exempt property - charitable purposes - incidental use. For real or personal property that is used for charitable purposes, increases the total amount of gross rental income that an owner of such property may earn for allowing the property to be used for noncharitable purposes and still qualify for a property tax exemption based on the use of the property for charitable purposes.

APPROVED by Governor April 7, 2004

EFFECTIVE August 4, 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. 04-1358 Income tax - voluntary contribution for Colorado state fair. For income tax years that commence on or after January 1, 2004, but before January 1, 2007, requires a voluntary contribution designation line for the Colorado state fair authority cash fund (fund) to appear on individual income tax return forms. Requires the department of revenue to determine annually and report to the state treasurer and the general assembly the total amount designated to the fund, and requires the state treasurer to credit that amount to the fund.

Generally requires voluntary contributions to be credited to the fund for the use, operation, maintenance, and support of the Colorado state fair and industrial exposition, but requires the general assembly to annually appropriate fund moneys to the department of revenue for its costs in administering voluntary contributions to the fund.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1418 FY 2004-05 budget reduction bill - property tax grants - heat or fuel assistance grants - quarterly payment. Specifies that state property tax grants and heat or fuel assistance grants for the elderly or disabled that are paid by the state shall be paid on a quarterly basis.

For the 2003-04 fiscal year, appropriates \$22,223 to the department of revenue for costs incurred in the implementation of the act. For the 2004-05 fiscal year, appropriates \$47,196 for the costs incurred in the implementation of the act.

APPROVED by Governor April 28, 2004

EFFECTIVE April 28, 2004

H.B. 04-1424 Property taxation - possessory interests - negligible value. States that if the value of a possessory interest in property that is otherwise exempt from taxation is less than \$250 or the duration of the possessory interest is shorter than 30 days, the actual value of the possessory interest shall be deemed negligible and no tax shall be assessed.

VETOED by the Governor June 4, 2004

TRANSPORTATION

S.B. 04-4 Statewide tolling enterprise - responsibilities. Clarifies the division of responsibilities between the board of the statewide tolling enterprise and the transportation commission with respect to the operation of the enterprise.

APPROVED by Governor March 8, 2004

EFFECTIVE August 4, 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. 04-186 Highways - county roads - roadside memorials. Allows a person to request the department of transportation to erect and maintain a roadside memorial on a state highway to commemorate an individual who died on the highway. Requires the applicant to pay a fee to be deposited in the state highway fund. Requires the department to erect and maintain the memorial for at least 2 years if to do so is not contrary to federal law.

Allows a person to erect and maintain a roadside memorial on a county road to commemorate an individual who died on the road if the memorial meets location and design requirements and, if the applicable county has a permit process, the county has issued a permit. Requires the applicant to pay a fee to be deposited in the applicable county highway or transportation fund.

Requires the department and counties to deny an application for safety or maintenance impediment reasons. Authorizes the department and counties to suggest alternative locations and to remove any noncomplying memorial.

APPROVED by Governor May 20, 2004

EFFECTIVE May 20, 2004

H.B. 04-1033 Highways - information signs. Allows the department of transportation to erect, maintain, and administer information signs within a populated area other than a federally defined "transportation management area".

APPROVED by Governor February 20, 2004

EFFECTIVE August 4, 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. 04-1309 Bicyclists and pedestrians - safe routes to school - federal funds - grants - appropriation. Directs the transportation commission (commission) to establish and the department of transportation (department) to administer a safe routes to school program (program) to distribute federal funds to local governments.

Lists examples of the types of projects that are eligible for funding under the program. Specifies the criteria to be used in awarding grants under the program.

Directs the executive director of the department to create an advisory committee to make recommendations to the commission, which shall award grants. States that the committee shall include representatives of certain statewide groups.

Authorizes the department to allocate funds received from specified federal sources to projects under the program. States that funds from grants awarded under the program may not be used as a substitute for currently available funds for similar activities.

Appropriates \$1,500 to the department of law to provide legal services to the department related to the implementation of this act.

BECAME LAW June 5, 2004

EFFECTIVE June 5, 2004

H.B. 04-1456 Sale and lease back - non-right-of-way property - department of transportation renovation fund. Authorizes and establishes requirements for the department of transportation ("department") to sell and lease back real property, other than rights-of-way. Establishes the department of transportation renovation fund ("fund") in which proceeds of the sales will be deposited. Continually appropriates moneys from the fund to pay for renovations to department property.

APPROVED by Governor May 28, 2004

EFFECTIVE May 28, 2004

WATER AND IRRIGATION

S.B. 04-13 Colorado water conservation board - membership - confirmation by senate. Specifies that members of the Colorado water conservation board serve until their successor has been confirmed by the senate and that no person appointed by the governor to a vacancy on the board occurring while the senate is in session may take office until confirmed. Requires the governor to appoint a successor within 30 days after any vacancy.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

S.B. 04-32 Loans of water rights - decreed agricultural rights - appropriation. Authorizes an owner of an agricultural irrigation water right to loan such right for up to 180 days during any one calendar year to another owner on the same stream, subject to approval by the division engineer and a finding of a lack of material injury to other decreed water rights.

Appropriates \$300 to the division of water resources for implementation of the act.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

S.B. 04-185 Ground water - well permits - extension - expiration. Subjects all permits for nonexempt wells outside of designated ground water basins to the same standards for expiration and extension by prohibiting Denver basin aquifer and mine dewatering well permits from being extended more than once. Eliminates the requirement to file a statement of beneficial use for nonexempt wells outside of designated ground water basins. Recodifies existing requirements to clarify the requirements.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-222 Underground water - authority of state engineer - division 3. With regard to the regulation of underground water use in the Rio Grande basin, grants the state engineer wide discretion to permit the continued use of such underground water consistent with prevention of material injury to senior surface water rights and requires the state engineer to:

- Maintain a sustainable water supply considering aquifer fluctuations from 1978 to 2000 as a benchmark;
- Preserve the state's ability to comply with the Rio Grande compact; and
- Adopt rules that recognize valid existing contractual arrangements between water users; establish an irrigation season for the Rio Grande basin; do not credit the eradication of phreatophytes as a source of replacement water; and do not require surface water right holders to divert using wells.

Prohibits the state engineer from curtailing wells if the withdrawals are made pursuant to a properly-adopted ground water management plan adopted by a ground water management subdistrict. Establishes public notice and judicial review procedures for the approval of such plans. Requires the water judge to retain jurisdiction over the water management plan to ensure that the plan is operated, and injury is prevented, in conformity with the court's decree.

APPROVED by Governor May 20, 2004

EFFECTIVE May 20, 2004

S.B. 04-225 Designated ground water - curtailment orders - enforcement - penalties - appropriation. Authorizes the state engineer and ground water management districts to issue well permit enforcement orders to facilitate administration of designated ground water, including a requirement to provide records of energy used to pump ground water. Authorizes the state engineer, ground water management districts, and the ground water commission to seek court enforcement of such orders. Requires the court to award costs and fees to the prevailing party in such a proceeding. Specifies factors for the court's consideration and penalties that would apply except in cases of exempt domestic wells. Creates a well enforcement cash fund and directs the penalties to be deposited in the fund to be used for the investigation and enforcement of violations of orders or to regulate ground water.

Appropriates \$10,000 to the division of water resources in the department of natural resources, of which amount \$8,511 is allocated to the department of law for legal services, for implementation of the act.

APPROVED by Governor May 27, 2004

EFFECTIVE May 27, 2004

S.B. 04-235 Water conservation districts - Republican river - creation. Creates a Republican river water conservation district in Phillips and Yuma counties and those portions of Kit Carson, Lincoln, Logan, Sedgwick, and Washington counties within the Republican river basin, pursuant to the provisions of the existing water conservation district law, with modifications, for the purpose of cooperating with and assisting the state of Colorado to carry out the state's duty to comply with the limitations and duties imposed upon the state by the Republican river compact. Preserves the existing powers of the ground water management districts contained within the district.

Specifies that the county commissioners of each county, the ground water management districts within the district, and the Colorado ground water commission will appoint the 15 members of the district's board. Authorizes the district's board to take such actions as are necessary to cooperate with and assist the state of Colorado to carry out the state's duty to comply with the limitations and duties imposed upon the state by the Republican river compact.

Authorizes several funding mechanisms, including revenue bonds, special assessments, a one percent sales and use tax, ad valorem property taxes, and water fees.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 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. 04-238 Project eligibility lists - legislative approval - additions or modifications. Specifies that the joint resolutions for 2004 approving additions or modifications to the project eligibility lists for the water pollution control revolving fund and the drinking water revolving fund shall be passed and signed by the governor by May 1, rather than April 1. Effective January 1, 2005, and thereafter, requires such additions or modifications to be approved in a bill enacted by April 1. Also requires additions or modifications to the eligibility list for the species conservation trust fund to be approved in a bill rather than by joint resolution.

APPROVED by Governor April 28, 2004

EFFECTIVE April 28, 2004

H.B. 04-1035 Water conservation board - members. Prohibits members of the Colorado water conservation board from voting by proxy.

APPROVED by Governor March 8, 2004

EFFECTIVE March 8, 2004

H.B. 04-1073 Adjudications - applications - notice. Requires the water clerk or referee to provide land owners upon which a new or modified diversion or storage structure is or will be constructed with a resume of the application. Allows the applicant to rely on the county assessor's real estate records in determining the identity of the affected surface owners.

APPROVED by Governor April 5, 2004

EFFECTIVE August 4, 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. 04-1152 Water resources review committee - members - terms. Specifies that terms of members of the water resources review committee extend from January 1 of an odd-numbered year to December 31 of the following even-numbered year.

APPROVED by Governor March 17, 2004

EFFECTIVE March 17, 2004

H.B. 04-1221 Colorado water conservation board construction fund - projects authorization - appropriation. Authorizes the expenditure of moneys from 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;
- Refreshing the irrigated acreage component of the Colorado decision support system database and related projects;
- A document imaging system;
- Floodplain map modernization;
- A weather modification program;
- A flood hazard mitigation program;
- A statewide tamarisk field survey;
- Continued development of the South Platte decision support system; and
- An El Paso county water master plan.

Restores balances in the flood response fund. Repeals the emergency infrastructure repair cash fund and the Arkansas river augmentation loan fund. Transfers remaining moneys in such funds to the board fund. Authorizes the board to make well augmentation loans from the fund. Changes the amounts available for previously authorized projects at Chatfield.

Authorizes the board to loan moneys from the Colorado river recovery program loan fund for certain water resources projects.

APPROVED by Governor May 21, 2004

EFFECTIVE May 21, 2004

H.B. 04-1256 Interruptible water supply agreements - term of operation - appropriation. Allows interruptible water supply agreements to operate for up to 3 years out of ten years rather than only during the year of and following a declared drought emergency. If the option to exercise the agreement has not been exercised during the 10-year period, allows the applicant to reapply a single time for another 10-year period. Allows a party to the original application to file objections based on injury by January 1 of the year following the first exercise of the agreement.

Appropriates \$10,000 to the judicial department for implementation of the act.

APPROVED by Governor May 28, 2004

EFFECTIVE August 4, 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. 04-1365 Colorado water conservation board - office of water conservation and drought planning - water conservation plans. Updates water conservation law by:

- Expanding the role of the office of water conservation ("office") in the Colorado water conservation board ("board") by directing the office to provide information and technical assistance relating to drought mitigation to water providers and covered entities and by changing the name of the office to the office of water conservation and drought planning;
- Clarifying and specifying the requirements for water conservation planning for covered entities that receive financial assistance from either the board or the Colorado water resources and power development authority, including provisions to allow covered entities that are experiencing an unforeseeable emergency and that do not have a conservation plan to receive financing at an increased interest rate and requiring covered entities to update water conservation plans at least every 7 years; and
- Developing funding mechanisms that support local water conservation and drought mitigation planning.

APPROVED by Governor June 4, 2004

EFFECTIVE August 4, 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. 04-1402 Water administration fee - repeal - refund. Repeals the water administration fee applicable to water users. Directs the state engineer to refund, by June 30, 2004, any amounts collected, not including interest, attorney fees, or costs incurred by persons protesting the fee. Repeals the water administration cash fund on July 1, 2004. Makes a one-time appropriation of \$1,527,449 to the division of water resources from the operational account of the severance tax trust fund. Adjusts appropriations made in the FY 2004-05 long

bill.

APPROVED by Governor April 7, 2004

PORTIONS EFFECTIVE April 7, 2004
PORTIONS EFFECTIVE July 1, 2004

PROPOSED CONSTITUTIONAL AMENDMENTS

S.C.R. 04-005 State constitution - obsolete provisions - elimination. Submits to the voters of the state amendments eliminating obsolete provisions of the state constitution concerning:

- The state librarian;
- Deadlines to create the principal departments of state government;
- The terms of the initial members of the state board of land commissioners; and
- Residency requirements for voters.

H.C.R. 04-1005 State personnel system. Modifies the state personnel system in the following respects:

Merit principle

- Retains the merit principle and specifies that appointments and promotions in the state personnel system are to be made according to merit as ascertained by comparative assessments of qualifications.
- Eliminates reference to competitive tests to measure competence.
- In addition to other factors, specifies that appointments and promotions in the state personnel system are to be made without regard to sex or age, except as otherwise permitted by law.

Membership in the state personnel system

- Exempts from the state personnel system officers responsible for directly controlling significant segments of principal departments and employees in the offices of the heads of principal departments whose functions are confined to the office and whose duties are concerned only with the administration of the office, not to exceed 0.45% of the total number of certified state employees; and officers of educational institutions and departments.

Contracting for personnel services

- Repeals the provision allowing political subdivisions to contract with the state personnel board for personnel services when authorized by law.

Appointments in the state personnel system

- Repeals the "rule of 3" and provides for the determination by law of a limited number of qualified applicants, not to exceed 6, to be considered for appointment to a position in the state personnel system.
- Subjects any person who makes an appointment in violation of the state constitution to civil and criminal liability, as provided by law.

Residency requirement

- Requires all appointees to positions in the state personnel system to reside in the United States.
- Allows the general assembly to make exceptions to the requirement that appointees reside in the state.
- Repeals the residency requirement for applicants for positions in the state personnel system that do not require special education, training, or qualifications and that can be readily filled by state residents.

Appointing authorities

- Repeals provisions specifying the appointing authorities for certain employees.

Employment and discipline

- Modifies the provision allowing persons in the state personnel system to hold their positions during efficient service or until retirement age by specifying that certified employees in the state personnel system hold their positions during efficient service or performance until separation for retirement, resignation, or cause.
- Specifies that certified employees that have similar duties are to receive similar salaries, as provided by law, instead of requiring that employees be graded and compensated according to standards of efficient service that are the same for all employees having like duties.
- Eliminates some of the circumstances under which a certified employee may be dismissed, suspended, or disciplined, and specifies instead that certified employees are subject to discipline upon written findings of failure to perform, willful misconduct, or final conviction of a felony or other offense, as provided by law.

Temporary and probationary employment

- Specifies that no temporary employment or succession of temporary appointments shall exceed 9 months in a 12-month period, instead of 6 months.
- Allows temporary appointments for vacant permanent positions until an eligible list is established and a permanent appointment is made, as provided by law.
- Eliminates the authority of the state personnel board to establish probationary periods for initial appointments in the state personnel system and instead specifies that probationary periods are not to exceed 12 months.

Applicability

- Specifies that the modifications to the civil service amendment apply to employees in the state personnel system prior to, on, or after July 1, 2005.

State personnel board

- Repeals provisions concerning initial appointments to the state personnel board.
- Limits state personnel board members to 2 consecutive terms of office.
- Allows state officers and employees to serve on the state personnel board.
- Modifies the grounds for removal of members of the state personnel board consistent with the grounds for dismissing certified employees in the state personnel system.

Department of personnel and state personnel director

- Repeals the provision creating the department of personnel.

Board and director rule-making authority

- Limits the rule-making authority of the state personnel board relating to implementation of laws enacted pursuant to the civil service amendment to rules concerning grievance procedures, discipline, involuntary separations, appeals to the board, and the conduct of hearings.
- Authorizes the state personnel director to adopt rules to implement laws enacted pursuant to the civil service amendment concerning the administration of the state personnel system, and further authorizes the director, instead of the state personnel board, to adopt rules with regard to matters including, without

- limitation, appointments and promotions, standardization of positions, compensation, voluntary separations, and standards of performance.
- Allows the general assembly, by bill, to reallocate the rule-making authority of the board and the director as set forth in the state constitution.

Veterans' preference

- Allows the state to use numerical or nonnumerical methods for assessing qualifications of applicants for appointment or employment in its personnel system and specifies how the veterans' preference applies when either method is used.
- Modifies the calculation of the veterans' preference by using percentage points rather than a specified number of points and by adjusting an applicant's score rather than grade.
- Replaces the term "examination" with "assessments" to conform to modifications to the merit principle.
- Removes the restriction on the applicability of the veterans' preference to persons who served for training purposes.

NOTE: For the companion act associated with this concurrent resolution, see House Bill 04-1373 on page 110 of this digest.

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