

DIGEST OF BILLS

Enacted at the Second Regular Session
Of the Sixty-fifth General Assembly



The Rocky Mountain Bighorn Sheep, *Ovis canadensis*, was adopted as the official state animal on May 1, 1961 by an act of the General Assembly. The Rocky Mountain Bighorn Sheep is found only in the Rockies, usually above timberline in rugged mountainous areas. The male sheep is three to three and a half feet tall at the shoulder and weighs up to three hundred pounds, while the female is slightly smaller. These large animals are known for their agility and perfect sense of balance. The bighorn sheep was named for its massive horns which curve backward from the forehead, down, then forward. On the ram the horns can be as much as fifty inches in length. It is unlawful to pursue, take, hunt, wound, or kill the Rocky Mountain Bighorn Sheep except as provided by law. Citation: Senate Bill 294, 1961; Colorado Revised Statute 24-80-911.

June 2006

Prepared by
the Office of Legislative Legal Services

DIGEST

SENATE AND HOUSE BILLS ENACTED
BY THE
SIXTY-FIFTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO
(2006 - 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 8, 2006. 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 2005 interim committee, refer to page x and xi.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2006 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 general assembly adjourned sine die on the 118th legislative day, May 8, 2006. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Sunday, August 6, 2006. The effective date for such bills is therefore 12:01 a.m., on Monday, August 7, 2006, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Friday, August 4, 2006.

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 2006.

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LEGISLATIVE STATISTICAL SUMMARY

	2006		2005		2004	
	Intro	Passed	Intro	Passed	Intro	Passed
Senate Bills	239	164	249	180	261	147
House Bills	412	276	353	222	465	286
Concurrent Resolutions	22	2	18	1	44	2
Bills signed by Governor	381		343		420	
Bills becoming law without Governor's signature	9		12		4	
Bills partially vetoed by the Governor	4		2		3	
Bills vetoed by the Governor	44		47		6	
Bills referred to the People	2		1		0	

BILLS VETOED BY THE GOVERNOR:

H.B. 06-1005	H.B. 06-1148	H.B. 06-1346	S.B. 06-001	S.B. 06-111
H.B. 06-1006	H.B. 06-1174	H.B. 06-1363	S.B. 06-011	S.B. 06-138
H.B. 06-1010	H.B. 06-1193	H.B. 06-1374	S.B. 06-046	S.B. 06-152
H.B. 06-1021	H.B. 06-1212	H.B. 06-1397	S.B. 06-047	S.B. 06-198
H.B. 06-1023	H.B. 06-1251		S.B. 06-052	S.B. 06-203
H.B. 06-1056	H.B. 06-1309		S.B. 06-064	S.B. 06-205
H.B. 06-1077	H.B. 06-1314		S.B. 06-065	S.B. 06-209
H.B. 06-1095	H.B. 06-1317		S.B. 06-069	S.B. 06-227
H.B. 06-1127	H.B. 06-1331		S.B. 06-081	S.B. 06-234
H.B. 06-1147	H.B. 06-1336		S.B. 06-105	S.B. 06-239

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

H.B. 06-1106	H.B. 06-1275	S.B. 06-039
H.B. 06-1181	H.B. 06-1295	S.B. 06-051
H.B. 06-1215		S.B. 06-145
H.B. 06-1249		

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

H.B. 06-1216	H.B. 06-1371
H.B. 06-1369	H.B. 06-1385

BILLS ENACTED WITHOUT A SAFETY CLAUSE:*

H.B. 06-1010v	H.B. 06-1132	H.B. 06-1277	S.B. 06-004	S.B. 06-094
H.B. 06-1016	H.B. 06-1140	H.B. 06-1278	S.B. 06-009	S.B. 06-111v
H.B. 06-1019	H.B. 06-1154	H.B. 06-1285	S.B. 06-012	S.B. 06-112
H.B. 06-1020	H.B. 06-1159	H.B. 06-1287	S.B. 06-014	S.B. 06-115
H.B. 06-1030	H.B. 06-1165	H.B. 06-1294	S.B. 06-015	S.B. 06-116
H.B. 06-1031	H.B. 06-1181	H.B. 06-1295	S.B. 06-023	S.B. 06-118
H.B. 06-1039	H.B. 06-1183	H.B. 06-1297	S.B. 06-028	S.B. 06-120
H.B. 06-1042	H.B. 06-1191	H.B. 06-1299	S.B. 06-033	S.B. 06-137
H.B. 06-1048	H.B. 06-1195	H.B. 06-1306	S.B. 06-039	S.B. 06-140
H.B. 06-1051	H.B. 06-1198	H.B. 06-1314v	S.B. 06-041	S.B. 06-154
H.B. 06-1061	H.B. 06-1207	H.B. 06-1319	S.B. 06-048	S.B. 06-172
H.B. 06-1069	H.B. 06-1209	H.B. 06-1328	S.B. 06-053	S.B. 06-194
H.B. 06-1079	H.B. 06-1210	H.B. 06-1330	S.B. 06-058	S.B. 06-197
H.B. 06-1085	H.B. 06-1242	H.B. 06-1335	S.B. 06-062	S.B. 06-198v
H.B. 06-1087	H.B. 06-1243	H.B. 06-1339	S.B. 06-064v	S.B. 06-199
H.B. 06-1095v	H.B. 06-1247	H.B. 06-1343	S.B. 06-079	S.B. 06-201
H.B. 06-1098	H.B. 06-1265	H.B. 06-1354	S.B. 06-080	S.B. 06-227v
H.B. 06-1103	H.B. 06-1266	H.B. 06-1355	S.B. 06-081v	S.B. 06-229
H.B. 06-1106	H.B. 06-1267	H.B. 06-1383	S.B. 06-093	S.B. 06-234v
H.B. 06-1115	H.B. 06-1268	H.B. 06-1390		
H.B. 06-1121	H.B. 06-1273	H.B. 06-1404		

* These bills become effective on August 7, 2006, 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 2005 INTERIM AND STATUTORY
COMMITTEES THAT WERE ENACTED:**

AUTO INSURANCE SYSTEM

H.B. 06-1030 S.B. 06-041

**CAPITAL DEVELOPMENT
COMMITTEE**

H.B. 06-1381 S.B. 06-056

**COMMITTEE ON LEGAL
SERVICES**

H.B. 06-1015 S.B. 06-106

H.B. 06-1391

ECONOMIC DEVELOPMENT

S.B. 06-048

S.B. 06-049

HEALTH CARE TASK FORCE

H.B. 06-1045 S.B. 06-004

HEALTH INSURANCE

S.B. 06-011v S.B. 06-044

S.B. 06-035 S.B. 06-047v

S.B. 06-036

v - vetoed

JOINT BUDGET COMMITTEE

(OTHER THAN SUPPLEMENTALS)

H.B. 06-1244 S.B. 06-124

H.B. 06-1256 S.B. 06-126

H.B. 06-1310 S.B. 06-129

H.B. 06-1328 S.B. 06-135

H.B. 06-1373 S.B. 06-142

H.B. 06-1374

H.B. 06-1386

H.B. 06-1395

H.B. 06-1398

H.B. 06-1399

H.J.R. 06-1012

LEGISLATIVE AUDIT COMMITTEE

H.B. 06-1033 S.B. 06-006

H.B. 06-1046 S.B. 06-014

H.B. 06-1048 S.B. 06-015

H.B. 06-1061 S.B. 06-023

S.B. 06-116

S.B. 06-233

**MENTAL ILLNESS IN THE
CRIMINAL JUSTICE SYSTEM**

S.B. 06-005

**POLICE OFFICER'S AND
FIREFIGHTER'S PENSION
REFORM**

H.B. 06-1059 S.B. 06-039

H.B. 06-1068

(cont.)

**RURAL ECONOMIC
DEVELOPMENT ISSUES**

S.B. 06-003
S.B. 06-016
S.B. 06-138v

**TRANSPORTATION LEGISLATION
REVIEW COMMITTEE**

H.B. 06-1003 S.B. 06-008
H.B. 06-1035 S.B. 06-010
H.B. 06-1039 S.B. 06-078

SCHOOL FINANCE SYSTEM

H.B. 06-1005v S.B. 06-042
S.B. 06-046v

**WATER RESOURCES REVIEW
COMMITTEE**

S.B. 06-034
S.B. 06-037

STATE PROCUREMENT PROCESS

H.B. 06-1095v S.B. 06-063
S.B. 06-064v

**SUNSET/SUNRISE REVIEW
PROCESSES**

H.B. 06-1002 H.B. 06-1180
H.B. 06-1040 H.B. 06-1187
H.B. 06-1041 H.B. 06-1196
H.B. 06-1177 H.B. 06-1204
H.B. 06-1178 H.B. 06-1239

v - vetoed

ACTS WITH JULY 1, 2006, AND LATER EFFECTIVE DATES:

JULY 1, 2006

HOUSE BILLS

H.B. 06-1002	H.B. 06-1076	H.B. 06-1148v	H.B. 06-1239	H.B. 06-1326
H.B. 06-1007	H.B. 06-1077v	H.B. 06-1149	H.B. 06-1244	H.B. 06-1341
H.B. 06-1011*	H.B. 06-1084	H.B. 06-1151	H.B. 06-1250	H.B. 06-1364
H.B. 06-1012	H.B. 06-1088	H.B. 06-1153	H.B. 06-1254	H.B. 06-1379
H.B. 06-1018	H.B. 06-1092	H.B. 06-1158	H.B. 06-1256	H.B. 06-1380
H.B. 06-1028	H.B. 06-1104	H.B. 06-1161	H.B. 06-1260	H.B. 06-1387*
H.B. 06-1032	H.B. 06-1107	H.B. 06-1162	H.B. 06-1264	H.B. 06-1391*
H.B. 06-1035	H.B. 06-1108	H.B. 06-1175	H.B. 06-1274*	H.B. 06-1394
H.B. 06-1055	H.B. 06-1120	H.B. 06-1178	H.B. 06-1293	H.B. 06-1396
H.B. 06-1057	H.B. 06-1137	H.B. 06-1180	H.B. 06-1302	
H.B. 06-1058	H.B. 06-1141	H.B. 06-1187	H.B. 06-1313	
H.B. 06-1066	H.B. 06-1142	H.B. 06-1190	H.B. 06-1321	
H.B. 06-1074	H.B. 06-1145	H.B. 06-1196	H.B. 06-1323	

SENATE BILLS

S.B. 06-001v	S.B. 06-024	S.B. 06-060	S.B. 06-122	S.B. 06-177
S.B. 06-008	S.B. 06-025	S.B. 06-074	S.B. 06-163	S.B. 06-179
S.B. 06-010	S.B. 06-036*	S.B. 06-091	S.B. 06-165	S.B. 06-187*
S.B. 06-016	S.B. 06-049	S.B. 06-102	S.B. 06-171	S.B. 06-219
S.B. 06-021	S.B. 06-051	S.B. 06-113	S.B. 06-176	S.B. 06-239v

JULY 2, 2006

HOUSE BILLS

H.B. 06-1398

* portions only v - vetoed

ACTS WITH JULY 1, 2006, AND LATER EFFECTIVE DATES (cont):

AUGUST 7, 2006**

HOUSE BILLS

H.B. 06-1010v	H.B. 06-1095v	H.B. 06-1198	H.B. 06-1277	H.B. 06-1328
H.B. 06-1016	H.B. 06-1098	H.B. 06-1207	H.B. 06-1278	H.B. 06-1330
H.B. 06-1019	H.B. 06-1115	H.B. 06-1209	H.B. 06-1285	H.B. 06-1335
H.B. 06-1020	H.B. 06-1121	H.B. 06-1210	H.B. 06-1287	H.B. 06-1339
H.B. 06-1031	H.B. 06-1132	H.B. 06-1242	H.B. 06-1294	H.B. 06-1343
H.B. 06-1039	H.B. 06-1154	H.B. 06-1243	H.B. 06-1295	H.B. 06-1354
H.B. 06-1042	H.B. 06-1165	H.B. 06-1265	H.B. 06-1297	H.B. 06-1355
H.B. 06-1048	H.B. 06-1181	H.B. 06-1266	H.B. 06-1299	H.B. 06-1390
H.B. 06-1061	H.B. 06-1183	H.B. 06-1267	H.B. 06-1306	H.B. 06-1391*
H.B. 06-1069	H.B. 06-1191	H.B. 06-1268	H.B. 06-1314v	H.B. 06-1404
H.B. 06-1085	H.B. 06-1195	H.B. 06-1273	H.B. 06-1319	

SENATE BILLS

S.B. 06-004	S.B. 06-039	S.B. 06-081v	S.B. 06-118	S.B. 06-198v
S.B. 06-009	S.B. 06-048	S.B. 06-093	S.B. 06-120	S.B. 06-199
S.B. 06-012	S.B. 06-053	S.B. 06-094	S.B. 06-137	S.B. 06-201
S.B. 06-015	S.B. 06-062	S.B. 06-111	S.B. 06-140	S.B. 06-227v
S.B. 06-023	S.B. 06-064v	S.B. 06-115	S.B. 06-154	S.B. 06-229
S.B. 06-028	S.B. 06-079	S.B. 06-116	S.B. 06-197	S.B. 06-234v
S.B. 06-033	S.B. 06-080			

** 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.

AUGUST 10, 2006

HOUSE BILLS
H.B. 06-1087

SEPTEMBER 1, 2006

HOUSE BILLS **SENATE BILLS**
H.B. 06-1119 **S.B. 06-112**
H.B. 06-1247

* portions only v - vetoed

ACTS WITH JULY 1, 2006, AND LATER EFFECTIVE DATES (cont):

OCTOBER 1, 2006

HOUSE BILLS

H.B. 06-1011*

H.B. 06-1174v

JANUARY 1, 2007

HOUSE BILLS

H.B. 06-1030

H.B. 06-1072

H.B. 06-1079

H.B. 06-1103

H.B. 06-1106

H.B. 06-1156

H.B. 06-1171

H.B. 06-1274*

H.B. 06-1318

H.B. 06-1336v

H.B. 06-1346v

H.B. 06-1383

SENATE BILLS

S.B. 06-002

S.B. 06-014

S.B. 06-036*

S.B. 06-041

S.B. 06-047v

S.B. 06-138v

S.B. 06-172

S.B. 06-194

S.B. 06-235*

MAY 29, 2007

HOUSE BILLS

H.B. 06-1140

JULY 1, 2007

HOUSE BILLS

H.B. 06-1027

H.B. 06-1051

H.B. 06-1071*

H.B. 06-1176

H.B. 06-1387*

SENATE BILLS

S.B. 06-058

S.B. 06-073

S.B. 06-100

S.B. 06-150

JANUARY 1, 2008

SENATE BILLS

S.B. 06-036*

S.B. 06-235*

REFERRED MEASURES:

HOUSE

H.B. 06-1283

H.B. 06-1344

SENATE

S.C.R. 06-001

S.C.R. 06-002

* portions only

v - vetoed

TABLE OF ENACTED HOUSE BILLS -- 2006

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1001	MERRIFIELD, EVANS	PRINCIPAL RECRUITMENT AND DEVELOPMENT	APPROVED 5/26/2006	5/26/2006	270	44
1002	CARROLL M., ISGAR	SUNSET CONTINUE OFFICE CONSUMER COUNSEL	APPROVED 3/13/2006	7/1/2006	9	192
1003	POMMER, WILLIAMS	REQUIREMENTS FOR PRIVATE TOLL ROADS	APPROVED 6/6/2006	6/6/2006	352	203
1004	GREEN, WINDELS	AUDIO TEXTBOOKS FOR K-12 STUDENTS	APPROVED 5/26/2006	5/26/2006	271	45
1005	POMMER, BACON	LOCAL REVENUES FOR FULL-DAY KINDERGARTEN	VETOED 3/30/2006			45
1006	BUTCHER, TAPIA	PROHIBIT INS REFER PERSONAL PROP REPAIR	VETOED 6/2/2006			140
1007	DECKER, WILLIAMS	SCRAP DISMANTLE CRUSH MOTOR VEHICLES	APPROVED 3/31/2006	7/1/2006	61	150
1008	MASSEY, ISGAR	REIMBURSE SUPPL ON-LINE ED COURSES	APPROVED 5/17/2006	5/17/2006	204	45
1009	LISTON, SPENCE	PENALTIES WAIVED BY COUNTY TREASURERS	APPROVED 3/13/2006	3/13/2006	10	73
1010	WEISSMANN, SHAFFER	GOV PROCUREMENT RULES INTL TRADE AGRMNT	VETOED 4/11/2006			101
1011	MCCLUSKEY, SANDOVAL	INTERNET CRIMES AGAINST CHILDREN	APPROVED 6/7/2006	PORTIONS ON 7/1/2006 AND 10/1/2006	362	32
1012	RAGSDALE, JOHNSON	ABSENTEE BALLOTS	APPROVED 3/6/2006	7/1/2006	4	66
1014	HOPPE, ISGAR	DEPT OF AGRICULTURE GRANTS GIFTS	APPROVED 3/6/2006	3/6/2006	5	2
1015	CARROLL T., DYER	ENACTMENT OF 2005 C.R.S.	APPROVED 3/6/2006	3/6/2006	3	195
1016	LINDSTROM, SPENCE	HOUSEHOLD MOVERS TEMPORARY REGISTRATION	APPROVED 4/13/2006	NO SAFETY CLAUSE	120	192
1017	HALL, VEIGA	INCENTIVE FOR NEW JOBS CREATED	APPROVED 6/5/2006	6/5/2006	337	102
1018	RIESBERG, HAGEDORN	INCREASE OLDER COLORADANS CASH FUND	APPROVED 5/17/2006	7/1/2006	205	103
1019	SOPER, TOCHTROP	EASTER SEALS INCOME TAX CHECKOFF	APPROVED 5/4/2006	NO SAFETY CLAUSE	183	197
1020	ROSE, ENTZ	SPECIAL LICENSE PLATES COLLECTORS	APPROVED 3/27/2006	NO SAFETY CLAUSE	23	150
1021	BENEFIELD, TUPA	PHYSICAL EDUCATION TEACHER ENDORSEMENT	VETOED 5/4/2006			46
1023	KING, WINDELS	EDUCATOR LICENSURE	VETOED 3/30/2006			46
1024	FRANGAS, TAPIA	UNDERSERVED STUDENTS IN HIGHER EDUCATION	APPROVED 6/1/2006	6/1/2006	294	59
1025	CARROLL M., HAGEDORN	BUCKLEY AIR FORCE BASE	APPROVED 3/27/2006	3/27/2006	24	210
1027	LINDSTROM, JOHNSON	LEGALLY RECOGNIZED PEACE OFFICERS	APPROVED 3/13/2006	7/1/2007	11	33
1028	CARROLL T., MITCHELL	INCREASE NUMBER CT JUDGES JUDICIAL DEPT	APPROVED 3/8/2006	7/1/2006	8	25
1030	COLEMAN, VEIGA	AUTO INSURANCE DISCLOSURE REQUIREMENTS	APPROVED 3/17/2006	NO SAFETY CLAUSE 1/1/2007	15	140
1031	LARSON, ISGAR	DIR SW WATER CONS DIST REIMBURSE RATE	APPROVED 3/27/2006	NO SAFETY CLAUSE	25	212

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1032	HODGE, BROPHY	IRRIGATION DISTRICT INFLATION ADJUSTMENT	APPROVED 3/27/2006	7/1/2006	26	213
1033	COLEMAN, TAKIS	MOD TIMING OF GEN FUND SURPLUS TRANSFERS	APPROVED 3/27/2006	3/27/2006	27	103
1035	RAGSDALE, MAY R.	PASSENGER VEHICLES RAILROAD CROSSINGS	APPROVED 3/17/2006	7/1/2006	16	151
1039	McFADYEN, HAGEDORN	ROADSIDE ADVERTISING AT DEVELOPMENTS	APPROVED 3/27/2006	NO SAFETY CLAUSE	29	206
1040	MARSHALL, VEIGA	SUNSET CONT DOI COA HEALTH & LIFE INS	APPROVED 3/27/2006	3/27/2006	28	141
1041	BORODKIN, GROFF	EXTEND RULE-MAKING COST-BENEFIT ANALYSIS	APPROVED 3/31/2006	3/31/2006	60	104
1042	KERR, JONES	BANK ELECTRONIC FUNDS	APPROVED 3/13/2006	NO SAFETY CLAUSE	12	69
1045	McCLUSKEY, KELLER	HOSPITAL INFECTION RATE REPORTING	APPROVED 6/2/2006	6/2/2006	316	119
1046	VIGIL, HANNA	PRIVATE OCCUPATIONAL SCHOOLS	APPROVED 5/17/2006	5/17/2006	206	59
1048	VIGIL, TAKIS	DISCIPLINE PROFESSIONS & OCCUPATIONS	APPROVED 3/27/2006	NO SAFETY CLAUSE	30	169
1049	WITWER, GROSSMAN	LANDOWNER LIABILITY RECREATION LANDS	APPROVED 3/8/2006	3/8/2006	7	159
1051	WITWER, SANDOVAL	RECALL ELECTION DEADLINES	APPROVED 4/13/2006	NO SAFETY CLAUSE 7/1/2007	121	66
1054	PLANT, GROFF	HIV & AIDS PREVENTION	APPROVED 6/6/2006	6/6/2006	351	120
1055	COLEMAN, SHAFFER	WORKERS' COMP MENTAL IMPAIRMENT BENEFITS	APPROVED 3/27/2006	7/1/2006	31	145
1056	MADDEN, SANDOVAL	SCHOOL VENDING MACHINES AND NUTRITION	VETOED 4/11/2006			47
1057	STAFFORD, JOHNSON	ANIMALS CRIMINAL ACTS DOGS REPORT	APPROVED 5/26/2006	7/1/2006	272	33
1058	POMMER, WILLIAMS	CRIMES AGAINST CHILDREN SURCHARGE	APPROVED 6/7/2006	7/1/2006	358	12
1059	RIESBERG, WILLIAMS	FPPA PLAN STRUCTURE	APPROVED 3/31/2006	3/31/2006	59	80
1061	COLEMAN, TAKIS	ELIMINATE PREHEARING INVESTIGATION DOP	APPROVED 3/27/2006	NO SAFETY CLAUSE	32	104
1063	CADMAN, McELHANY	GLOBAL POSITIONING SENTENCING OPTION	APPROVED 3/8/2006	3/8/2006	6	23
1066	BOYD, SHAFFER	PRIVATE CHILD SUPPORT COLLECTION AGENCY	APPROVED 4/6/2006	7/1/2006	112	17
1068	LINDSTROM, GROSSMAN	FPPA SOCIAL SECURITY SUPPLEMENTAL PLAN	APPROVED 3/27/2006	3/27/2006	33	81
1069	CRANE, HANNA	PODIATRISTS CORPORATE PRACTICE EXCEPTION	APPROVED 3/27/2006	NO SAFETY CLAUSE	34	170
1071	MASSEY, KESTER	JUVENILE COURT PROCEEDINGS	APPROVED 4/18/2006	PORTIONS ON 4/18/2006 AND 7/1/2007	131	12
1072	VIGIL, TAPIA	FALLEN SERVICE MEMBER SPECIAL PLATE	APPROVED 6/6/2006	1/1/2007	350	151
1074	SOLANO, JOHNSON	WASTE TIRES FEE RECYCLING GRANTS	APPROVED 3/31/2006	7/1/2006	57	120
1075	TODD, WILLIAMS	SURPLUS STATE PROPERTY SALE HIGHER ED	APPROVED 5/4/2006	5/4/2006	184	23
1076	PENRY, TRAYLOR	GOOD SAMARITANS IN HEALTH CARE ACT 2006	APPROVED 4/19/2006	7/1/2006	143	26

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1077	GARCIA, VEIGA	INDEMNIFY SOLE NEGLIGENCE CONSTR CONTR	VETOED 4/13/2006			26
1079	FRANGAS, JOHNSON	PENALTIES AGAINST MEDICAID PROVIDERS	APPROVED 3/27/2006	No SAFETY CLAUSE 1/1/2007	35	130
1080	CARROLL T., GROSSMAN	ADULT CRIMINAL COMPETENCY EVALUATIONS	APPROVED 3/31/2006	3/31/2006	58	26
1081	RAGSDALE, FITZ-GERALD	VOTER ID EXCLUDED FROM OPEN RECORDS	APPROVED 3/17/2006	3/17/2006	17	104
1084	LISTON, KESTER	ILLEGAL SPEED POINTS IMMOBILIZE VEHICLE	APPROVED 3/31/2006	7/1/2006	56	151
1085	GARCIA, ENTZ	BUILDING REGULATION FUND EXPENDITURES	APPROVED 6/1/2006	No SAFETY CLAUSE	295	105
1086	CRANE, JOHNSON	SEC OF STATE GAMES OF CHANCE BINGO REGUL	APPROVED 5/25/2006	5/25/2006	216	170
1087	LARSON AND ROSE, ISGAR	MONTEZUMA COUNTY CHANGE TO CATEGORY 3	APPROVED 4/6/2006	No SAFETY CLAUSE 8/10/2006	113	73
1088	MARSHALL, SANDOVAL	STATUTE LIMITATIONS CHILDREN SEX OFFENSE	APPROVED 4/12/2006	7/1/2006	119	27
1092	SCHULTHEIS, JONES	POSSESSION OF SEXUALLY EXPLICIT PENALTY	APPROVED 6/7/2006	7/1/2006	359	33
1093	WHITE, TAYLOR	COLORADO NORTHWESTERN COMMUNITY COLLEGE	APPROVED 3/31/2006	3/31/2006	54	60
1094	WHITE, TECK	NOTICE OF VALUATION OIL & GAS PROPERTY	APPROVED 3/13/2006	3/13/2006	13	197
1095	WEISSMANN, WINDELS	PREFERENCE PURCHASE ENVTL PRODUCTS	VETOED 4/24/2006			105
1098	CLOER, KELLER	PROFL DEVELOPMENT PUBLIC SCHOOL TEACHERS	APPROVED 3/31/2006	No SAFETY CLAUSE	80	47
1102	CARROLL T., GROSSMAN	CRIMINAL PROCEDURAL OMNIBUS	APPROVED 4/13/2006	4/13/2006	122	33
1103	GREEN, HANNA	RESIDENTIAL CARE FACILITY CONTRACTS	APPROVED 3/31/2006	No SAFETY CLAUSE 1/1/2007	81	120
1104	RAGSDALE, ENTZ	ID CARD APPLICATION FINGERPRINTING	APPROVED 3/17/2006	7/1/2006	18	152
1106	PACCIONE, KESTER	ALCOHOL DRUG INJURIES HLTH INS EXCLUSION	BECAME LAW 4/7/2006	No SAFETY CLAUSE 1/1/2007	118	141
1107	BENEFIELD, SHAFFER	DRIVER'S LICENSE MINOR LOG INSTRUCTION	APPROVED 5/1/2006	7/1/2006	179	152
1108	BENEFIELD, SHAFFER	MINORS TRAFFIC VIOLATION DRIVING SCHOOL	APPROVED 4/13/2006	7/1/2006	123	153
1109	KING, GROSSMAN	MEASURING PUBLIC SCHOOL EFFECTIVENESS	APPROVED 4/13/2006	4/13/2006	125	47
1112	MARSHALL, VEIGA	CONFORM JUVENILE LAW TO FEDERAL LAW	APPROVED 3/31/2006	3/31/2006	82	12
1115	MAY M., GROFF	RENTAL CAR INSURANCE ADVERTISING	APPROVED 4/13/2006	No SAFETY CLAUSE	124	18
1118	LARSON, ISGAR	COMMERCIAL DRIVERS SERVICE ORDERS	APPROVED 3/31/2006	3/31/2006	83	153
1119	MARSHALL, KELLER	NOTIFY PERSONAL INFO SECURITY BREACH	APPROVED 4/24/2006	9/1/2006	145	18
1120	BUESCHER, TUPA	SHIPMENT OF WINE TO PERSONAL CONSUMERS	APPROVED 4/13/2006	7/1/2006	126	172

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1121	TODD, WILLIAMS	COMMUNITY SERVICE DIPLOMA CERTIFICATES	APPROVED 5/25/2006	NO SAFETY CLAUSE	217	48
1122	TODD, SPENCE	MISSING PERSONS HUMAN REMAINS	APPROVED 4/6/2006	4/6/2006	115	34
1123	HARVEY, WIENS	RUNAWAY MISDEMEANOR CRIME	APPROVED 4/5/2006	4/5/2006	104	12
1124	HODGE, OWEN	WATER JUDGE APPROVE FOLLOWING CONTRACTS	APPROVED 5/25/2006	5/25/2006	218	213
1127	RIESBERG, WILLIAMS	ATHLETIC TRAINERS PRACTICE ACT	VETOED 5/26/2006			172
1132	HOPPE, ISGAR	DISPOSITION IMPOUNDED ANIMALS	APPROVED 5/11/2006	NO SAFETY CLAUSE	195	2
1136	WITWER, SHAFFER	NOTIFY AG CLAIM LAW UNCONSTITUTIONAL	APPROVED 3/13/2006	3/13/2006	14	34
1137	JUDD, SHAFFER	OMNIBUS PROBATE AMENDMENTS	APPROVED 4/6/2006	7/1/2006	114	162
1140	MCCLUSKEY, VEIGA	TRADEMARK REGISTRATION STATEMENTS	APPROVED 3/27/2006	NO SAFETY CLAUSE 5/29/2007	36	21
1141	HALL, GROSSMAN	AFFILIATED BUSINESS ARRANGEMENTS	APPROVED 3/31/2006	7/1/2006	84	173
1142	CLOER, WILLIAMS	STUDENT ELECTION JUDGE COMPENSATION	APPROVED 3/17/2006	7/1/2006	19	67
1143	GALLEGOS, KESTER	SHERIFF ELECTION WORKER BACKGROUND CHECK	APPROVED 3/27/2006	3/27/2006	37	78
1145	SOLANO, TECK	CO METHAMPHETAMINE LEGIS CMT TASK FORCE	APPROVED 6/6/2006	7/1/2006	341	34
1147	PLANT, JOHNSON	GAS UTILITY ENERGY EFFICIENCY	VETOED 6/2/2006			192
1148	VIGIL, TAPIA	SHIFT FIN RESPONSIBILITY CONSTR AGRMNT	VETOED 4/13/2006			27
1149	CARROLL M., TUPA	COMMUNICATING WITH STATE PUB OFFICIALS	APPROVED 6/7/2006	7/1/2006	361	106
1151	HEFLEY, GROFF	FELONY CHILD ABUSE	APPROVED 6/7/2006	7/1/2006	360	35
1153	BERENS, MITCHELL	ENHANCEMENTS SEX OFFENDER REGISTRATION	APPROVED 5/25/2006	7/1/2006	219	35
1154	BERENS, HANNA	HEIRLOOM BIRTH & MARRIAGE CERTIFICATES	APPROVED 5/17/2006	NO SAFETY CLAUSE	207	121
1156	WELKER, BROPHY	PROHIBIT DISCLOSURE SOCIAL SECURITY NO	APPROVED 3/31/2006	1/1/2007	85	18
1157	COLEMAN, MAY R.	IT SECURITY IN PUBLIC AGENCIES	APPROVED 6/6/2006	6/6/2006	344	107
1158	WEISSMANN, TUPA	SCHOOL INSPECTIONS BY DIV OF FIRE SAFETY	APPROVED 6/1/2006	7/1/2006	296	109
1159	PACCIONE, JOHNSON	ANNEX ENCLAVE AREAS	APPROVED 5/25/2006	NO SAFETY CLAUSE 9/1/2006	220	78
1161	VIGIL, VEIGA	REGULATE MORTGAGE BROKERS	APPROVED 6/2/2006	7/1/2006	318	173
1162	MAY M., WILLIAMS	RESTRICT MINOR DRIVERS UNDER EIGHTEEN	APPROVED 4/13/2006	7/1/2006	127	153
1165	HODGE, TAPIA	AUTHORITY TO CREATE RAILROAD QUIET ZONES	APPROVED 4/5/2006	NO SAFETY CLAUSE	109	83
1169	DECKER, BACON	LIMIT ACCESS RECORDS DOMESTIC CASES	APPROVED 6/2/2006	6/2/2006	319	27

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1171	RIESBERG, GROFF	PENALTIES FOR DRUNK DRIVING	APPROVED 6/1/2006	1/1/2007	297	154
1174	SOPER, SHAFFER	WORKERS' COMP CONSTRUCTION CONTRACTORS	VETOED 4/13/2006			145
1175	MAY M., GROSSMAN	COLORADO CLEAN INDOOR AIR ACT	APPROVED 3/27/2006	7/1/2006	22	121
1176	RAGSDALE, MAY R.	AUTHORIZE KIT MOTOR VEHICLES	APPROVED 6/1/2006	7/1/2007	299	154
1177	MCGIHON, SHAFFER	SUNSET CONTINUE ASBESTOS CONTROL PROGRAM	APPROVED 3/27/2006	3/27/2006	38	122
1178	BUTCHER, WILLIAMS	SUNSET CONTINUE MOTORIST INS ID DATABASE	APPROVED 5/25/2006	7/1/2006	221	154
1179	HALL, TAPIA	FEDERAL LAW ENFORCEMENT PEACE OFFICERS	APPROVED 3/27/2006	3/27/2006	39	35
1180	SOPER, KESTER	REPEAL DENTAL ADVISORY COMMITTEE	APPROVED 3/17/2006	7/1/2006	20	174
1181	CERBO, TOCHTROP	DEPUTY SHERIFFS REVOCATION OF APPT	BECAME LAW 3/28/2006	NO SAFETY CLAUSE	43	73
1183	BERENS, TAPIA	LAND SURVEYORS MONUMENTS	APPROVED 4/5/2006	NO SAFETY CLAUSE	105	175
1187	PACCIONE, VEIGA	SUNSET CONTINUE UTILITY CONSUMERS' BOARD	APPROVED 3/27/2006	7/1/2006	40	192
1189	CADMAN, VEIGA	GOVERNMENTAL IMMUNITY INJURY SUBROGATION	APPROVED 4/18/2006	4/18/2006	132	111
1190	CRANE, JONES	STRENGTHENING EXTRADITION LAWS	APPROVED 4/5/2006	7/1/2006	106	36
1191	KERR, KELLER	MANDATORY RECOUNT MORE THAN ONE WINNER	APPROVED 3/31/2006	NO SAFETY CLAUSE	86	67
1193	CARROLL M., HAGEDORN	HEALTH CARE WORKER PROTECTION ACT	VETOED 5/8/2006			215
1195	GALLEGOS, TRAYLOR	STATE PERSONNEL EMPL EVAL BY SUPERVISOR	APPROVED 3/31/2006	NO SAFETY CLAUSE	87	111
1196	BALMER, TAPIA	SUNSET CONTINUE ARCHITECTURE REGULATION	APPROVED 5/1/2006	7/1/2006	180	175
1198	LISTON, HANNA	PROVISIONAL BALLOT CAST IN OTHER COUNTY	APPROVED 3/31/2006	NO SAFETY CLAUSE	88	68
1200	BUESCHER, KESTER	LOW-INCOME ENERGY ASSISTANCE FUNDING	APPROVED 2/3/2006	2/3/2006	1	111
1201	PLANT, TAYLOR	INCREASE LTD GAMING FUNDS FOR TOURISM	APPROVED 6/5/2006	6/5/2006	334	175
1204	MCKINLEY, TAYLOR	SUNSET CONTINUE COAL MINE BOARD OF EXRS	APPROVED 3/31/2006	3/31/2006	89	159
1207	COLEMAN, SANDOVAL	DEFINITION OF SALARIED FOSTER PARENT	APPROVED 3/31/2006	NO SAFETY CLAUSE	90	134
1209	WITWER, MITCHELL	COLORADO SPECIAL OLYMPICS FUND	APPROVED 5/25/2006	NO SAFETY CLAUSE	222	198
1210	WITWER, TOCHTROP	COLORADO RECREATIONAL TRAILS COMMITTEE	APPROVED 3/31/2006	NO SAFETY CLAUSE	92	160
1211	FRANGAS, KELLER	SANCTIONS UNDER MEDICAID	APPROVED 5/25/2006	5/25/2006	223	130
1212	BOYD, VEIGA	PRESCRIBING EMERGENCY CONTRACEPTION	VETOED 4/13/2006			176
1213	PLANT, TAPIA	SUPPL APPROP DEPT OF AGRICULTURE	APPROVED 3/8/2006	3/8/2006	365	5
1214	PLANT, TAPIA	SUPPL APPROP DEPT OF CORRECTIONS	APPROVED 3/8/2006	3/8/2006	366	5

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1215	PLANT, TAPIA	SUPPL APPROP DEPT OF EDUCATION	BECAME LAW 4/4/2006	4/4/2006	367	5
1216	PLANT, TAPIA	SUPPL APPROP DEPT OF GOV, LT GOV, & OSPB	APPROVED IN PART AND VETOED IN PART 3/9/2006	3/9/2006	369	5
1217	PLANT, TAPIA	SUPPL APPROP DEPT OF HEALTH CARE POL & FIN	APPROVED 3/8/2006	3/8/2006	370	5
1218	PLANT, TAPIA	SUPPL APPROP DEPT OF HIGHER ED	APPROVED 3/8/2006	3/8/2006	372	6
1219	PLANT, TAPIA	SUPPL APPROP DEPT OF HUMAN SERVICES	APPROVED 3/8/2006	3/8/2006	374	6
1220	PLANT, TAPIA	SUPPL APPROP JUDICIAL DEPARTMENT	APPROVED 3/8/2006	3/8/2006	376	6
1221	PLANT, TAPIA	SUPPL APPROP DEPT OF LABOR & EMPLOYMENT	APPROVED 3/8/2006	3/8/2006	377	6
1222	PLANT, TAPIA	SUPPL APPROP DEPT OF LAW	APPROVED 3/8/2006	3/8/2006	378	6
1223	PLANT, TAPIA	SUPPL APPROP DEPT OF LEGISLATURE	APPROVED 3/8/2006	3/8/2006	379	6
1224	PLANT, TAPIA	SUPPL APPROP DEPT OF LOCAL AFFAIRS	APPROVED 3/8/2006	3/8/2006	380	7
1225	PLANT, TAPIA	SUPPL APPROP DEPT OF MILITARY AFFAIRS	APPROVED 3/8/2006	3/8/2006	381	7
1226	PLANT, TAPIA	SUPPL APPROP DEPT OF NATURAL RESOURCES	APPROVED 3/8/2006	3/8/2006	382	7
1227	PLANT, TAPIA	SUPPL APPROP DEPT OF PERSONNEL	APPROVED 3/8/2006	3/8/2006	383	7
1228	PLANT, TAPIA	SUPPL APPROP DEPT OF PUB HEALTH & ENVIR	APPROVED 3/8/2006	3/8/2006	384	7
1229	PLANT, TAPIA	SUPPL APPROP DEPT OF PUBLIC SAFETY	APPROVED 3/8/2006	3/8/2006	386	7
1230	PLANT, TAPIA	SUPPL APPROP DEPT OF REG AGENCIES	APPROVED 3/8/2006	3/8/2006	387	8
1231	PLANT, TAPIA	SUPPL APPROP DEPT OF REVENUE	APPROVED 3/8/2006	3/8/2006	388	8
1232	PLANT, TAPIA	SUPPL APPROP DEPT OF STATE	APPROVED 3/8/2006	3/8/2006	389	8
1233	PLANT, TAPIA	SUPPL APPROP DEPT OF TRANSPORTATION	APPROVED 3/8/2006	3/8/2006	390	8
1234	PLANT, TAPIA	SUPPL APPROP TREASURY DEPT	APPROVED 3/8/2006	3/8/2006	391	8
1235	PLANT, TAPIA	SUPPL APPROP CAPITAL CONST	APPROVED 3/8/2006	3/8/2006	392	8
1237	CARROLL T., DYER	PREMISES LIABILITY ACTIONS	APPROVED 4/5/2006	4/5/2006	107	28
1239	HOPPE, ISGAR	SUNSET REVIEW PESTICIDE APPLICATORS	APPROVED 3/31/2006	7/1/2006	93	2
1240	MARSHALL, GROFF	VOLUNTARY SCHOOL RESTRUCTURING	APPROVED 4/6/2006	4/6/2006	116	48
1242	BENEFIELD, WINDELS	COUNTY CLERK & RECORDER DOLLAR SURCHARGE	APPROVED 3/31/2006	NO SAFETY CLAUSE	94	74
1243	SULLIVAN, HANNA	CHIROPRACTIC CARE	APPROVED 3/31/2006	NO SAFETY CLAUSE	95	176
1244	HALL, OWEN	AVIATION ADMIN BUDGET BY TRANSP COMMN	APPROVED 4/24/2006	7/1/2006	146	207

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1247	CERBO, GROSSMAN	UNIF COMMERCIAL CODE DOC TITLE GENERAL	APPROVED 4/18/2006	NO SAFETY CLAUSE 9/1/2006	133	19
1249	JUDD, TAKIS	PREGNANT MINOR AUTHORIZE MED CARE	BECAME LAW 4/22/2006	4/22/2006	144	28
1250	LINDSTROM, ENTZ	INCREASE IN FINES FOR SKIING VIOLATIONS	APPROVED 3/27/2006	7/1/2006	41	160
1251	GREEN, TOCHTROP	PROHIBIT PRICE GOUGING	VETOED 6/2/2006			20
1254	CERBO, VEIGA	CO-OWNERSHIP OF REAL PROPERTY	APPROVED 3/31/2006	7/1/2006	75	184
1255	JUDD, SHAFFER	PERMANENCY HEARINGS FOR JUVENILES	APPROVED 4/18/2006	4/18/2006	134	135
1256	BUESCHER, KELLER	MODIFY TOTAL COMP FOR STATE EMPLOYEES	APPROVED 4/24/2006	7/1/2006	147	112
1257	GREEN, KELLER	NOISE MITIGATION ALONG STATE HIGHWAYS	APPROVED 5/26/2006	5/26/2006	273	207
1260	JAHN, VEIGA	COLORADO STUDENT LOAN PROGRAM	APPROVED 4/18/2006	7/1/2006	135	60
1264	HEFLEY, GROSSMAN	DISCIPLINARY PROCEDURES DIV REGISTRATIONS	APPROVED 5/1/2006	7/1/2006	181	176
1265	FRANGAS, SANDOVAL	LEAD-BASED PAINT HAZARD INFO PAMPHLET	APPROVED 3/27/2006	NO SAFETY CLAUSE	42	122
1266	LARSON, VEIGA	WELFARE FRAUD PREVENTION & RECOVERY	APPROVED 5/17/2006	NO SAFETY CLAUSE	208	135
1267	RIESBERG, MITCHELL	CHILD SUPPORT REVISIONS	APPROVED 4/18/2006	NO SAFETY CLAUSE	136	13
1268	RIESBERG, BACON	CEMETERY RIGHT TO RECLAIM ABANDONED PLOT	APPROVED 4/13/2006	NO SAFETY CLAUSE	128	184
1269	CLOER, TOCHTROP	NURSING FACULTY FELLOWSHIP PROGRAM	APPROVED 4/24/2006	4/24/2006	149	61
1270	MERRIFIELD, GORDON	MEDICAID ELIGIBILITY SITES AT SCHOOLS	APPROVED 6/2/2006	6/2/2006	320	130
1271	JAHN, JOHNSON	SPECIAL TREATMENT FOSTER CARE	APPROVED 4/18/2006	4/18/2006	137	135
1273	LISTON, TRAYLOR	DECEASED DECLARATION LAST REMAINS	APPROVED 5/11/2006	NO SAFETY CLAUSE	196	163
1274	HODGE, ENTZ	PESTCIDE PRIVATE APPLICATORS LICENSE	APPROVED 5/26/2006	PORTIONS ON 7/1/2006 AND 1/1/2007	274	3
1275	McKINLEY, BROPHY	ACTUAL VALUE OF WIND ENERGY FACILITIES	BECAME LAW 5/9/2006	5/9/2006	194	198
1277	CLAPP, SANDOVAL	PERSONS WITH A MENTAL ILLNESS	APPROVED 6/1/2006	NO SAFETY CLAUSE	298	132
1278	WEISSMANN, KELLER	COLORADO HOSPITAL REPORT CARD	APPROVED 6/2/2006	NO SAFETY CLAUSE	317	123
1281	POMMER, GORDON	CLEAN COAL TECHNOLOGY DEMO PROGRAM	APPROVED 6/1/2006	6/1/2006	300	192
1283	MERRIFIELD, WINDELS	SCHOOL BUDGET ACCOUNTABILITY		REFERENDUM	396	49
1285	TODD, WILLIAMS	ACCOUNTABLE STUDENT PROG UNIV OF CO	APPROVED 4/18/2006	NO SAFETY CLAUSE	138	61
1287	STAFFORD, SANDOVAL	PUBLIC FUND INVESTMENTS	APPROVED 4/24/2006	NO SAFETY CLAUSE	150	74

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1288	TODD, WINDELS	ELECTION OF SCHOOL DIRECTORS	APPROVED 5/25/2006	5/25/2006	224	49
1293	HOPPE, GROSSMAN	GROUND WATER GRAVEL PERMIT FEES	APPROVED 5/26/2006	7/1/2006	275	213
1294	DECKER, ISGAR	REBUILDER'S TITLE MOTOR VEHICLES	APPROVED 5/17/2006	NO SAFETY CLAUSE	209	154
1295	HODGE, HANNA	SALARIES OF COUNTY ELECTED OFFICIALS	BECAME LAW 4/14/2006	NO SAFETY CLAUSE	130	75
1297	DECKER, SHAFFER	MULTIPLE SCLEROSIS INCOME TAX CHECKOFF	APPROVED 5/4/2006	NO SAFETY CLAUSE	185	198
1299	MCCCLUSKEY, SANDOVAL	IN-STATE MEDICAID GOODS PROVIDERS	APPROVED 4/18/2006	NO SAFETY CLAUSE	139	130
1302	STENGEL, GORDON	EMISSIONS TESTING CLEAN SCREEN PROGRAM	APPROVED 5/25/2006	7/1/2006	225	155
1304	SULLIVAN, TAYLOR	FUNDING VOLUNTEER FIREFIGHTER PENSIONS	APPROVED 6/1/2006	6/1/2006	302	82
1306	KNOEDLER, TRAYLOR	SECURE & VERIFIABLE IDENTITY DOC AUDIT	APPROVED 5/30/2006	NO SAFETY CLAUSE	282	112
1309	MCGIHON, GROSSMAN	PROTECT AIR QUALITY HEALTH ENVIRONMENT	VETOED 4/24/2006			123
1310	BUESCHER, OWEN	SIMPLIFY TOBACCO MONEY DISTRIBUTION	APPROVED 5/25/2006	5/25/2006	226	112
1311	CURRY, ISGAR	SPECIES CONSERVATION TRUST FUND	APPROVED 5/25/2006	5/25/2006	227	160
1312	VIGIL, SANDOVAL	PRIVATE LETTER RULINGS	APPROVED 6/1/2006	6/1/2006	301	113
1313	CURRY, ISGAR	WATER CONSERVATION BD CONSTRUCTION FUND	APPROVED 5/17/2006	7/1/2006	210	214
1314	CERBO, TOCHTROP	PROHIBIT EMPLOYER-MANDATED COMMUNICATION	VETOED 5/26/2006			146
1315	HEFLEY, GORDON	JUV PAROLE FOR ADULT CLASS 1 FELONY	APPROVED 5/25/2006	5/25/2006	228	23
1317	MADDEN, FITZ-GERALD	STATE ENERGY PLANNING DATA	VETOED 6/2/2006			61
1318	CLOER, MITCHELL	MFT CLINICAL HOURS LICENSE REQUIREMENTS	APPROVED 4/18/2006	1/1/2007	140	177
1319	VIGIL, TECK	REAL ESTATE APPRAISERS RENEWAL LICENSES	APPROVED 3/17/2006	NO SAFETY CLAUSE	21	178
1320	HEFLEY, GROSSMAN	STATE LOTTERY DIV PROMOTIONAL DRAWINGS	APPROVED 3/31/2006	3/31/2006	76	114
1321	JAHN, SANDOVAL	SUNRISE REVIEW APPLICATION DEADLINE	APPROVED 3/31/2006	7/1/2006	77	114
1322	BUESCHER, TAPIA	CLEAN ENERGY DEVEL FUND SEED CAPITAL	APPROVED 6/6/2006	6/6/2006	347	193
1323	MARSHALL, KESTER	RESIDENTIAL MORTGAGE FRAUD CRIME	APPROVED 5/30/2006	7/1/2006	290	36
1325	McFADYEN, TAKIS	ELECTRIC TRANSMISSION FACILITIES STUDY	APPROVED 5/4/2006	5/4/2006	186	194
1326	CRANE, GROSSMAN	IDENTITY THEFT	APPROVED 5/30/2006	7/1/2006	289	37
1328	BOYD, HAGEDORN	REVIEW USE OF TOBACCO SETTLEMENT MONEYS	APPROVED 3/31/2006	NO SAFETY CLAUSE	78	114
1330	ROMANOFF, FITZ-GERALD	INSURANCE FILING DISCLOSURE REQMENTS	APPROVED 6/1/2006	NO SAFETY CLAUSE	303	141
1331	PLANT, TAPIA	PROFN LICENSING LANDSCAPE ARCHITECTS	VETOED 5/26/2006			178

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1334	CLAPP, GORDON	PARENTAL CHILD EVALUATION CONFIDENTIAL	APPROVED 4/13/2006	4/13/2006	129	28
1335	JAHN, ISGAR	SPECIAL DIST NOTICE ON CONSTR CONTRACTS	APPROVED 4/5/2006	No SAFETY CLAUSE	108	84
1336	McGIHON, GROSSMAN	UNIFORM ATHLETE AGENTS ACT	VETOED 5/26/2006			61
1337	BUTCHER, ENTZ	WATER QUALITY IMPROVEMENT FUND PENALTIES	APPROVED 5/26/2006	5/26/2006	276	123
1338	PLANT, FITZ-GERALD	INCLUSION OF CONTIGUOUS COUNTIES IN RTD	APPROVED 5/4/2006	5/4/2006	187	84
1339	GARCIA, SPENCE	DENVER BRONCOS SPECIAL LICENSE PLATE	APPROVED 6/6/2006	No SAFETY CLAUSE	357	155
1340	BENEFIELD, TAYLOR	EXPLOSIVES PERMIT FEDERAL REGULATION	APPROVED 3/31/2006	3/31/2006	79	146
1341	McFADYEN, TAKIS	FALSE COMMERCIAL DRIVER'S LICENSES	APPROVED 3/31/2006	7/1/2006	55	156
1343	CRANE, KELLER	ILLEGAL ALIENS & PUB CONTR FOR SERVICES	APPROVED 6/6/2006	No SAFETY CLAUSE	340	114
1344	PLANT, FITZ-GERALD	DOMESTIC PARTNERSHIPS		REFERENDUM 2/12/2007	395	13
1346	McGIHON, SHAFFER	HEALTH CARE COVERAGE ADD'L MINOR CHILD	VETOED 5/26/2006			142
1347	McGIHON, TRAYLOR	ID THEFT & FINANCIAL FRAUD BOARD	APPROVED 5/30/2006	5/30/2006	283	115
1351	ROSE, ISGAR	TEEN PREGNANCY DROPOUT PREVENTION	APPROVED 4/24/2006	4/24/2006	151	136
1353	CARROLL T., GROSSMAN	CRIM COMPETENCY EVALUATIONS STANDARDS	APPROVED 4/18/2006	4/18/2006	141	28
1354	MADDEN, TECK	CONSERVATION EASEMENT INCOME TAX CREDIT	APPROVED 5/1/2006	No SAFETY CLAUSE	182	199
1355	McKINLEY, ISGAR	RAFFLE AUCTION BIG GAME HUNTING LICENSE	APPROVED 5/11/2006	No SAFETY CLAUSE	198	160
1356	JUDD, OWEN	SUPERVISED LENDER LICENSING EXEMPTION	APPROVED 4/18/2006	4/18/2006	142	20
1357	RAGSDALE, ISGAR	MARRIAGE LICENSE APPLIC CONFIDENTIALITY	APPROVED 4/24/2006	4/24/2006	152	115
1360	RIESBERG, TUPA	BIOSCIENCE RESEARCH DISCOVERIES	APPROVED 6/5/2006	6/5/2006	335	63
1362	MASSEY, VEIGA	INCENTIVES FOR MOTION PICTURE INDUSTRY	APPROVED 6/5/2006	6/5/2006	336	116
1363	BENEFIELD, SHAFFER	JUVENILE DELINQUENCY PREVENTION PROGRAMS	VETOED 6/2/2006			124
1364	MADDEN, SHAFFER	CRIME OF LOCATING PROTECTED PERSON	APPROVED 5/25/2006	7/1/2006	229	37
1368	PLANT, TAPIA	SUPPL APPROP DEPT OF EDUCATION	APPROVED 3/31/2006	3/31/2006	368	9
1369	PLANT, TAPIA	SUPPL APPROP DEPT OF HEALTH CARE POL & FIN	APPROVED IN PART AND VETOED IN PART 3/31/2006	3/31/2006	371	9
1370	PLANT, TAPIA	SUPPL APPROP DEPT OF HIGHER ED	APPROVED 3/31/2006	3/31/2006	373	9

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1371	PLANT, TAPIA	SUPPL APPROP DEPT OF HUMAN SERVICES	APPROVED IN PART AND VETOED IN PART 3/31/2006	3/31/2006	375	9
1372	PLANT, TAPIA	SUPPL APPROP DEPT OF PUB HEALTH & ENVIR	APPROVED 3/31/2006	3/31/2006	385	10
1373	BUESCHER, TAPIA	BUILD INSTITUTE FOR FORENSIC PSYCHIATRY	APPROVED 3/31/2006	3/31/2006	91	117
1374	PLANT, TAPIA	APPROP FOR SCHOOL CAPITAL CONSTRUCTION	VETOED 3/31/2006			49
1375	POMMER, WINDELS	SCHOOL FINANCE	APPROVED 4/28/2006	4/28/2006	171	50
1377	MADDEN, GORDON	06-07 LEGISLATIVE APPROPRIATION	APPROVED 4/18/2006	4/18/2006	364	10
1379	GARCIA, SPENCE	WITNESS PROTECTION TRAINING PROGRAMS	APPROVED 5/30/2006	7/1/2006	284	28
1380	RIESBERG, VEIGA	REDUCE THEFT RETAIL PROPERTY	APPROVED 5/26/2006	7/1/2006	277	37
1381	McFADYEN, BACON	CDC NOTIFICATION OF DOC RFPs	APPROVED 5/25/2006	5/25/2006	230	24
1382	MERRIFIELD, SHAFFER	RIGHT TO REST IN PEACE ACT	APPROVED 5/26/2006	5/26/2006	262	38
1383	JAHN, OWEN	REGULATION INSURANCE MARKET CONDUCT	APPROVED 5/17/2006	NO SAFETY CLAUSE 1/1/2007	211	142
1384	BUESCHER, TAPIA	MONEYS BENEFITING THE CO STATE FAIR	APPROVED 6/5/2006	6/5/2006	332	4
1385	PLANT, TAPIA	LONG APPROPRIATIONS BILL	APPROVED IN PART AND VETOED IN PART 5/1/2006	5/1/2006	394	10
1386	PLANT, TAPIA	CAPITAL CONSTRUCTION FUND TRANSFERS	APPROVED 6/1/2006	6/1/2006	304	117
1387	GARCIA, VEIGA	FORECLOSURE LAW	APPROVED 6/1/2006	PORTIONS ON 7/1/2006, AND 7/1/2007	305	184
1388	BUESCHER, SANDOVAL	MOTOR VEHICLE DEALER ADMIN REMEDIES	APPROVED 5/25/2006	5/25/2006	231	179
1390	CRANE, TOCHTROP	CRANE LOAD MOTOR VEHICLE PERMITS	APPROVED 6/1/2006	NO SAFETY CLAUSE	306	156
1391	HEFLEY, GROFF	REVISOR'S BILL	APPROVED 6/1/2006	PORTIONS ON 7/1/2005, 6/1/2006, 7/1/2006, AND 8/7/2006	308	195
1392	KERR A., BOYD	ADAD REGULATE DRUG TREATMENT FACILITIES	APPROVED 5/17/2006	5/17/2006	212	125
1393	CURRY, ISGAR	SEVERANCE TAX MATCH FED FUNDS CONS DIST	APPROVED 6/5/2006	6/5/2006	331	161
1394	VIGIL, TECK	CLASS A VEHICLE SPECIFIC OWNERSHIP TAX	APPROVED 5/17/2006	7/1/2006	213	156
1395	BUESCHER, KELLER	RESIDENTIAL CHILD HEALTH CARE	APPROVED 5/26/2006	5/26/2006	263	136
1396	KERR A., TAPIA	FUND SCHOOL-BASED HEALTH CENTERS	APPROVED 6/2/2006	7/1/2006	321	55

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1397	SOLANO, SHAFFER	EARLY CHILDHOOD COUNCILS ACT	VETOED 6/2/2006			136
1398	PLANT, OWEN	SENATE BILL 97-1 TRANSFER CLARIFICATION	APPROVED 6/2/2006	7/2/2006	322	199
1399	HALL, TAPIA	HIGHER EDUCATION SPENDING AUTHORITY	APPROVED 5/26/2006	5/26/2006	278	63
1400	BUESCHER, ISGAR	APPROVE INTERBASIN COMPACT CHARTER	APPROVED 5/26/2006	5/26/2006	279	214
1404	TODD, BACON	SUPPORT EDUCATION SPECIAL LICENSE PLATE	APPROVED 5/25/2006	NO SAFETY CLAUSE	233	156
1405	PLANT, TAPIA	SUPPL APPROP CAP CONST	APPROVED 5/25/2006	5/25/2006	393	10
1406	SOLANO, BOYD	ELECTRONIC DEVICES CHANGE TRAFFIC LIGHTS	APPROVED 6/6/2006	6/6/2006	343	157
1408	MASSEY, TAYLOR	MINING GROUND WATER MONITORING WELLS	APPROVED 5/26/2006	5/26/2006	280	161
1409	JAHN, TOCHTROP	GREYHOUND RACING SIMULCAST LIVE RACES	APPROVED 5/26/2006	5/26/2006	281	180
1410	PLANT, GROFF	HEALTH DISPARITIES GRANT PROGRAM FUND	APPROVED 6/6/2006	6/6/2006	348	125
1411	WHITE, TOCHTROP	EMINENT DOMAIN	APPROVED 6/6/2006	6/6/2006	349	190

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001	HAGEDORN, MADDEN	LOWER-COST PRESCRIPTION DRUGS	VETOED 5/26/2006			126
002	SHAFFER, POMMER	MANDATORY DISCLOSURE METHAMPHETAMINE LAB	APPROVED 5/1/2006	1/1/2007	173	181
003	KESTER, ROSE	USE BIOFUELS IN STATE BUILDINGS	APPROVED 3/31/2006	3/31/2006	51	85
004	MITCHELL, BUTCHER	TELEMEDICINE IN DEPT OF CORRECTIONS	APPROVED 6/2/2006	NO SAFETY CLAUSE	313	23
005	WINDELS, SOLANO	INS COVERAGE COURT ORDERED TREATMENT	APPROVED 3/31/2006	3/31/2006	52	138
006	TAKIS, WHITE	DENY PERA EMPLOYMENT TO CONVICTED FELONS	APPROVED 3/31/2006	3/31/2006	53	85
008	MAY R., POMMER	HAZARDOUS MATERIALS COMMERCIAL VEHICLES	APPROVED 5/25/2006	7/1/2006	232	148
009	MITCHELL, MCGIHON	EXECUTIVE SESSION ELECTRONIC RECORDING	APPROVED 2/23/2006	NO SAFETY CLAUSE	2	85
010	ISGAR, RAGSDALE	COMMERCIAL VEHICLE OWNERS DOCUMENTATION	APPROVED 4/4/2006	7/1/2006	98	148
011	TAPIA, BUTCHER	PUEBLO HEALTH INSURANCE COSTS STUDY	VETOED 6/2/2006			138
012	ISGAR, CURRY	FAMILY RESOURCE CENTERS FUND	APPROVED 3/31/2006	NO SAFETY CLAUSE	50	196
013	SPENCE, BENEFIELD	DRIVER'S LICENSE FEE ID SECURITY FUND	APPROVED 4/24/2006	4/24/2006	169	148
014	TAYLOR, WHITE	IMPLEMENT AUDIT REAL ESTATE COMMN	APPROVED 5/25/2006	NO SAFETY CLAUSE 1/1/2007	234	164
015	TAYLOR, COLEMAN	MOTOR VEHICLES IN THE CENTRALIZED FLEET	APPROVED 5/25/2006	NO SAFETY CLAUSE	235	85
016	ENTZ, ROSE	STATE OWNED DIESEL VEHICLES BIODIESEL	APPROVED 3/31/2006	7/1/2006	48	86
020	HANNA, GREEN	INTERSTATE NURSE LICENSURE COMPACT	APPROVED 6/2/2006	6/2/2006	314	164
021	SANDOVAL, MARSHALL	ID CARD MAIL RENEWAL SENIORS	APPROVED 4/24/2006	7/1/2006	154	148
022	KESTER, PENRY	SEXUALLY VIOLENT PREDATORS	APPROVED 5/30/2006	5/30/2006	288	29
023	HANNA, VIGIL	STATE INMATES IN PRIVATE PRISONS	APPROVED 4/28/2006	NO SAFETY CLAUSE	170	23
024	SPENCE, PACCIONE	ALIGN PUBLIC SCHOOL & HIGHER ED DATA	APPROVED 5/1/2006	7/1/2006	174	39
025	OWEN, COLEMAN	UNLAWFUL OWNERSHIP DANGEROUS DOGS	APPROVED 5/1/2006	7/1/2006	175	29
028	LAMBORN, FRANGAS	BRONZE STAR SPECIAL LICENSE PLATE	APPROVED 6/5/2006	NO SAFETY CLAUSE	338	148
031	JONES, MERRIFIELD	STIPEND FOR EDUCATION ON MILITARY BASES	APPROVED 6/6/2006	6/6/2006	353	56
032	JONES, BALMER	IN-STATE TUITION FOR MILITARY DEPENDENTS	APPROVED 3/31/2006	3/31/2006	49	56
033	OWEN, COLEMAN	OBSOLETE STATUTORY LANGUAGE	APPROVED 3/31/2006	NO SAFETY CLAUSE	46	70
034	ENTZ, HODGE	POWER RESOURCES AUTH BD WATER QUALITY	APPROVED 3/31/2006	3/31/2006	47	211

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035	HAGEDORN, MCGIHON	PREMIUM SUBSIDY PROGRAM	APPROVED 5/1/2006	5/1/2006	176	138
036	HAGEDORN, MARSHALL	BASIC HEALTH PLAN MANAGED CARE OPTION	APPROVED 5/25/2006	PORTIONS ON 5/25/2006, 7/1/2006, 1/1/2007, AND 1/1/2008	236	138
037	ISGAR, CURRY	RECREATIONAL IN-CHANNEL DIVERSIONS	APPROVED 5/11/2006	5/11/2006	197	211
038	TAPIA, KNOEDLER	INSURANCE FRAUD INVESTIGATION FEES	APPROVED 5/26/2006	5/26/2006	264	86
039	TOCHTROP, MCGIHON	PARTIAL PARTICIPATION IN FPPA PLANS	BECAME LAW 4/4/2006	NO SAFETY CLAUSE	96	80
041	VEIGA, COLEMAN	PROMPT PAY AUTO ACCIDENT CLAIMS	APPROVED 5/17/2006	NO SAFETY CLAUSE 1/1/2007	214	139
042	WINDELS, KING	CHARTER SCHOOL FUNDING	APPROVED 4/24/2006	4/24/2006	155	39
044	HAGEDORN, GREEN	HEALTH CARE SERVICES FOR ADULTS	APPROVED 6/2/2006	6/2/2006	323	126
045	WILLIAMS, SOLANO	FAMILY CHILD CARE HOME INVESTIGATIONS	APPROVED 5/25/2006	5/25/2006	237	11
046	TUPA, MERRIFIELD	P-16 EDUCATION SYSTEM	VETOED 5/26/2006			39
047	HANNA, RIESBERG	HEALTH ASSURANCE DISTRICTS	VETOED 5/26/2006			83
048	TAPIA, MASSEY	DYNAMIC MODEL PILOT PROGRAM	APPROVED 6/2/2006	NO SAFETY CLAUSE	325	70
049	BACON, LINDSTROM	TRANSFER STATE COUNCIL ON ARTS TO OED	APPROVED 6/5/2006	7/1/2006	333	86
051	TUPA, WEISSMANN	BENEFITS PUB OFFICIALS	BECAME LAW 6/8/2006	7/1/2006	363	70
052	GROSSMAN, WHITE	CTY OPEN SPACE & PARK SALES & USE TAX	VETOED 5/4/2006			72
053	TAKIS, LINDSTROM	COUNTY REMOVAL WEEDS & BRUSH	APPROVED 3/31/2006	NO SAFETY CLAUSE	45	72
055	JONES, GARCIA	SCHOOL SAFETY REPORTING	APPROVED 4/6/2006	4/6/2006	117	40
056	BACON, MCFADYEN	JBC CDC AUTHORITY FOR CAPITAL PROJECTS	APPROVED 3/31/2006	3/31/2006	72	71
057	GROFF, RIESBERG	MISSING SENIOR CITIZEN ALERT PROGRAM	APPROVED 4/4/2006	4/4/2006	97	87
058	MAY R., LARSON	LIGHT-DUTY DIESEL VEHICLE EMISSIONS	APPROVED 5/11/2006	NO SAFETY CLAUSE 7/1/2007	199	149
060	TOCHTROP, CARROLL T.	GARNISHEE EXEMPTION JUDGMENT DEBTOR	APPROVED 4/24/2006	7/1/2006	156	25
061	KELLER, LARSON	LEGAL SETTING INTERPRETING FOR DEAF	APPROVED 5/25/2006	5/25/2006	238	25
062	TAYLOR, MCKINLEY	OVERSEAS & MILITARY ELECTRONIC VOTING	APPROVED 4/24/2006	NO SAFETY CLAUSE	157	64
063	TECK, WEISSMANN	INFO TECH PROCUREMENT	APPROVED 6/6/2006	6/6/2006	345	87
064	GROFF, GARCIA	VENDOR PERFORM STATE CONTRACTS	VETOED 5/26/2006			88

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065	WINDELS, MCKINLEY	PUBLIC SCHOOL FACILITIES BUILDINGS	VETOED 5/26/2006			40
067	HANNA, KERR	SUICIDAL BEHAVIOR IN HIGHER ED	APPROVED 6/2/2006	6/2/2006	326	56
068	SANDOVAL, FRANGAS	INCREASE LOCAL LICENSING AUTH ALCOHOL	APPROVED 5/4/2006	5/4/2006	188	165
069	WINDELS, MERRIFIELD	SCHOOL ACCOUNTABILITY REPORT CHANGES	VETOED 5/26/2006			41
070	SHAFFER, PLANT	EXCESS PERSONAL PROPERTY TAX REFUND	APPROVED 4/4/2006	4/4/2006	99	196
071	VEIGA, MASSEY	RESIDENTIAL FORECLOSURE AGREEMENT REGUL	APPROVED 5/30/2006	5/30/2006	291	181
073	TAPIA, MERRIFIELD	SCHOOL DROPOUT AGE	APPROVED 5/26/2006	7/1/2007	265	41
074	SHAFFER, BERENS	ENFORCE COUNTY CODES & LAND USE	APPROVED 3/31/2006	7/1/2006	73	72
078	WIENS, MCKINLEY	PROHIB EM DOMAIN FOR PRIVATE TOLL ROADS	APPROVED 3/31/2006	3/31/2006	74	202
079	GROFF, BUESCHER	POST-ENACTMENT REVIEW OF BILLS	APPROVED 3/31/2006	NO SAFETY CLAUSE	69	71
080	TOCHTROP, SOPER	SUPPORT THE TROOPS SPECIAL LICENSE PLATE	APPROVED 6/1/2006	NO SAFETY CLAUSE	307	149
081	VEIGA, MADDEN	SEXUAL ORIENTATION EMPLOYMENT DISCRIM	VETOED 5/26/2006			92
083	MAY R., RAGSDALE	MINOR DRIVER'S PERMIT SUPERVISOR	APPROVED 4/24/2006	4/24/2006	158	149
084	ENTZ, CURRY	OUTFITTERS GUIDE EMERGENCY FIRST AID	APPROVED 3/31/2006	3/31/2006	70	165
089	HAGEDORN, CARROLL M.	HOA CLEANUP LEGISLATION	APPROVED 5/26/2006	5/26/2006	266	181
090	WIENS, HARVEY	PROHIBIT ILLEGAL IMMIGRATION SANCTUARIES	APPROVED 5/1/2006	5/1/2006	177	76
091	TUPA, RIESBERG	PHONE RECORDS TRADING	APPROVED 4/24/2006	7/1/2006	159	16
093	TUPA, MADDEN	PARKING RELATED TO RTD SERVICES	APPROVED 3/31/2006	NO SAFETY CLAUSE	71	202
094	SPENCE, LINDSTROM	MOTOR CARRIER PUC REGUL OMNIBUS BILL	APPROVED 5/25/2006	NO SAFETY CLAUSE	239	191
095	TAYLOR, HODGE	SPECIAL DISTRICT ELECTIONS	APPROVED 3/29/2006	3/29/2006	44	76
096	TAYLOR, BUTCHER	RESOURCES TO FIGHT WILDFIRES	APPROVED 5/18/2006	5/18/2006	215	92
097	WILLIAMS, BERENS	LONG-TERM CARE FACILITIES REPORTS	APPROVED 4/6/2006	4/6/2006	110	133
100	SANDOVAL, POMMER	COLORADO KIDS FIRST LICENSE PLATE	APPROVED 6/2/2006	7/1/2007	327	149
102	WILLIAMS, LARSON	PALLIATIVE CARE EXCEPTION MANSLAUGHTER	APPROVED 4/4/2006	7/1/2006	100	30
105	TAKIS, CERBO	ELEVATOR ESCALATOR SAFETY ACT	VETOED 5/26/2006			183
106	GROSSMAN, MCGIHON	RULE REVIEW BILL	APPROVED 5/15/2006	5/15/2006	203	1
107	JOHNSON, BOYD	EMPLOYER HEALTH CARE COVERAGE PROGRAM	APPROVED 3/31/2006	3/31/2006	68	139
108	HAGEDORN, HEFLEY	DISCHARGE OF JUVENILES FROM PAROLE	APPROVED 3/31/2006	3/31/2006	67	11

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110	WIENS, MAY M.	PROHIBIT ILLEGAL WORK & RESIDENT STATUS	APPROVED 5/30/2006	5/30/2006	286	145
111	GROFF, MARSHALL	HEALTH PROFESSIONALS CULTURAL COMPETENCY	VETOED 5/26/2006			57
112	TECK, BUESCHER	IN-NETWORK HEALTH BENEFITS DURING TERM	APPROVED 4/24/2006	NO SAFETY CLAUSE 9/1/2006	160	139
113	SHAFFER, MASSEY	NO DISCRIMINATE LIFE INS FOREIGN TRAVEL	APPROVED 4/28/2006	7/1/2006	172	139
114	KESTER, GARDNER	HOUSED COMMERCIAL SWINE FEEDING OP	APPROVED 5/25/2006	5/25/2006	240	118
115	TAKIS, LARSON	LOCAL GOVERNMENTS & PRIVATE TOLL ROADS	APPROVED 4/24/2006	NO SAFETY CLAUSE	148	202
116	TAKIS, SCHULTHEIS	TOBACCO PROGRAM REVIEWS & EVALUATIONS	APPROVED 4/4/2006	NO SAFETY CLAUSE	101	93
118	WILLIAMS, LARSON	EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT	APPROVED 4/4/2006	NO SAFETY CLAUSE	102	41
119	GROFF, GARCIA	INCREASE STATE'S MORAL OBLIGATION CAP	APPROVED 4/24/2006	4/24/2006	161	42
120	DYER, HEFLEY	LICENSES ISSUED BY STATE AGENCIES	APPROVED 5/4/2006	NO SAFETY CLAUSE	189	93
121	SANDOVAL, RIESBERG	SURROGATE DECISION-MAKER HLTH BENEFITS	APPROVED 5/4/2006	5/4/2006	190	162
122	TRAYLOR, WEISSMANN	KID SUBSTANCE ABUSE TREATMENT FUND	APPROVED 6/1/2006	7/1/2006	309	30
124	TAPIA, HALL	TRANSFER EBT FUND BALANCE GENERAL FUND	APPROVED 4/4/2006	4/4/2006	103	133
126	OWEN, BUESCHER	STATE VETERANS TRUST FUND APPROPRIATIONS	APPROVED 5/25/2006	5/25/2006	241	147
127	SANDOVAL, MADDEN	FRUITS AND VEGETABLES IN SCHOOLS	APPROVED 5/25/2006	5/25/2006	242	43
128	OWEN, RIESBERG	PILOT PROGRAM FOR THE DISABLED	APPROVED 5/25/2006	5/25/2006	243	126
129	KELLER, BUESCHER	CASH ACCOUNTING UNDER MEDICAID	APPROVED 5/11/2006	5/11/2006	200	127
130	BACON, WHITE	RESTORING FUNDS FOR BOCES	APPROVED 5/25/2006	5/25/2006	244	43
131	TOCHTROP, MCFADYEN	NURSING FACILITY REIMBURSEMENT STUDY	APPROVED 6/2/2006	6/2/2006	324	127
132	BROPHY, HODGE	CONTINUE WASTEWATER TREATMENT GRANTS	APPROVED 3/31/2006	3/31/2006	64	118
134	SANDOVAL, BOYD	ELIMINATE ASSET TEST IN CO WORKS PROGRAM	APPROVED 4/24/2006	4/24/2006	162	133
135	OWEN, PLANT	PREGNANT WOMEN CHILD BASIC HEALTH PLAN	APPROVED 5/25/2006	5/25/2006	245	128
136	TAPIA, BUTCHER	NURSING TEACHER LOAN FORGIVENESS	APPROVED 6/1/2006	6/1/2006	311	57
137	WILLIAMS, MASSEY	OBSOLETE EDUCATION STATUTES	APPROVED 4/24/2006	NO SAFETY CLAUSE	163	43
138	SHAFFER, GARDNER	ETHANOL GASOLINE	VETOED 5/26/2006			158
140	TAYLOR, WHITE	DIVISION MINERALS GEOLOGY MINING SAFETY	APPROVED 3/31/2006	NO SAFETY CLAUSE	65	158
142	TAPIA, HALL	BALANCE OIL & GAS CONSER ENVT RESP FUND	APPROVED 3/31/2006	3/31/2006	66	158

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
144	TUPA, PLANT	HEALTH INS FOR INSTRUCTORS	APPROVED 5/4/2006	5/4/2006	191	57
145	SHAFFER, MCCLUSKEY	HEALTHY CITIES ACT	BECAME LAW 5/5/2006	5/5/2006	193	77
148	TAPIA, MCFADYEN	COMMUNITY POLICING PROGRAMS	APPROVED 5/25/2006	5/25/2006	246	77
149	MAY R., COLEMAN	OIT & IMC RESTRUCTURING	APPROVED 6/6/2006	6/6/2006	346	93
150	GROSSMAN, HEFLEY	DNA TESTING FOR ALL FELONS	APPROVED 6/6/2006	7/1/2007	339	30
152	TECK, BUESCHER	INVESTMENT AUTHORITY OF HIGHER ED INST	VETOED 6/2/2006			58
154	MAY R., POMMER	CLARIFY EMINENT DOMAIN LAWS	APPROVED 4/6/2006	NO SAFETY CLAUSE	111	78
160	ISGAR, CURRY	LOCAL GOV RETIREMENT PLAN BOARD MEMBERS	APPROVED 3/31/2006	3/31/2006	63	95
163	KESTER, JAHN	MOTOR VEHICLE TITLE LIEN PERFECTION	APPROVED 4/24/2006	7/1/2006	164	150
165	HAGEDORN, GARDNER	TELEMED CHRONIC CARE PILOT PROGRAM	APPROVED 6/2/2006	7/1/2006	312	133
170	GORDON, BUESCHER	ELECTIONS	APPROVED 6/6/2006	6/6/2006	356	64
171	JOHNSON, LINDSTROM	TRANSFER STATE Bd HEALTH AUTHORITY	APPROVED 5/25/2006	7/1/2006	247	118
172	TAYLOR, CLOER	TAXES FEES MOTOR VEHICLE MILITARY	APPROVED 5/11/2006	NO SAFETY CLAUSE 1/1/2007	201	150
173	ENTZ, MARSHALL	CO OFFICER & EMPLOYEE MILEAGE ALLOWANCE	APPROVED 5/31/2006	5/31/2006	293	95
176	SPENCE, MASSEY	SUSPENDING EDUCATOR LICENSES	APPROVED 5/11/2006	7/1/2006	202	43
177	VEIGA, LARSON	MODIFY GUIDELINES VICTIM WITNESS CRIMES	APPROVED 4/24/2006	7/1/2006	165	30
179	ISGAR, PENRY	WATER SUPPLY RESERVE ACCOUNT	APPROVED 5/26/2006	7/1/2006	267	211
180	ISGAR, GREEN	PREMIUM RATES COVERCOLORADO EXCEPTION	APPROVED 3/31/2006	3/31/2006	62	140
183	ISGAR, CURRY	WATER RESOURCES RESEARCH INSTITUTE	APPROVED 5/25/2006	5/25/2006	248	212
187	SHAFFER, WITWER	BUSINESS CORPORATIONS ASSOCIATIONS	APPROVED 5/4/2006	PORTIONS ON 5/30/2006 AND 7/1/2006	192	21
188	EVANS, HODGE	EFFECTIVE FINANCING STATEMENT FARM	APPROVED 5/25/2006	90 DAYS AFTER WRITTEN CERTIFICATION	249	16
192	GROFF, RIESBERG	INTERAGENCY TASK FORCE ON DUI	APPROVED 4/24/2006	4/24/2006	153	96
193	WIENS, HARVEY	DEVELOP UNDERGROUND WATER STORAGE	APPROVED 5/26/2006	5/26/2006	269	212
194	TOCHTROP, MCFADYEN	YOUTH HUNTING LIC TERMINALLY ILL HUNTERS	APPROVED 4/24/2006	NO SAFETY CLAUSE 1/1/2007	166	158
195	VEIGA, COLEMAN	CO EMPL SECURITY ACT CONFORM FEDERAL LAW	APPROVED 4/24/2006	4/24/2006	167	145

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
196	HAGEDORN, MCGIHON	APPOINTMENT TO STATE BOARD OF NURSING	APPROVED 4/24/2006	4/24/2006	168	165
197	ISGAR, CURRY	NONGAME WILDLIFE VOLUNTARY CONTRIBUTION	APPROVED 5/25/2006	NO SAFETY CLAUSE	250	196
198	JOHNSON, ROMANOFF	STANDARD HEALTH CARE PROVIDER CONTRACTS	VETOED 5/26/2006			16
199	SANDOVAL, ROSE	CHILD CARE LICENSING ACT	APPROVED 5/1/2006	NO SAFETY CLAUSE	178	134
201	VEIGA, BENEFIELD	CO DOMESTIC ABUSE PROGRAM CHECKOFF	APPROVED 5/25/2006	NO SAFETY CLAUSE	251	196
202	TRAYLOR, VIGIL	COLLECTION OF DEBTS DUE THE STATE	APPROVED 5/25/2006	5/25/2006	252	96
203	WINDELS, MADDEN	CCHE SUBJECT TO ADMIN PROCEDURE ACT	VETOED 6/2/2006			58
204	WINDELS, MADDEN	GOVERNING BOARDS HIGHER EDUCATION	APPROVED 5/26/2006	5/26/2006	268	58
205	WINDELS, MADDEN	CCHE & ADVISORY COMMITTEE MEMBER REQS	VETOED 6/2/2006			59
206	GROFF, GREEN	HUMAN SMUGGLING	APPROVED 5/30/2006	5/30/2006	285	31
207	GROFF, BORODKIN	HUMAN TRAFFICKING	APPROVED 5/30/2006	5/30/2006	287	31
208	HANNA, MCGIHON	HEALTH CARE REFORM COMMITTEE	APPROVED 6/2/2006	6/2/2006	328	119
209	WINDELS, PACCIONE	STUDY HIGHER ED FUNDING	VETOED 5/26/2006			59
211	GROSSMAN, WITWER	DUAL RESIDENT TRUST CALCULATION	APPROVED 5/25/2006	5/25/2006	253	162
212	HAGEDORN, MCGIHON	DENTAL HYGIENE PRACTICE EMPLOY DENTIST	APPROVED 5/25/2006	5/25/2006	254	166
213	HAGEDORN, PENRY	HEALTH CARE SERVICES AT NETWORK FACILITY	APPROVED 6/2/2006	6/2/2006	315	140
215	MCELHANY, PENRY	MILITARY PREFERENCE LTD HUNTING LICENSE	APPROVED 5/25/2006	5/25/2006	255	159
217	GROFF, CARROLL T.	DISTINGUISHED TEACHING PHYSICIAN LICENSE	APPROVED 5/25/2006	5/25/2006	256	166
218	KELLER, COLEMAN	DEAF DISABLED TELEPHONE USERS FUND	APPROVED 5/25/2006	5/25/2006	257	191
219	KELLER, JAHN	HCPF REORGANIZATION	APPROVED 6/6/2006	7/1/2006	355	129
221	HAGEDORN, GARCIA	TRAUMA CARE REIMBURSEMENT PROGRAM	APPROVED 5/25/2006	5/25/2006	258	140
224	TRAYLOR, HARVEY	MOTOR VEHICLE EVENT DATA RECORDERS	APPROVED 6/2/2006	6/2/2006	329	166
225	GROFF, PACCIONE	STATE PATROL HUMAN SMUGGLING	APPROVED 6/6/2006	6/6/2006	342	97
227	TOCHTROP, SOLANO	PAYMENT HEALTH CARE EXPENDITURES	VETOED 6/2/2006			129
228	BOYD, MAY M.	COORDINATED ELECTION COSTS SCFD	APPROVED 6/6/2006	6/6/2006	354	66
229	FITZ-GERALD, PLANT	SEVERANCE TAX FOR DUSEL VISITOR FACILITY	APPROVED 5/31/2006	NO SAFETY CLAUSE	292	197
230	BOYD, BENEFIELD	PRESCRIPTION DRUG WHOLESALERS	APPROVED 6/2/2006	6/2/2006	330	167
233	TAYLOR, COLEMAN	STATE AUDITOR CONFIDENTIAL DOCUMENTS	APPROVED 5/25/2006	5/25/2006	261	97

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
234	GROFF, GARCIA	BEST VALUE CONSTR CONTRACTING	VETOED 6/2/2006			97
235	SANDOVAL, MARSHALL	PUBLIC EMPLOYEE PENSION PLANS	APPROVED 5/25/2006	PORTIONS ON 5/25/2006, 1/1/2007, AND 1/1/2008	259	98
236	ISGAR, CURRY	CONSTR MATERIAL EXPLORATION EXCLUSION	APPROVED 5/25/2006	5/25/2006	260	159
237	GROSSMAN, BALMER	INTEROPERABILITY OF PUBLIC SAFETY RADIOS	APPROVED 6/1/2006	6/1/2006	310	101
239	JOHNSON, STAFFORD	MORTUARY SCIENCE LICENSURE	VETOED 5/26/2006			168

ADMINISTRATIVE RULE REVIEW

S.B. 06-106 Continuation of 2005 rules of executive agencies. Provides for the continuation of rules and regulations of state agencies that were adopted or amended on or after November 1, 2004, and before November 1, 2005; except that certain rules and regulations shall expire as scheduled on May 15, 2006.

APPROVED by Governor May 15, 2006

EFFECTIVE May 15, 2006

AGRICULTURE

H.B. 06-1014 Department of agriculture - grants, donations, and gifts - authority to solicit and spend. Authorizes the department of agriculture to solicit and spend grants, donations, and gifts. Requires such moneys to be transmitted to the state treasurer and credited to the particular cash fund or established funding source deemed most appropriate by the department.

APPROVED by Governor March 6, 2006

EFFECTIVE March 6, 2006

H.B. 06-1132 Impounded animals - disposition by sale - proceeds - application - cost of care. Authorizes the sale of an animal impounded under animal cruelty laws and the application of the proceeds of any such sale to the expenses of the care and sale of, and provision for, the animal, with any remaining proceeds of the sale being returned to the owner of the animal, if known, and if the owner of the animal is not convicted of cruelty to animals, animal fighting, unlawful ownership of a dangerous dog, or is not found by a court to have mistreated, neglected, or abandoned the animal and if the proceeds are claimed within 12 months after the sale. Establishes notice procedures for owners of animals prior to such a sale.

Specifies that payments for costs of the Colorado department of agriculture for care and sale of, and provision for, an animal and any excess unclaimed proceeds shall be paid to the department and credited to the animal protection fund in the state treasury.

Authorizes the owner or custodian of an animal impounded under the animal cruelty laws to request a hearing in a court of competent jurisdiction on whether the costs associated with a bond posted to prevent the disposition of an impounded animal are fair and reasonable for the care and keeping of the animal. Includes the costs incurred by a government agency or private entity in selling and providing for the care of and provision for an impounded animal disposed of under the animal cruelty laws within the definition of "restitution" for purposes of sentencing in criminal cases.

Specifies that the provisions of the act do not apply to the disposition of an animal for a fee by adoption of an animal, release of an animal to a licensed rescue group, release of an animal to another licensed pet animal facility, or release of an animal to a rehabilitator licensed by the state division of wildlife or the United States fish and wildlife service.

Applies to animals impounded on or after August 7, 2006.

APPROVED by Governor May 11, 2006

EFFECTIVE August 7, 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. 06-1239 Pesticide applicators' act - commercial applicators - fees - licenses - examinations - notice to pesticide-sensitive persons. Continues the "Pesticide Applicators' Act." Requires notice be given to a pesticide-sensitive person who resides in or near a structure prior to applying pesticide in the structure. Requires notice be given to a pesticide-sensitive person who resides at a multi-unit property prior to applying pesticide in the structure.

Repeals the requirement that licensed commercial applicators use or recommend only registered devices. Amends the process of drafting and administering examinations.

Makes commercial applicator business licenses valid for 3 years. Allows renewals to occur throughout the calendar year. Permits an expired license to be renewed within 180 days, upon submission of the application and payment of a late fee.

Allows the commissioner of agriculture to set fees to cover the actual costs of administering the act. Eliminates the requirement that the registry be published on paper.

Repeals a provision requiring the promulgation of rules for the implementation of the article as obsolete.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

H.B. 06-1274 Pesticide applicators' act - private applicators - appropriations. Continues the regulation of pesticide applicators by the commissioner of agriculture until July 1, 2015.

Establishes that any person using or supervising the use of any pesticide or designated device in Colorado shall be subject to the "Pesticide Applicators' Act" and any rules adopted pursuant to that act. Establishes registration procedures for limited commercial and public applicators. Allows the commissioner to take disciplinary action against registrants. Establishes procedures for licensing of private applicators.

In addition to existing unlawful acts, makes it unlawful and a violation for any person:

- To use, store, or dispose of pesticides, pesticide containers, rinsates, or other related materials, or to supervise or recommend such acts, in a manner inconsistent with labeling directions or requirements, unless otherwise provided for by law, or in an unsafe, negligent, or fraudulent manner; or
- To refuse or fail to comply with any requirements of the federal worker protection standards as set forth in 40 CFR part 170.

Establishes unlawful acts for private applicators.

Requires applicators to notify the residents of a multi-unit dwelling who are on the state registry of pesticide-sensitive persons before making a structural pesticide application to that dwelling.

Eliminates the commercial pesticide applicator fund and transfers any remaining balance to the pesticide fund.

Appropriates \$76,051 to the department of agriculture, executive director's office for legal services. Appropriates \$351,765 and 5.8 FTE to the department of agriculture for the division of plant industries. Anticipates \$110,000 in federal funds from the environmental protection agency.

APPROVED by Governor May 26, 2006

PORTIONS EFFECTIVE May 26, 2006
PORTIONS EFFECTIVE January 1, 2007

H.B. 06-1384 Colorado state fair - transfer of moneys from the Colorado travel and tourism promotion fund. Appropriates moneys from the Colorado travel and tourism promotion fund (fund) to the Colorado state fair authority (authority) if House Bill 06-1201 becomes law and subject to the full funding of the fund as specified in House Bill 06-1201. If all conditions are met, specifies the following spending requirements:

- In the 2006-07, 2007-08, and 2008-09 fiscal years, moneys credited to the fund shall be appropriated in each fiscal year to the authority to the extent required to first repay any loan owed to the state treasurer and to 2nd pay any outstanding debt incurred by the authority to build the events center in Pueblo. Of the remaining moneys in the fund after the appropriations above, provides the authority \$550,000 for administrative expenses, operating costs, and promotion of events.
- In the 2009-10 fiscal year, and each fiscal year thereafter, provides the authority with \$550,000 for administrative expenses, operating costs, and promotion of events.

Specifies that the act shall take effect only if House Bill 06-1201 is enacted and becomes law.

APPROVED by Governor June 5, 2006

EFFECTIVE June 5, 2006

NOTE: House Bill 06-1201 was signed by the governor June 5, 2006.

APPROPRIATIONS

H.B. 06-1213 Supplemental appropriation - department of agriculture. Amends the 2005 general appropriation act to decrease the total appropriation to the department of agriculture. Decreases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1214 Supplemental appropriation - department of corrections. Amends the 2005 general appropriation act to increase the total appropriation to the department of corrections. Increases the general fund and cash funds exempt portions of the appropriation and decreases the cash funds and federal funds portions.

Amends the 2004 general appropriation act to decrease the total appropriation to the department of corrections. Decreases the cash funds exempt portion of the appropriation.

Repeals a 2005 long bill adjustment made by House Bill 05-1278, concerning the creation of the state criminal alien assistance program cash fund.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1215 Supplemental appropriation - department of education. Amends the 2005 general appropriations act to increase the total appropriation to the department of education. Increases the general fund and cash funds exempt portions of the appropriation and decreases the cash funds and federal funds portions.

BECAME LAW April 4, 2006

EFFECTIVE April 4, 2006

H.B. 06-1216 Supplemental appropriation - offices of the governor, Lt governor, and state planning and budgeting. Amends the 2005 general appropriation act to increase the total appropriation to the offices of the governor, Lt. governor, and state planning and budgeting. Decreases the general fund portion of the appropriation and increases the cash funds and cash funds exempt portions.

APPROVED by Governor March 9, 2006

EFFECTIVE March 9, 2006
PORTIONS VETOED March 9, 2006

H.B. 06-1217 Supplemental appropriation - department of health care policy and financing. Amends the 2005 general appropriations act to increase the total appropriation to the department of health care policy and financing. Increases the general fund, cash funds exempt, and federal funds portions of the appropriation and decreases the cash funds portion.

Amends the 2004 general appropriations act to increase the total appropriation to the department of health care policy and financing. Increases the cash funds exempt and federal

funds portions of the appropriation.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1218 Supplemental appropriation - department of higher education. Amends the 2005 general appropriations act to increase the total appropriation to the department of higher education. Increases the general fund and cash funds exempt portions of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1219 Supplemental appropriation - department of human services. Amends the 2005 general appropriation act to increase the total appropriation to the department of human services. Increases the general fund, cash funds exempt, and federal funds portions of the appropriation and decreases the cash funds portion.

Amends the 2004 general appropriation act to increase the total appropriation to the department of human services. Increases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1220 Supplemental appropriation - judicial department. Amends the 2005 general appropriation act to decrease the total appropriation to the judicial department. Increases the general fund and cash funds portions of the appropriation and decreases the cash funds exempt portion.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1221 Supplemental appropriation - department of labor and employment. Amends the 2005 general appropriation act to increase the total appropriation to the department of labor and employment. Increases the cash funds and cash funds exempt portions of the appropriation and decreases the federal funds portion.

Repeals a portion of an adjustment to the 2005 long bill made by Senate Bill 05-039, concerning the administration of the petroleum storage tank fund.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1222 Supplemental appropriation - department of law. Amends the 2005 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 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1223 Supplemental appropriation - department of legislature. Amends the 2005 general appropriation act to decrease the total appropriation to the department of legislature.

Decreases the general fund portion of the appropriation.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1224 Supplemental appropriation - department of local affairs. Amends the 2005 general appropriation act to decrease the total appropriation to the department of local affairs. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and federal funds portions.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1225 Supplemental appropriation - department of military and veterans affairs. Amends the 2005 general appropriation act to increase the total appropriation to the department of military and veterans affairs. Increases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1226 Supplemental appropriation - department of natural resources. Amends the 2005 general appropriation act to increase the total appropriation to the department of natural resources. Decreases the general fund, cash funds exempt, and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1227 Supplemental appropriation - department of personnel and administration. Amends the 2005 general appropriation act to decrease the total appropriation to the department of personnel and administration. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1228 Supplemental appropriation - department of public health and environment. Amends the 2005 general appropriation act to decrease the total appropriation to the department of public health and environment. Decreases the general fund, cash funds, and cash funds exempt portions of the appropriation and increases the federal funds portion.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1229 Supplemental appropriation - department of public safety. Amends the 2005 general appropriation act to decrease the total appropriation to the department of public safety. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and federal funds portions.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1230 Supplemental appropriation - department of regulatory agencies. Amends the 2005 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Increases the general fund portion of the appropriation and decreases the cash funds, cash funds exempt, and federal funds portions.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1231 Supplemental appropriation - department of revenue. Amends the 2005 general appropriation act to increase the total appropriation to the department of revenue. Decreases the general fund and cash funds portions of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1232 Supplemental appropriation - department of state. Amends the 2005 general appropriation act to increase the total appropriation to the department of state. Increases the cash funds portion of the appropriation.

Repeals an appropriation made by Senate Bill 05-198, concerning the conduct of elections.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1233 Supplemental appropriation - department of transportation. Amends the 2004 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 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1234 Supplemental appropriation - department of treasury. Amends the 2005 general appropriation act to decrease the total appropriation to the department of treasury. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1235 Supplemental appropriation - capital construction. Amends the 2000 general appropriation act to increase the total appropriation for capital construction projects. Increases the amount appropriated to the department of public health and environment for the Shattuck superfund site cleanup.

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 for the bioenvironmental research building expansion at Colorado state university and to the Colorado historical society for the landscape preservation and upgrade at the Ute Indian museum in Montrose.

Amends the 2004 general appropriation act to increase the total appropriation for capital construction projects. Increases the amount appropriated to the department of higher education for the regional biocontainment laboratory and for renovations to the university center for the arts at Colorado state university.

Amends a provision of the 2005 capital construction headnotes to decrease the amount appropriated for the lease purchase of academic buildings at Fitzsimons pursuant to House Bill 03-1256, which takes effect upon a final court decision allowing the lease purchase.

Amends the 2005 general appropriation act to increase the total appropriation for capital construction projects. Increases the amount appropriated to the department of corrections for the Fort Lyon acquisition and conversion phase I and phase II projects. Increases the amount appropriated to the department of higher education for the campus services building at Mesa state college. Decreases the amounts appropriated for the Fitzsimons trust fund and the lease purchase of academic facilities at Fitzsimons. Increases amount appropriated for additions to the center for teaching and learning media at the Colorado school of mines. Increases the amount appropriated to the Colorado historical society for regional museum preservation projects. Increases the amount appropriated to the department of labor and employment for petroleum storage tank site cleanup. Increases the amount appropriated to the department of military and veterans affairs for the Grand Junction field maintenance shop.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1368 Second supplemental appropriation - department of education. Amends the 2005 general appropriation act to increase the total appropriation to the department of education. Increases the general fund portion of the appropriation.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1369 Second supplemental appropriation - department of health care policy and financing. Amends the 2005 general appropriations act to increase the total appropriation to the department of health care policy and financing. Increases the general fund and federal funds portions of the appropriation.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006
PORTIONS VETOED March 31, 2006

H.B. 06-1370 Second supplemental appropriation - department of higher education. Amends the 2005 general appropriation act to increase the total appropriation to the department of higher education. Increases the general fund and cash funds exempt portions of the appropriation.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1371 Second supplemental appropriation - department of human services. Amends the 2005 general appropriation act to increase the total appropriation to the department of

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

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1372 Second supplemental appropriation - department of public health and environment. Amends the 2005 general appropriation act to increase the total appropriation to the department of public health and environment. Increases the general fund portion of the appropriation.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1377 Legislative appropriation. Appropriates \$29,352,957 for matters related to the legislative department for the 2006-07 fiscal year.

APPROVED by Governor April 18, 2006

EFFECTIVE April 18, 2006

H.B. 06-1385 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, 2006. Sets the grand total for the operating budget at \$ 16,168,716,277 of which \$ 5,948,771,219 is from the general fund, \$ 787,232,183 is from general fund exempt, \$ 566,985,058 is from cash funds, \$ 5,115,610,423 is from cash funds exempt, and \$ 3,750,117,394 is from federal funds.

Appropriates \$ 387,677,555 for capital construction projects of which \$ 138,314,275 is from capital construction fund exempt, \$ 4,850,000 is from cash funds, \$ 232,569,932 is from cash funds exempt, and \$ 11,943,338 is from federal funds.

Makes additional changes in appropriations for the 2005-2006 calendar year.

APPROVED by Governor May 1, 2006

EFFECTIVE May 1, 2006
PORTIONS VETOED May 1, 2006

H.B. 06-1405 Second supplemental appropriation - capital construction. Amends the 2003 general appropriation act to add a footnote to the university of Colorado health sciences center, in the department of higher education, to specify that moneys for the center for bioethics and humanities remain available until June 30, 2008. Also adds a footnote specifying that moneys for the research complex II at Fitzsimons remain available until June 30, 2009.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

CHILDREN AND DOMESTIC MATTERS

S.B. 06-45 Child care - exempt family child care home providers - fingerprint-based criminal history records check - issuance and renewal of contracts - appropriation. Requires a person who provides child care through a family child care home that is exempt from licensing ("exempt provider") for a child whose care is funded in part or in whole with child care assistance program moneys ("program moneys") to undergo a fingerprint-based criminal history records check ("FCC"). Mandates an FCC for each adult who resides in the family child care home. Requires that the FCC for an exempt provider or adult living in the family child care home to be conducted by the Colorado bureau of investigation if the individual has resided in Colorado for more than 2 years. For an exempt provider or adult living in the family child care home who has resided in Colorado for less than 2 years, the Colorado bureau of investigation additionally shall conduct a federal bureau of investigation FCC.

Makes the submittal of fingerprints by such a provider or adult mandatory for the issuance or renewal of a contract involving program moneys. Requires a new FCC upon the addition of a new adult residing in the family child care home. Mandates that each applicant pay a fee for processing the FCC at the time of application.

Stipulates that a contract involving program moneys shall not be issued or renewed if an applicant has been convicted of child abuse, a crime of violence, or certain other felony offenses. Further stipulates that a contract for program moneys shall not be issued or renewed if an applicant has been determined to be insane or mentally incompetent or has a pattern of misdemeanor convictions occurring within 10 years preceding the application. Requires an applicant to sign an attestation stating that he or she has not been determined to be insane or mentally incompetent.

Provides for a period of conditional operation pending receipt of the results of the FCC, including provisional payment of program moneys if there is an existing contract. Authorizes the state board of human services to promulgate rules regarding collection of fees for FCCs, and authorizes the department of human services to collect fees.

For the 2006-07 fiscal year, appropriates \$37,134 and 1.0 FTE out of the child care licensing cash fund to the department of human services, division of child care, for the implementation of the act. For the 2006-07 fiscal year, appropriates \$38,873 and 1.0 FTE out of the child care licensing cash fund to the department of human services, executive director's office, for allocation to the criminal background check unit of the office of performance improvement for the implementation of the act. For the 2006-07 fiscal year, appropriates \$182,099 and 2.0 FTE to the department of public safety, Colorado bureau of investigation, for the Colorado crime information center, for fingerprint-processing services related to the implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-108 Juvenile parole - early discharge - special achievement. Allows the juvenile parole board to discharge a juvenile from parole prior to completion of the 6-month mandatory period of parole upon finding conditions of special achievement by the juvenile. Mandates certain achievements that shall be included in the conditions of special achievement.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1058 Crimes against children surcharge - fund - distribution - appropriation. Creates a schedule of surcharges to be paid by offenders who commit crimes against children. Creates the child abuse investigation surcharge fund ("fund") that is subject to annual appropriation by the general assembly to the division of criminal justice in the department of public safety ("DCJ"). Directs DCJ to use moneys from the fund to support training and enhanced services in programs that coordinate a multi-disciplinary team response for child sexual abuse intervention. Requires a program receiving the moneys to have a signed interagency agreement and protocol with law enforcement agencies, the district attorney's office, the county department of social services, and the county department of human services in the jurisdiction where the program operates and requires that the program be accredited.

Appropriates from the fund \$187,000 and 0.5 FTE to the department of public safety for the implementation of the act.

APPROVED by Governor June 7, 2006

EFFECTIVE July 1, 2006

H.B. 06-1071 Juvenile hearings - county department intervention - county department appeal. Authorizes a county department of human services to intervene in a delinquency case in which the county department has custody of a child. Allows a county department of human services to seek district court review of a magistrate decision. Repeals some changes made in the act on July 1, 2007.

APPROVED by Governor April 18, 2006

PORTIONS EFFECTIVE April 18, 2006

PORTIONS EFFECTIVE July 1, 2007

H.B. 06-1112 Juvenile detention - conforming changes to federal law. Removes the phrase "physically secure" from the definition of "temporary holding facility". Defines "status offense" as it is defined in federal law. Clarifies that juveniles held in adult facilities shall be segregated by sight and sound. Creates a civil penalty for a jailer who violates the sight and sound provisions. Prohibits a juvenile court from ordering a juvenile to enter an adult facility as a disposition for an offense or as a means of modifying the juvenile offender's behavior. Prohibits a juvenile alleged to have committed a status offense or convicted of a status offense from being held in a secure setting. Requires a juvenile court to follow C.R.J.P. rule 3.8 in truancy cases. Compels the division of criminal justice in the department of public safety to inspect juvenile facilities, jails, and lockups, and collect data on juveniles in juvenile facilities.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1123 Taking minor into custody - runaway - parent reports runaway. Requires law enforcement officers to take a child into temporary custody without a court order when reasonable grounds exist to believe a child is a runaway and the child's parent or guardian has reported the runaway to a law enforcement agency.

APPROVED by Governor April 5, 2006

EFFECTIVE April 5, 2006

H.B. 06-1267 Child support enforcement - emancipation - paternity - calculation of wage. Clarifies language to specify that a child support obligation does not terminate until the last or only child emancipates. Disallows genetic tests to determine paternity after entry of the final order establishing paternity, rather than after entry of the final decree of dissolution. Adds language to the uniform parentage act to allow a personal representative of the estate or a relative of a deceased alleged parent to be named as a party in a paternity action. Removes the requirement that a child support obligor's social security number appear on child support notices. Allows, rather than requires, imputation of minimum wage for a 40-hour-work week to parents when a child support order is established or modified.

APPROVED by Governor April 18, 2006

EFFECTIVE August 7, 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. 06-1344 Domestic partnerships - licenses - benefits, protections and responsibilities of domestic partners - referred measure - appropriations. Authorizes the issuance of licenses and certificates for domestic partnerships between same-sex couples by a county clerk and recorder. Authorizes certain persons to certify a domestic partnership. Directs that no priest, minister, rabbi, or other official of a religious institution or denomination shall be required to certify any domestic partnership in violation of his or her right to free exercise of religion. Specifies the criteria for a valid domestic partnership.

Directs the executive director of the department of public health and environment and the state registrar of vital statistics to issue forms necessary to implement the act. Requires a county clerk and recorder to submit records of registered domestic partnerships to the office of vital statistics. Authorizes a county clerk and recorder to collect a \$7 fee for a domestic partnership license. Authorizes the collection of an additional fee to be set by the state registrar of vital statistics, which shall be credited to the vital statistics records cash fund.

Provides that domestic partners may receive benefits, protections, and responsibilities under the law as are granted to spouses, including the following:

- Responsibility for financial support of a domestic partner;
- Laws relating to the transfer of real or personal property to a domestic partner;
- The ability to file a claim based on wrongful death, emotional distress, loss of consortium, dramshop, or other laws, whether common law or statutory, related to or dependent upon spousal status;
- Prohibitions against discrimination based upon spousal status;
- The ability to inherit real and personal property from a domestic partner under the probate code;
- Priority for appointment as a conservator, guardian, or personal representative;
- Survivor benefits under and inclusion in workers' compensation laws;
- The ability to adopt a child of a domestic partner;
- The ability to insure a domestic partner under group benefit plans for state employees;
- The ability to designate a domestic partner as a beneficiary under the state public employees retirement system;
- Survivor benefits under local government firefighter and police pensions;
- Protections and coverage under domestic abuse and domestic violence laws;

- Victims' compensation rights;
- Protections and responsibilities relating to emergency and nonemergency medical care and treatment and hospital visitation;
- The ability to file a complaint about the care or treatment of a domestic partner in a nursing home;
- Protections and responsibilities to make decisions regarding a domestic partner's terminal care or medical treatment and decisions relating to medical decisions, medical durable power of attorney documents, or advance medical directives;
- Rights concerning the disposition of a domestic partner's last remains;
- The right to make decisions regarding anatomical gifts;
- Eligibility for family leave benefits;
- Eligibility for public assistance benefits;
- A privilege from providing compelled testimony against a domestic partner and evidentiary privileges for domestic partners;
- The right to apply for emergency or involuntary commitment of a domestic partner;
- Rights to claim a homestead exemption;
- The ability to protect exempt property from attachment, execution, or garnishment;
- Dependent coverage under life insurance and health insurance policies.

Provides the same process for dissolution, legal separation, or declaration of invalidity of a domestic partnership as provided is in the law for the dissolution, legal separation, and declaration of invalidity of a marriage.

States that the act shall not be construed to create a marriage between the parties to a domestic partnership, create or recognize a legal status similar to marriage, or alter the public policy of this state that recognizes only the union of one man and one woman as a marriage. States that, notwithstanding any provision of law to the contrary, nothing in the act shall be interpreted to require a child placement agency to place a child for adoption with domestic partners if the child placement agency objects to such placement on the basis of religious beliefs. States that nothing in the act shall be construed to permit the filing of a joint income tax return by the parties to a domestic partnership.

Prohibits a custodian of records from allowing a person, other than the person in interest or an immediate family member of the person in interest, to inspect the application for a domestic partnership license of any person, except that a district court may order the custodian to permit inspection of the license application for a domestic partnership upon a showing of good cause.

Refers the question of enacting a domestic partnership law to the electors of Colorado at the next general election. Authorizes the general assembly to enact implementing legislation if the measure is adopted by the electors.

For the fiscal year beginning July 1, 2006, appropriates the following:

\$24,167 and 0.5 FTE to the department of regulatory agencies to be allocated to the Colorado civil rights division for the implementation of the act;

\$33,885 to the department of regulatory agencies to be allocated to the executive director's office for the implementation of the act;

\$33,885 and 0.2 FTE to the department of law for the provision of legal services to the department of regulatory agencies from the department of law. Specifies that the sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made to the department of regulatory agencies by the act.

REFERRED MEASURE November 2006

NOTE: This act will be submitted to a vote of the people at the November 2006 general election.

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 06-91 Telephone records - unlawful use - exemptions - penalty. Prohibits knowingly procuring, illicitly possessing, knowingly selling or buying, and knowingly receiving telephone records without lawful authorization. Exempts law enforcement agents acting in the performance of their duties or as authorized by law and telecommunication providers acting to provide services, as authorized by law, to protect users or their property, to cooperate with a government entity in an emergency, to sell the telecommunications business, or to migrate a customer to another provider. Makes a violation a class 1 misdemeanor.

Authorizes civil liability for violations of the law. Provides for \$5,000 dollars in statutory damages. Exempts telecommunications providers from the acts of third parties.

APPROVED by Governor April 24, 2006

EFFECTIVE July 1, 2006

S.B. 06-188 Effective financing statements - farm products - appropriation. Clarifies the required elements to be included in an effective financing statement. Clarifies the requirements for amending an effective financing statement. Requires that effective financing statements be on or in a medium as may be acceptable to the central filing officer. Establishes filing requirements for effective financing statements.

Allows the central filing officer to prepare, furnish, and require the use of specific forms when filing an effective financing statement and to charge fees for filing and other services. Requires the central filing officer to publish and distribute a master list of effective financing statements electronically.

Appropriates \$656,333 to the department of state for the implementation of the act.

Provides that the act is effective ninety days following certification in writing by the secretary of state to the revisor of statutes that approval of changes to the central filing system enacted in the act has been obtained from the United States department of agriculture, and the secretary of state has implemented the necessary computer system to publish and distribute the master list electronically and is able to do so.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

NOTE: As of publication date, the revisor of statutes has not received written certification from the secretary of state.

S.B. 06-198 Contracts with health care providers - required contract provisions. Requires a person or entity that contracts with a health care provider on or after January 1, 2007, to include specific provisions in the contract. Requires a contract in existence prior to January 1, 2007, that is renewed to include specific provisions no later than December 31, 2007. The required provisions include:

- Detailed compensation and payment terms;
- Products provided by the health care provider;
- The term of the contract and means of termination, including the reasons for

- termination for cause, if applicable;
- Identity of persons responsible for processing compensation or payment;
- Mechanisms for dispute resolution;
- Provisions for the amendment of the contract;
- Order of the addenda, if applicable;
- A provision allowing for termination of the contract by either party after 90 days' written notice.

Requires a person or entity that enters into a contract with a health care provider to disclose the information required so that the health care provider may evaluate the payment and compensation for services. Requires 30 days' written notice and the allowance for the health care provider to object prior to a material change to a contract. If no resolution to the objection can be reached after 60 days, allows either party to terminate the contract. Prohibits as a condition of contracting that the person or entity require the provision of more than one product offered by the person or entity. Prohibits the enforcement of the contract by a person or entity other than the person or entity who executed the contract unless the identification of the enforcing party is clearly identified in the contract or the contract is amended prior to the provision of health care services. Allows for modification of a contract by operation of law without the need to renegotiate the contract.

Creates an exemption from the required contract provisions for:

- An organization that exclusively contracts with a single medical group in a specific geographic area;
- An employment contract or arrangement between an individual provider or a corporate entity consisting of health care providers and another provider;
- A contract or arrangement entered into by a licensed hospital or health care facility;
- A contract for health care services through workers' compensation or a public health benefit plan; and
- A contract between a person or entity for pharmacy benefit management.

Allows a health maintenance organization with fewer than fifteen thousand enrollees to comply with these provisions within 12 months after the applicable compliance date. Requires disputes concerning the enforcement of these provisions to be subject to arbitration. Allows a prevailing health care provider in the dispute proceedings to collect reasonable attorney fees and costs.

VETOED by Governor May 26, 2006

H.B. 06-1066 Private child support collectors - prohibited practices - contract provisions - rule-making. Establishes additional protections to supplement the provisions of the "Colorado Fair Debt Collection Practices Act" ("the debt collection act") that apply to private child support collectors. Prohibits private child support collectors from engaging in specific fraudulent, unfair, deceptive, or misleading acts. Limits the maximum amount of a contingency fee that a collector may collect to 35% of any amount collected. Identifies requirements for a private child support collection contract. Requires private child support collectors to provide an accounting of the collections they make and to verify account information. Imports the civil liability provisions from the debt collection act. Provides a 5-year statute of limitations for bringing an action under this act. Gives the administrator

rule-making authority concerning notice to the obligee and accounting.

APPROVED by Governor April 6, 2006

EFFECTIVE July 1, 2006

H.B. 06-1115 Auto rental advertising - collision damage waivers - required disclosures - limitation. Limits the requirement that lessors of rental motor vehicles disclose collision damage waiver rates to advertising that includes rental rates.

APPROVED by Governor April 13, 2006

EFFECTIVE August 7, 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. 06-1119 Computerized personal information - security breach - notification. On and after September 1, 2006, requires an individual or a commercial entity that conducts business in Colorado and that owns or licenses computerized data that includes personal information about a resident of Colorado to, when it becomes aware of a breach of the security of the system, conduct in good faith a prompt investigation to determine the likelihood that the personal information has been or will be misused. Requires the individual or the commercial entity to give notice as soon as possible to the affected Colorado resident unless the investigation determines that the misuse of information about a Colorado resident has not occurred and is not reasonably likely to occur. Requires notice to be made in good faith, in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. Requires the notification to be either written or electronic unless the cost of the notice exceeds \$250,000, the affected class exceeds 250,000 people, or there is insufficient contact information, in which case conspicuous internet posting and notification to statewide media suffices. If an individual or commercial entity is required to notify more than 1,000 Colorado residents of a breach of the security of the system, requires the individual or commercial entity to also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the anticipated date of the notification to the residents and the approximate number of residents who are to be notified. Allows the attorney general to file suit to enforce the act.

APPROVED by Governor April 24, 2006

EFFECTIVE September 1, 2006

H.B. 06-1156 Social security numbers - confidentiality. Prohibits any person or entity from:

- Publicly posting or displaying in any manner an individual's social security number ("SSN");
- Printing an individual's SSN on a card required for the individual to access products or services provided by the person or entity;
- Requiring an individual to transmit his or her SSN over the internet, unless the connection is secure or the SSN is encrypted;
- Requiring an individual to use his or her SSN to access an internet web site, unless a password or unique personal identification number or other authentication device is also required to access the internet web site; and
- Printing an individual's SSN on any materials that are mailed to the individual,

unless state or federal law requires, permits, or authorizes the SSN to be on the document to be mailed.

Lists exceptions, including uses required, permitted, or authorized by state or federal law. Allows a preexisting nonconforming use of a SSN to continue if all of the following conditions are met:

- The use of the SSN is continuous; and
- The person or entity provides the individual with an annual disclosure that informs the individual that he or she has the right to stop the nonconforming use of his or her SSN.

Requires the person or entity to implement a written request by an individual to stop the nonconforming use within 30 days after the receipt of the request. Prohibits the person or entity from denying services to an individual because the individual makes such a written request. Includes a SSN in financial data that may not be inspected as part of a public record, unless disclosure is required, permitted, or authorized by state or federal law.

APPROVED by Governor March 31, 2006

EFFECTIVE January 1, 2007

H.B. 06-1247 Uniform commercial code - general provisions - documents of title. Repeals and reenacts articles 1, regarding general provisions, and 7, regarding documents of title, of the "Uniform Commercial Code" ("UCC") as proposed by the national conference of commissioners on uniform state laws.

Regarding article 1, the act:

- Harmonizes the article with the drafting conventions of other, more recently amended articles of the UCC.
- Specifies that the substantive rules apply only to transactions within the scope of the other UCC articles.
- Redefines, subject to the narrower definition in article 5 of the UCC, "good faith" as "honesty in fact and the observance of reasonable commercial standards of fair dealing".
- Adds the concept of "course of performance", currently utilized only in articles 2 and 2.5 of the UCC, to course of dealing and usage of trade as the contextual factors that a court may use to interpret a contract.
- Deletes the statute of frauds requirement on transactions not otherwise governed by the UCC.
- Clarifies and simplifies the definition of "security interest" to distinguish "true leases" from transactions that are leases in form but security interests in substance.

Regarding article 7, the act:

- Generally updates the article to provide a framework for the further development of electronic documents of title.
- Allows commercial practice to determine which records issued by bailees are "in the regular course of business or financing" and thus adequately evidence that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers.
- Specifies that control of an electronic document of title is equivalent to possession and indorsement of a tangible document of title.

- Allows parties to substitute an electronic document of title for an already-issued paper document and vice versa.
- To the extent possible, harmonizes the rules for electronic documents of title with the rules for tangible documents of title.

APPROVED by Governor April 18, 2006

EFFECTIVE September 1, 2006

H.B. 06-1251 Price gouging - prohibition. Prohibits price gouging immediately prior to and during an emergency. Allows the attorney general to file suit to enjoin violations and for a maximum \$10,000 per day civil penalty. Specifies the evidence needed to create or rebut a presumption of price gouging. Exempts electric, gas, and steam utilities from the act.

VETOED by Governor June 2, 2006

H.B. 06-1356 Supervised lenders - license exemptions - licensed collection agencies - licensed attorneys. Exempts licensed collection agencies and collection attorneys licensed to practice law in the state of Colorado from having to also be licensed as supervised lenders when taking assignment of supervised loans only after such loans are in default.

APPROVED by Governor April 18, 2006

EFFECTIVE April 18, 2006

CORPORATIONS AND ASSOCIATIONS

S.B. 06-187 Business entities. Standardizes rights of creditors, owners, and the entity with respect to dissolved business entities. Clarifies the rights of creditors of a corporation or nonprofit corporation.

Standardizes rules for unlawful distributions for a limited liability partnership, a limited liability limited partnership, and a limited liability company.

Amends the corporation and association laws by:

- Adding a definition of a "mutual ditch company" to the "Colorado Revised Nonprofit Corporation Act";
- Clarifying trade name laws as such laws pertain to delinquent or dissolved entities;
- Modifying the definition, contents, and operation of an operating agreement of a limited liability company;
- Clarifying the duties that a party to an operating agreement has to a limited liability company or to another member, manager, or other person that is a party to the operating agreement;
- Clarifying the role of managers and members of a limited liability company, including agency authority;
- Modifying the voting requirements with respect to mergers and conversions;
- Clarifying the liabilities of directors and officers of a nonprofit corporation that dissolves but continues to operate without winding up;
- Clarifying when a delayed effective date shall not be used when a document is delivered to the secretary of state for filing.

Expands the authority of the secretary of state to propound interrogatories to a domestic entity that has a constituent filed document in the records of the secretary of state, and a foreign entity that is authorized to transact business or conduct activities in Colorado. Sets deadlines by which an entity shall respond to the interrogatories. Increases the penalties for failure to respond to interrogatories.

Makes provisions relating to trade names effective May 30, 2006.

APPROVED by Governor May 4, 2006

PORTIONS EFFECTIVE MAY 30, 2006
PORTIONS EFFECTIVE July 1, 2006

H.B. 06-1140 Registration of trademarks - recodification and modernization of state laws. Repeals and reenacts the Colorado trademark laws.

Establishes requirements and filing procedures for statements of trademark registration, as well as statements regarding the renewal, transfer, or withdrawal of trademark registration. Requires an individual or entity filing a statement of trademark registration to certify that such registrant believes the registrant has the right to use the trademark in connection with the goods and services identified in the filing; that the registrant is currently using the trademark; and that the registrant's use of the trademark does not infringe the rights of any other person in that trademark. Requires that the filing be accompanied by a specimen demonstrating its use. States that filing a statement of trademark registration does not confer substantive rights to the registrant or entitle the

registrant to remedies not available at common law.

Defines the period during which a statement of trademark registration is effective and the dates during which the secretary of state may notify the registrant of an impending trademark expiration. Establishes procedures for the cancellation of a statement of trademark registration. Establishes procedures for service of process on a registrant. Makes an existing statement of trademark registration valid until its expiration under current law.

APPROVED by Governor March 27, 2006

EFFECTIVE May 29, 2007

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

CORRECTIONS

S.B. 06-4 Department of corrections - telemedicine - study - report. Requires the department of corrections to study and report on the state's options for providing medical services to state inmates in correctional facilities through the use of telemedicine. Requires the report to be presented to the health and human services committees of the house of representatives and the senate on or before February 1, 2007. Specifies, at a minimum, what the report shall include.

APPROVED by Governor June 2, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-23 State inmates at private prison facilities - higher than medium custody level prohibited - correctional emergency exception - proclamation by governor - reissuance. Prohibits the department of corrections ("department") from placing state inmates classified higher than medium custody in private prison facilities located within Colorado or outside the state. Permits the governor, at the request of the executive director of the department, to declare a correctional emergency and by proclamation authorize the department to place state inmates classified higher than medium custody in private prison facilities located in or outside the state. Defines the term "correctional emergency", and excludes from the definition prison overcrowding. Specifies that the proclamation issued by the governor shall remain in effect for 30 days and may be renewed for one or more additional 30-day periods.

APPROVED by Governor April 28, 2006

EFFECTIVE August 7, 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. 06-1063 Sentencing options - global position monitoring. Clarifies that a court may impose global position monitoring as a method of supervising an offender in a criminal matter.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1075 Surplus state property - process to waive higher education campuses from procedures. Requires the correctional industries advisory committee and the department of higher education to jointly develop, by September 1, 2006, a process governing the waiver of higher education institutions, by campus, from surplus state property procedures concerning certain property items. Requires the director of the division of correctional industries within the department of corrections to promulgate rules that implement the waiver process.

APPROVED by Governor May 4, 2006

EFFECTIVE May 4, 2006

H.B. 06-1315 Sentencing - class 1 felony - juvenile - parole - appropriation. For a juvenile who is convicted as an adult of a class 1 felony ("juvenile") for an offense committed on or

after July 1, 2006, directs the court to sentence the juvenile to life imprisonment with the possibility of lifetime parole after serving 40 years. Establishes procedures for granting, refusing, reconsidering, revoking, and regranting parole. Directs the executive director of the department of corrections to ensure that all juveniles have an equal opportunity for participation in treatment, programs, and services.

Appropriates \$4,480 to the department of corrections for implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1381 Private prisons - requests for proposals notification. Requires the department of corrections to notify the capital development committee before it issues requests for proposals relating to construction of new private prisons.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

COURTS

S.B. 06-60 Garnishments - garnishee not required to assert exemption for debtor - exception. Specifies that a garnishee is not required to assert an exemption on behalf of a judgment debtor, except as set forth in the writ.

APPROVED by Governor April 24, 2006

EFFECTIVE July 1, 2006

S.B. 06-61 Persons with disabilities - deaf and hard of hearing - department of human services - Colorado commission for the deaf and hard of hearing - provision of interpreters and auxiliary services in legal settings - appropriation. Transfers the authority for overseeing and coordinating the provision of interpreters and auxiliary services for persons who are deaf or hard of hearing from the division of rehabilitation in the department of human services to the Colorado commission for the deaf and hard of hearing in the department of human services. Identifies the circumstances under which the presiding officer or similar official of a court, board, commission, agency, or licensing or law enforcement authority of the state or any of its political subdivisions shall provide an interpreter or auxiliary service to a person who is deaf or hard of hearing. Mandates that determination of such circumstances be made in accordance with the United States department of justice regulations concerning Title II of the federal "Americans with Disabilities Act of 1990".

For fiscal year 2006-07, appropriates \$112,745 and 0.5 FTE from the general fund to the department of human services, the Colorado commission for the deaf and hard of hearing, for administrative expenses and contract services for legal interpreters. For fiscal year 2006-07, appropriates \$197,282 from the disabled telephone users cash fund to the Colorado commission for the deaf and hard of hearing cash fund for contract services for legal interpreters. For fiscal year 2006-07, appropriates \$31,888 and 0.3 FTE from the general fund to the judicial department for the court-appointed counsel payments and data system.

Reduces the 2006-07 fiscal year general fund appropriation to the department of human services, division of vocational rehabilitation, for appointment of legal interpreters for the deaf and hard of hearing, by \$64,471. Reduces the 2006-07 fiscal year general fund appropriation to the judicial department by \$80,162.

States that the act shall only take effect if Senate Bill 06-218 is enacted and becomes law.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

NOTE: Senate Bill 06-218 was signed by the governor May 25, 2006.

H.B. 06-1028 Judges - court of appeals - county court - appropriation. Increases the number of judges of the Colorado court of appeals from 16 to 19. Increases the number of county court judges in Jefferson county from 6 to 7. Increases the number of county court judges in Weld county from 3 to 4. Increases the number of county court judges in each of the counties of Douglas and Mesa from 2 to 3. Specifies that the increases in the numbers of judges of the court of appeals and of the county courts shall become effective on July 1, 2006.

Appropriates \$1,263,034 and 13.5 FTE to the supreme court and court of appeals; \$1,236,622 and 16.0 FTE to the trial courts; \$634,312 and 13.0 FTE to the public defender; and \$75,300 and 1.0 FTE to the department of law.

APPROVED by Governor March 8, 2006

EFFECTIVE July 1, 2006

H.B. 06-1076 Volunteer service act - immunity - health care professionals - nonprofit organizations, nonprofit corporations, governmental entities - immunity dependent on federal "Volunteer Protection Act". Extends the good faith immunity conferred on volunteer licensed physicians by the "Volunteer Service Act" to certain other licensed health care professionals who provide volunteer health care for a nonprofit organization, nonprofit corporation, governmental entity, or hospital. Requires a nonprofit organization, nonprofit corporation, governmental entity, or hospital for which a specified health care professional volunteers to verify annually that the health care professional holds an unrestricted Colorado license, registration, or certification to practice his or her respective profession.

Specifies that a volunteer health care professional is immune from civil liability for an act or omission resulting in damage or injury if the volunteer is immune from liability under the federal "Volunteer Protection Act" and if the damage or injury was not caused by misconduct or other circumstances that would preclude immunity under the federal law. Eliminates the prerequisites for volunteer immunity that a volunteer's status be declared before a health care procedure occurs and that the patient receiving the volunteered health care agree in writing beforehand to accept the care after disclosure that the patient's right to sue the volunteer will be subject to the limitations of the Volunteer Service Act.

Specifies that a nonprofit organization, nonprofit corporation, governmental entity, or hospital that is formed for the sole purpose of facilitating the volunteer provision of health care is immune from liability arising out of an act or omission of a volunteer that is immune from liability.

APPROVED by Governor April 19, 2006

EFFECTIVE July 1, 2006

H.B. 06-1077 Indemnity agreement - sole negligence of indemnitee - unenforceable. Specifies that a provision in a private construction contract that requires a person to indemnify or hold harmless another person against liability for damages caused by the sole negligence or fault of the indemnitee is unenforceable. Clarifies that only provisions creating an obligation to indemnify or hold harmless a person from that person's own negligence or fault are affected.

Specifies that the following are not affected: Construction bonds; insurance contracts; contract clauses regarding insurance; contract clauses regarding costs of defense of litigation arising out of the work; provisions concerning the negligence of an indemnitor and its subcontractors; and contracts concerning property owned or operated by a railroad.

VETOED by Governor April 13, 2006

H.B. 06-1080 Adult criminal competency evaluations - psychologists authorized. Extends to licensed psychologists the authority to conduct competency examinations for adults charged with crimes. Extends to psychiatrists and psychologists who are working under a

licensed psychiatrist or licensed psychologist the authority to conduct said competency examinations.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1088 Sex offense against a child - no limitation for commencing criminal proceedings and juvenile delinquency proceedings. Removes the limitation periods in which to commence a criminal proceeding or juvenile delinquency proceeding involving a felony sex offense against a child. Specifies that the unlimited period in which to commence a criminal proceeding shall apply to a felony sex offense against a child committed on or after July 1, 1996. Specifies that the unlimited period shall also apply to a felony sex offense against a child committed before July 1, 1996, so long as the applicable statute of limitations in effect for the offense has not yet run as of July 1, 2006.

APPROVED by Governor April 12, 2006

EFFECTIVE July 1, 2006

H.B. 06-1148 Construction agreements - indemnity provision holding indemnitor responsible to extent of indemnitor's negligence permissible - indemnity provision holding indemnitor responsible for negligence of another - void as against public policy and unenforceable - exemptions. Specifies that a provision in a construction agreement that holds a person or the person's surety or insurer responsible under a construction agreement for the negligence of another party is void as against public policy and unenforceable.

Specifies that a construction agreement can hold a negligent party responsible for indemnifying other parties but only to the extent of the indemnifying party's negligence. Prevents any party to a construction agreement from transferring responsibility for its own negligence to another party.

Clarifies that clauses in construction bonds or construction agreements that require a party to purchase certain project-specific insurance policies are not affected. Clarifies that the doctrine of respondeat superior liability and the liability for the negligence of an at-fault party are not affected.

Specifies that, for purposes of shifting financial responsibility for negligence, "construction agreement" does not include an agreement affecting property owned or operated by a railroad, sanitation district, water district, water and sanitation district, municipal water enterprise, water conservancy district, water conservation district, metropolitan sewage disposal district, or a real property rental agreement between a landlord and tenant.

VETOED by Governor April 13, 2006

H.B. 06-1169 Domestic court records - study committee - public access to records. Requires the state court administrator to convene a committee of interested parties, including representatives of the news media, family law attorneys, and the courts, to make recommendations concerning access to divorce records. Directs the committee to consider issues related to identity theft, protecting children, transparency in government, and open

access to public information. Requires the state court administrator to report any committee recommendations to the legislative council no later than December 1, 2006.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

H.B. 06-1237 Courts - premises liability actions. Clarifies the applicability of certain statutory provisions to premises liability actions.

APPROVED by Governor April 5, 2006

EFFECTIVE April 5, 2006

H.B. 06-1249 Minor consent - pregnancy medical care. Allows a minor to authorize perinatal medical care for herself related to the intended live birth of a child.

BECAME LAW April 22, 2006

EFFECTIVE April 22, 2006

H.B. 06-1334 Uniform Dissolution of Marriage Act - proceedings concerning allocation of parental responsibilities - evaluations and reports concerning children - confidentiality - no public inspection without court order. Specifies that evaluations and reports submitted to the court in proceedings involving the allocation of parental responsibilities concerning children are confidential. Eliminates the necessity of filing a motion under the Colorado rules of civil procedure to make the evaluations and reports confidential. Prohibits public inspection of the evaluations and reports without a court order.

APPROVED by Governor April 13, 2006

EFFECTIVE April 13, 2006

H.B. 06-1353 Mentally ill offenders - performance of criminal competency evaluations - standards - creation of subcommittee. Authorizes the creation of a subcommittee of the mentally ill offender task force ("task force"). Directs the subcommittee to study issues related to developing standards for the performance of competency evaluations in criminal cases, including the types of mental health professionals who shall be qualified to perform the evaluations. Directs the subcommittee to report to the task force.

Repeals the subcommittee authority, effective December 30, 2006.

APPROVED by Governor April 18, 2006

EFFECTIVE April 18, 2006

H.B. 06-1379 Witness protection - training - risk assessment instrument. Names the witness protection program the Javad Marshall-Fields and Vivian Wolfe witness protection program. Requires the Colorado district attorneys and law enforcement agencies to conduct annual witness protection training for district attorneys, victims advocates, and law enforcement personnel. Directs the witness protection board to develop a model witness protection risk assessment instrument and program materials for district attorneys and law enforcement agencies.

APPROVED by Governor May 30, 2006

EFFECTIVE July 1, 2006

CRIMINAL LAW AND PROCEDURE

S.B. 06-22 Sexually violent predators - definitions - community notification requirement - governmental immunity - mandatory arrest for failure to register - timing of sex offender assessment - appropriation. Requires community notification for all sexually violent predators. Expands the definition of "sexually violent predator" for purposes of community notification to include persons found to be sexually violent predators in other jurisdictions. Allows the sex offender management board, the department of corrections, the judicial department, and the parole board to revise the criteria for community notification when necessary. Changes the immunity provisions in the community notification statutes to provide the same protections as the "Colorado Governmental Immunity Act".

Requires a peace officer to make an arrest if the officer has probable cause to believe that the person has committed failure to register as a sex offender and the person is a sexually violent predator. Directs the arresting jurisdiction and the jurisdiction where the person failed to register to determine the appropriate jurisdiction for filing the failure to register charge. Gives the appropriate jurisdiction 5 days or more from the date of the arrest to charge the sexually violent predator.

Adds attempt, solicitation, and conspiracy to commit to the list of offenses regarding sexually violent predators. Requires a sexually violent predator assessment, if one had not been conducted previously, when considering release or discharge of an offender who commits a specified sex-related crime. Establishes registration as a sex offender by a sexually violent predator as a condition of bond.

Appropriates from the general fund \$71,806 and 0.7 FTE to the department of corrections for the implementation of this act. Appropriates \$27,000 from the sex offender surcharge cash fund to the judicial department for the implementation of this act. Appropriates from the general fund \$29,000 to the department of public safety for allocation to the division of criminal justice for the implementation of this act.

APPROVED by Governor May 30, 2006

EFFECTIVE May 30, 2006

S.B. 06-25 Dangerous dogs - unlawful ownership - prosecution - warning sign - reporting and disclosure - limitations on exemptions - confiscation and destruction of dangerous dog - placement by impound agency. Modifies the definition of "dangerous dog" to allow prosecution for a first incident. Requires a person convicted of owning a dangerous dog to post a conspicuous sign on the building or enclosure in which the dog is kept warning others of the dangerous dog. Specifies that the report concerning changes in a dog's status that a convicted dangerous-dog owner must make to the bureau of animal protection in the department of agriculture be in writing.

Requires a court to order a convicted dangerous-dog owner to disclose in writing to certain providers that a dog is dangerous before the dog receives services or treatment from the providers. Limits the exemption for dogs that inflict injury upon the providers to those dogs whose owners have complied with the written disclosure requirement. Further requires the court to order a convicted dangerous-dog owner to disclose to a prospective owner of a dangerous dog that the dog is dangerous.

Requires, rather than permits, a court to order the confiscation and destruction of a dangerous dog in cases in which the dangerous dog causes serious bodily injury or the same

dog of the same owner is involved in a second or subsequent violation of the dangerous-dog statute. Permits the court-ordered confiscation and destruction of a dangerous dog for a second violation involving the same dog of a different owner.

Permits the court to condition the bail bond for the release of a person charged with unlawful ownership of a dangerous dog on the placement of the dangerous dog by an impound agency at a designated location.

APPROVED by Governor May 1, 2006

EFFECTIVE July 1, 2006

S.B. 06-102 Manslaughter - exception for providing palliative care. Provides a medical caregiver who has prescriptive authority or authority to administer medication with an exception to the offense of manslaughter when the caregiver provides consensual palliative care to a terminally ill patient. States the exception does not permit a medical caregiver to assist a patient in committing suicide.

APPROVED by Governor April 4, 2006

EFFECTIVE July 1, 2006

S.B. 06-122 Adolescent substance abuse prevention and treatment fund - minor in possession surcharge - appropriation. Creates the adolescent substance abuse prevention and treatment fund ("fund"). Creates a \$25 surcharge for convictions of illegal possession or consumption of ethyl alcohol by an underage person. Allows the general assembly to appropriate moneys in the fund to the division of alcohol and drug abuse in the department of human services for adolescent substance abuse prevention and treatment programs.

Appropriates \$55,978 out of the fund to the alcohol and drug abuse division in the department of human services for the implementation of this act.

APPROVED by Governor June 1, 2006

EFFECTIVE July 1, 2006

S.B. 06-150 DNA testing - all felons. Beginning July 1, 2007, expands DNA testing requirements to all adults convicted of a felony or an unlawful sexual offense. Extends DNA testing requirements to all juveniles who are adjudicated for an offense that would constitute a felony or unlawful sexual offense if committed by an adult. Specifies when the testing must be completed. Repeals other statutory DNA testing requirements.

APPROVED by Governor June 6, 2006

EFFECTIVE July 1, 2007

S.B. 06-177 Victim rights - critical stages - right to be informed - right to be present - notification upon perpetrator's release from custody - victim impact statements - witness information protected - victim information provided by court to entities responsible for victim notification. Modifies the guidelines for ensuring the rights of victims of and witnesses to crimes. Specifies that, for purposes of victim rights, there are 2 categories of critical stages in the criminal justice process: Those that the victim has the right to be informed of, and present for; and those that the victim has the right to be informed of, without being present for. Modifies a victim's right to be informed, upon request by the victim, when an accused or convicted person is released from custody. Clarifies that a victim may make both oral and written victim impact statements in a capital case. Creates

the right of a victim to be notified of a referral to community corrections. Specifies the circumstances under which a victim may make a victim impact statement concerning a community corrections referral.

Specifies that a victim has the right to prevent a defendant from compelling a witness to a crime to testify concerning the location of the witness. Permits the testimony to occur if the witness consents or if the court makes an in camera finding of a reasonable and articulable need.

Requires a law enforcement agency periodically to notify a victim of the status of a cold case. Modifies the list of items of which a district attorney is required to inform a victim. Requires a probation department to notify a victim in a domestic violence case of any conduct by a defendant that results in an increased level of probation supervision. Requires the department of human services and any state hospital to notify a victim of certain information regarding a person charged with or convicted of a crime against the victim.

Requires the court to ensure that victim information is provided to any entity responsible for victim notification after sentencing, including but not limited to notifying the entity responsible for victim notification of a petition by a sex offender to stop sex offender registration. Establishes guidelines governing victim notification requirements.

APPROVED by Governor April 24, 2006

EFFECTIVE July 1, 2006

S.B. 06-206 Smuggling of humans - appropriation. Makes smuggling of humans a class 3 felony. Creates a separate offense for each person smuggled. Allows the offenses to be tried in any county in which a person who is illegally present in the United States and who is a subject of the action is found.

Makes a 5-year statutory appropriation, as follows: For the fiscal year beginning July 1, 2006, appropriates from the capital construction fund to the corrections expansion reserve fund the sum of \$174,388; for the fiscal year beginning July 1, 2007, appropriates from the capital construction fund to the corrections expansion reserve fund the sum of \$209,266 and to the department of corrections the sum of \$53,626; for the fiscal year beginning July 1, 2008, appropriates from the capital construction fund to the corrections expansion reserve fund the sum of \$392,373 and to the department of corrections the sum of \$117,977; for the fiscal year beginning July 1, 2009, appropriates from the capital construction fund to the corrections expansion reserve fund the sum of \$523,164 and to the department of corrections the sum of \$238,636; for the fiscal year beginning July 1, 2010, appropriates from the capital construction fund to the corrections expansion reserve fund the sum of \$523,164 and to the department of corrections the sum of \$399,514.

APPROVED by Governor May 30, 2006

EFFECTIVE May 30, 2006

S.B. 06-207 Trafficking in adults - appropriation. Makes trafficking in adult humans a class 3 felony unless the adults who have been trafficked are illegally present in the United States, in which case trafficking in adults is a class 2 felony.

Makes the 5-year statutory appropriations as follows: for the fiscal year beginning

July 1, 2006, appropriates \$174,388 from the capital construction fund to the corrections expansion reserve fund; for the fiscal year beginning July 1, 2007, appropriates \$209,266 from the capital construction fund to the corrections expansion reserve fund and \$53,626 from the general fund to the department of corrections; for the fiscal year beginning July 1, 2008, appropriates \$392,373 from the capital construction fund to the corrections expansion reserve fund and \$17,977 from the general fund to the department of corrections; for the fiscal year beginning July 1, 2009, appropriates \$523,164 from the capital construction fund to the corrections expansion reserve fund and \$238,636 from the general fund to the department of corrections; and for the fiscal year beginning July 1, 2010, appropriates \$523,164 from the capital construction fund to the corrections expansion reserve fund and \$399,514 from the general fund to the department of corrections.

APPROVED by Governor May 30, 2006

EFFECTIVE May 30, 2006

H.B. 06-1011 Child exploitation - internet luring of a child - internet exploitation of a child - sexually exploitative material felony - internet access provider records. Prohibits a person from using a computer network to communicate a statement describing explicit sexual conduct to a child under 15 years of age, and, in connection with the communication, make a statement persuading or inviting the child to meet the person for any purpose when the person is more than 4 years older than the child. Makes internet luring of a child a class 4 or class 5 felony, depending on the circumstances of the commission of the act.

Prohibits a person from using a computer network to entice a child to expose or touch the child's own or another person's intimate parts or observe the person's intimate parts while communicating with the child via a computer network if the child is under 15 years of age and the person is at least 4 years older than the child. Makes internet sexual exploitation of a child a class 4 felony.

Requires an offender convicted of internet luring of a child or internet sexual exploitation of a child to register as a sex offender, and makes the offender subject to lifetime supervision. Applies the 10-year sex offense statute of limitations to internet luring of a child and internet sexual exploitation of a child.

Makes possession of more than 20 different items of sexually exploitative material pertaining to children a class 4 felony.

Requires an internet access provider to preserve records, upon the request of law enforcement, pending the issuance of a court order. Requires the internet access provider to release the records within 10 days after receiving a court order. Requires an internet access provider to turn over records related to a possible sex offense that involves the immediate danger of death or serious bodily injury without a court order. Directs an internet access provider doing business in Colorado to report incidents of apparent child pornography to the national center for missing and exploited children. Creates a civil penalty for failure to comply with a law enforcement records request.

For fiscal years 2006-07 through 2010-11, appropriates \$523,164 to the corrections expansion reserve fund. Makes the following appropriations to the department of corrections: For the 2007-08 fiscal year, appropriates \$160,878; for the 2008-09 fiscal year, appropriates \$321,756 ; for the 2009-10 fiscal year, appropriates \$482,634; and for the 2010-11 fiscal year, appropriates \$643,512. For the 2006-07 fiscal year, appropriates

\$19,682 and 0.4 FTE to the judicial department for probation and related services.

APPROVED by Governor June 7, 2006

PORTIONS EFFECTIVE July 1, 2006
PORTIONS EFFECTIVE October 1, 2006

H.B. 06-1027 Peace officer status - municipal court marshals - public transit officers. Clarifies peace officer status for municipal court marshals and public transit officers. Eliminates the option for a municipal court marshal to receive reserve officer training in lieu of basic peace officer standards and training board certification training.

APPROVED by Governor March 13, 2006

EFFECTIVE July 1, 2007

H.B. 06-1057 Dangerous dogs - dog bite injuries - reporting requirement - penalty. Expands the reporting requirement for doctors who treat injuries involving criminal acts to report, to law enforcement personnel in the municipality or county in which the doctor is located, dog bite injuries inflicted by dangerous dogs. Makes it a class 2 petty offense to violate the reporting requirement.

APPROVED by Governor May 26, 2006

EFFECTIVE July 1, 2006

H.B. 06-1092 Possession of sexually exploitative material - felony - appropriation. Increases the penalty for sexual exploitation of a child by possession of sexually exploitative material from a class 1 misdemeanor to a class 6 felony.

Makes the 5-year statutory appropriation as follows: For fiscal year 2006, appropriates \$345,970 from the capital construction fund to the corrections expansion reserve fund; and for fiscal years 2007 through 2010, appropriates \$134,065 from the general fund to the department of corrections.

APPROVED by Governor June 7, 2006

EFFECTIVE July 1, 2006

H.B. 06-1102 Criminal procedure - child statements hearsay exception - criminal justice records victims of sexual assault - prohibiting sealing criminal record if money still owed - crime victim compensation fund payor of last resort - age for direct filing and transfer. Makes a statement by a child under 13 years of age describing all or part of a homicide or describing an act of domestic violence an exception to the hearsay rule. Requires that the name of the victim be redacted from an attempted sexual assault criminal justice record. Adds incest, aggravated incest, and attempts to the list of sexual offenses that are subject to having the victim's name redacted in a criminal justice record. Prohibits a court from sealing a criminal record if the defendant still owes restitution, fines, court costs, late fees, or other fees ordered by the court. States that the crime victim compensation fund is the payor of last resort. Clarifies that the age requirements for a direct filing or transfer are calculated based on the juvenile's age at the time of the alleged offense.

APPROVED by Governor April 13, 2006

EFFECTIVE April 13, 2006

H.B. 06-1122 Missing persons - human remains. Requires law enforcement officials to accept missing person reports promptly. Specifies the minimum actions a law enforcement agency shall take upon receiving a missing person report. Requires coroners and medical examiners to take steps, including obtaining DNA samples, to assist in the identification of unidentified human remains. Prohibits cremation of unidentified human remains until such steps are taken.

APPROVED by Governor April 6, 2006

EFFECTIVE April 6, 2006

H.B. 06-1136 Criminal statutes - constitutional challenge - notice to attorney general. Requires a defendant appearing in a criminal proceeding in state court to notify the state attorney general if the defendant alleges a state law or municipal ordinance is unconstitutional. States that failure to comply is not a waiver of the defendant's constitutional rights or right to raise a constitutional challenge.

APPROVED by Governor March 13, 2006

EFFECTIVE March 13, 2006

H.B. 06-1145 State methamphetamine task force - function - recommendations - funding - identification - repeal - methamphetamine precursor drugs - retail sale restrictions - appropriation. Creates the state methamphetamine task force ("task force") to examine specific issues concerning the best practices for the prevention, intervention, and treatment of methamphetamine abuse and the response of the criminal justice system. Requires the task force to obtain input from groups in the state affected by the issues studied by the task force. Requires the task force to report recommendations and legislative proposals to the general assembly. Specifies that only legislative members of the task force shall receive per diem and reimbursement for expenses.

Makes funding of the task force dependent upon contributions, grants, and donations. Requires the task force no later than August 1, 2006, to identify all funding sources that the task force intends to utilize for its operation for the next 2 years. Establishes the methamphetamine abuse prevention, intervention, and treatment cash fund.

Repeals the task force, effective July 1, 2010.

Limits the daily retail sale of methamphetamine precursor drugs ("methamphetamine precursors") to not more than a total of 3.6 grams of one or more methamphetamine precursors per individual. Prohibits a person from purchasing more than 3.6 grams of one or more methamphetamine precursors during any 24-hour period. Prohibits public access to methamphetamine precursors in stores prior to sale.

Expands the child abuse crime of manufacturing a controlled substance in the presence of a child under the age of 16 years to include manufacture in a vehicle. Clarifies that it is not a defense to the crime that the defendant did not know a child was present. Prohibits a parent, guardian, or custodian of a child to knowingly allow the child to be present at a premises or in a vehicle where the parent, guardian, or custodian knows that another person possesses a methamphetamine precursor with the intent to use it to manufacture methamphetamine.

Makes a 5-year statutory appropriation for implementation of the act.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

H.B. 06-1151 Child abuse - class 5 felony for certain subsequent convictions - appropriation. Upon a second or subsequent conviction, makes a misdemeanor-level child abuse offense a class 5 felony if the underlying factual basis of the child abuse, which would have constituted a misdemeanor, is found by the trier of fact to include one of the following acts:

- A continued pattern of conduct that results in malnourishment or lack of proper medical care of the child;
- A continued pattern of cruel punishment or unreasonable isolation or confinement of the child;
- Repeated threats by the offender of harm or death to the child or to a significant person in the child's life, which threats are made in the presence of the child;
- A continued pattern of acts of domestic violence committed by the offender; or
- A continued pattern of extreme deprivation of hygienic or sanitary conditions in the child's daily living environment.

Makes a 5-year statutory appropriation for implementation of the act as follows: appropriates \$87,194 from the capital construction fund to the corrections expansion reserve fund for fiscal year 2006-07; appropriates \$69,755 from the capital construction fund to the corrections expansion reserve fund for fiscal year 2007-08; appropriates \$26,813 from the general fund to the department of corrections for fiscal year 2007-08; and appropriates \$48,263 from the general fund to the department of corrections for fiscal years 2008-09, 2009-10, and 2010-11.

APPROVED by Governor June 7, 2006

EFFECTIVE July 1, 2006

H.B. 06-1153 Sex offender registration laws - CBI assistance - automobile-residence registration information - residence definition - appropriation. Requires the Colorado bureau of investigation to assist local law enforcement agencies in finding sex offenders who fail to register. Requires a sex offender who lives in an motor vehicle, trailer, or motor home to provide information related to the vehicle when registering as a sex offender. For sex offender registration purposes, includes a temporary shelter or institution in the definition of "residence".

Appropriates from the general fund \$58,835 and 1.2 FTE to the department of public safety for allocation to the Colorado bureau of investigation for the implementation of this act.

APPROVED by Governor May 25, 2006

EFFECTIVE July 1, 2006

H.B. 06-1179 Peace officer authority - FBI agents - ATF agents. Provides federal bureau of investigation ("FBI") and United States bureau of alcohol, tobacco, firearms, and explosives ("ATF") special agents to act with peace officer authority if the special agent is:

- Responding to a nonfederal crime committed in the presence of the agent;
- Responding to an emergency situation in which the agent has probable cause to believe a nonfederal crime is being committed involving injury or threat of injury to person or property, and immediate action is necessary to prevent escape, serious bodily injury, or destruction of property;
- Rendering assistance at the request of a Colorado peace officer;
- Effecting an arrest or providing assistance as part of a bona fide task force or joint investigation with Colorado peace officers.

Permits an FBI or ATF special agent to effect an arrest without a warrant and carry a firearm. Requires the FBI or ATF agent to immediately surrender to a Colorado peace officer custody of an arrestee arrested pursuant to the provisions of the act.

APPROVED by Governor March 27, 2006

EFFECTIVE March 27, 2006

H.B. 06-1190 Extradition procedures - prior waiver. Requires a court to hold a fugitive in custody for a minimum of 15 days and a maximum of 30 days after the court orders delivery of the fugitive to an agent of the demanding state, during which period an agent of a demanding state can complete transportation arrangements, travel to this state, and take custody of the fugitive.

Requires a written prior waiver of extradition as a condition of release to parole or a community corrections program. For a defendant who is arrested for or convicted of a felony offense, requires a written prior waiver of extradition as a condition of release to bail. For a defendant who has been convicted of a felony offense, requires a written prior waiver of extradition as a condition of release to probation.

In the case of a criminal defendant who is in a foreign country, requires the district attorney of the judicial district in which the offense was allegedly committed, who desires the international extradition of the defendant, to apply to the governor to request that the governor apply to the president of the United States to institute extradition proceedings for the return of the defendant to this country for the purpose of prosecution.

APPROVED by Governor April 5, 2006

EFFECTIVE July 1, 2006

H.B. 06-1323 Theft by deception - mortgage lending process. Imposes a mandatory minimum fine in an amount equal to the amount of pecuniary harm incurred from residential mortgage fraud. Prohibits a court from accepting a plea bargain unless it includes an order of restitution to the victim. Grants the attorney general concurrent jurisdiction with the district attorneys to prosecute mortgage fraud.

Recognizes a cause of action for theft by deception in the mortgage lending process. Exempts a bona fide purchaser of a mortgage contract from such cause of action.

Authorizes any state agency to receive and apply to the United States government for grants to lower the incidence of mortgage fraud in Colorado.

APPROVED by Governor May 30, 2006

EFFECTIVE July 1, 2006

H.B. 06-1326 Identity theft - reorganize financial theft crimes - jurisdiction - appropriation.
Repeals the following crimes:

- Unlawful possession of personal identifying information;
- Theft of personal identifying information; and
- Sale or possession for sale of a financial transaction device.

Reorganizes the statutes pertaining to identity theft and related offenses. Creates the following new crimes:

- Identity theft;
- Criminal possession of a financial device; and
- Possession of identity theft tools.

Allows a charge of identity theft to be tried in the county where an act occurred, in any county where an act in furtherance of the offense is committed, or in the county where the victim resides. Adds certain identity crimes to the list of crimes under the "Colorado Organized Crime Control Act".

Makes the following appropriations from the capital construction fund to the corrections expansion reserve fund:

- For each of the 2006-07 and 2007-08 fiscal years, appropriates \$610,358; and
- For the 2008-09 fiscal year, appropriates \$462,128.

Makes the following appropriations from the general fund to the department of corrections:

- For the 2007-08 fiscal year, appropriates \$187,691;
- For the 2008-09 fiscal year, appropriates \$375,382; and
- For each of the 2009-10 and 2010-11 fiscal years, appropriates \$517,491.

APPROVED by Governor May 30, 2006

EFFECTIVE July 1, 2006

H.B. 06-1364 Locating protected person - class 1 misdemeanor - exception - affirmative defense. Makes it a class 1 misdemeanor for a person to assist a restrained person in discovering the location of a protected person when the person knows or should know that the restrained person is subject to a court order prohibiting contact with the protected person. Establishes exceptions and an affirmative defense.

Adds to the crime of violation of a protection order contracting with another person.

APPROVED by Governor May 25, 2006

EFFECTIVE July 1, 2006

H.B. 06-1380 Flea markets - property sale without proof of ownership prohibited - penalty - interagency task force on organized retail theft - report to general assembly - repeal. Prohibits sellers of property at flea markets and similar facilities from selling certain property items without proof of ownership. Requires sellers to make the proof of ownership available to any peace officer for inspection at any reasonable time. Makes it a class 3 misdemeanor to sell property without proof of ownership.

Creates the interagency task force on organized retail theft to investigate methods of effectively preventing organized retail theft and develop recommendations regarding the enhancement of law enforcement efforts and education concerning organized retail theft. Requires the task force to report its recommendations to the judiciary committees of the general assembly on or before January 31, 2007. Repeals the task force, effective February 1, 2007.

APPROVED by Governor May 26, 2006

EFFECTIVE July 1, 2006

H.B. 06-1382 Right to Rest in Peace Act - criminal conduct at funerals - enhanced penalty - interference with funeral - unlawful funeral picketing - civil damages remedy - joint and several liability. Creates the "Right to Rest in Peace Act". Enhances the criminal penalty from a class 3 misdemeanor to a class 2 misdemeanor for disorderly conduct, obstructing a highway or other passageway, disrupting lawful assembly, and unlawful conduct on public property if the crime is committed at a funeral. Creates the crime of interference with a funeral, punishable as a class 2 misdemeanor with a mandatory fine.

Prohibits funeral picketing and electronically amplified funeral picketing within one hundred feet and one hundred fifty feet, respectively, of a funeral site. Creates a civil damages remedy, including attorney fees and costs, for mourners at funerals at which unlawful funeral picketing or electronically amplified funeral picketing occurs. Requires the court to impose joint and several liability on any person who commits unlawful funeral picketing by acting in concert or conspiring with one or more other persons.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

EDUCATION - PUBLIC SCHOOLS

S.B. 06-24 Unique student identification number - pre-kindergarten through post-secondary education systems - data sharing. Beginning in July 1, 2007, for students who attended high school in Colorado, requires a postsecondary institution that is eligible for the college opportunity fund program to begin using as the student's primary identifier the unique identification number assigned to the student while enrolled in the elementary to secondary education system in Colorado, including public pre-kindergarten programs. Directs Adams state college, Mesa state college, Western state college, and Metropolitan state college to begin using the unique student identification number on or before July 1, 2007, and all other postsecondary institutions to begin using the unique identification number on or before July 1, 2009.

Directs the Colorado commission on higher education and the state board of education to enter into a memorandum of understanding to share student data, in conformance with the federal "Family Educational Rights and Privacy Act of 1974", with each other and with qualified researchers upon request.

APPROVED by Governor May 1, 2006

EFFECTIVE July 1, 2006

S.B. 06-42 Charter schools - calculation of funding - clarifications. Clarifies the definitions pertaining to funding institute charter schools. Delays until the 2007-08 budget year implementation of the adjustment for at-risk per pupil funding for an institute charter school for which funding was calculated without the adjustment in the 2004-05 or 2005-06 fiscal year. Relocates provisions concerning funding, central administrative overhead costs, and purchase of services that pertain to certain district charter schools. Clarifies the formula for calculating district at-risk per pupil funding for certain district charter schools. For purposes of determining a charter school's share of the costs of providing federally required education services to students, directs a school district to calculate the per-pupil cost of providing the services after subtracting the amount received in federal and state moneys for providing the services.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

S.B. 06-46 Pre-kindergarten - K-12 - higher education - legislative committee and special P-16 council - appropriation. Finds and declares the importance and necessity of a legislative oversight committee ("committee") to work with a special council ("P-16 council") to study education issues associated with pre-kindergarten through higher education. Creates a committee to oversee the work of the P-16 council. Specifies membership and identifies duties of the committee.

Creates the P-16 council to study the creation and implementation of an integrated system of education from pre-kindergarten through higher education. Specifies membership and identifies duties of the P-16 council, including issues to be studied.

Creates the P-16 cash fund.

For the 2006-07 fiscal year, appropriates from the general fund \$20,156 and 0.4 FTE to the legislative department for the implementation of the act.

VETOED by Governor May 26, 2006

S.B. 06-55 Safe school reporting - school accountability reports. Adds third degree assaults, vehicular assaults, and disorderly conduct involving fighting to the types of assaults and fights that school districts must include in their reports of criminal assaults to the department of education. Creates a new category, eliminates a category, and renames 2 categories of incidents that schools must report in the safety and discipline section of school accountability reports.

APPROVED by Governor April 6, 2006

EFFECTIVE April 6, 2006

S.B. 06-65 Advisory committee for public school capital construction - proposal of rules for state board of education - uniform statewide minimum facility standards - grant applications - grant recipients - approved list - staff assistance to state board - statewide needs assessment - school construction and renovation fund - uses - appropriation. Establishes the advisory committee for public school capital construction ("advisory committee") within the Colorado department of education ("department"). Specifies how the advisory committee is to be constituted and the qualifications of its members. Specifies that the advisory committee shall include staff for certain types of assistance.

Requires the advisory committee to propose rules to the state board of education ("state board") concerning uniform statewide minimum facility standards required to qualify for state funding assistance for school districts in providing adequate facilities. Requires the advisory committee to consider certain factors in developing the standards. Requires the state board to consider the proposed rules and establish the uniform statewide minimum facility standards required to qualify for state funding assistance for school districts and charter schools in providing adequate school buildings and facilities.

Requires the advisory committee to review certain grant applications and annually submit a list of recommended grant recipients and amounts to the state board. Requires the state board to consider the recommendations. Requires the state board to approve a list of school districts and charter schools to receive grants for capital construction projects. Provides the advisory committee with staff to assist the advisory committee in certain areas.

Requires the state board, subject to appropriation by the general assembly, to conduct a statewide needs assessment of school buildings by July 1, 2007, and at least once every 5 years thereafter. Specifies that the assessment shall provide timely and uniform state data on school facilities. Requires the state board to consider and use the uniform statewide minimum facility standards while conducting the statewide needs assessment.

Clarifies that, subject to appropriations by the general assembly, moneys in the school construction and renovation fund shall be used to provide staff to the advisory committee to assist in the performance of certain duties and to enable the state board to conduct the statewide needs assessment.

Appropriates \$110,934 from the school construction and renovation fund to the

department of education.

VETOED by Governor May 26, 2006

S.B. 06-69 School accountability report - format changes. Makes the following changes to the school accountability reports:

- Clarifies that schools used for comparison are within a 75-mile radius;
- In the safe schools section, replaces 6 statements regarding the school with 4 new statements and authorizes the state board of education ("state board") to include additional statements and eliminates the line concerning habitually disruptive students;
- In the student attendance section, refers to the school calendar rather than time spent in the classroom and, for middle, junior, and high schools, replaces the dropout rates statistic with an average daily attendance graph;
- Clarifies that the student-per-teacher ratio applies to the core subject areas of reading, writing, math, and science;
- Moves information on the school and department of education to the district taxpayer's report page;
- Adds the scores on science assessments to the charts provided in the student performance section; and
- On the taxpayers' report page, clarifies that the taxpayers' report is district-wide and adds information on the accreditation status of the school district.

VETOED by Governor May 26, 2006

S.B. 06-73 Compulsory school attendance. Raises the age of emancipation from compulsory school attendance from 16 to 17 years.

Clarifies that a school district may receive funding for a student enrolled in an on-line program if the student is enrolled in kindergarten or first grade.

APPROVED by Governor May 26, 2006

EFFECTIVE July 1, 2007

S.B. 06-118 Children with disabilities - federal "Individuals with Disabilities Education Improvement Act of 2004" - Colorado "Exceptional Children's Educational Act". Amends Colorado's "Exceptional Children's Educational Act" to conform with the federal "Individuals with Disabilities Education Improvement Act of 2004" and to repeal obsolete provisions. Conforming changes include:

- Revises the list of recommendations by the state department of education ("department") to the state board of education ("state board") concerning necessary rules for the implementation of the "Exceptional Children's Educational Act".
- Defines "specific learning disability" to conform with federal law.
- Repeals the section concerning maintenance of a depository and retrieval network for visually impaired and hearing-impaired children.
- Requires an administrative unit that receives funding to educate gifted

children to submit to the department an annual plan for educating gifted children.

- Requires the determination of eligibility for special education services to be made by a multidisciplinary team, the composition of which shall be prescribed by rules promulgated by the state board.
- Requires the development of a child's individualized education program ("IEP") to be made by the child's IEP team, the composition of which shall be prescribed by rules promulgated by the state board.
- Replaces the provision requiring appointment of an administrative law judge in the case of an appeal with procedures to be established by rule by the state board.
- Requires a child's IEP to specify whether the child shall achieve state or local content standards or individualized standards.
- Assigns responsibility for determining out-of-district placement by an administrative unit to the child's IEP team and the special education director for the administrative unit of residence.
- Details procedures for out-of-district placements by public agencies authorized to place children.
- Requires an administrative unit of residence that disapproves a public placement in an eligible facility to ensure that the child will receive a free appropriate public education until an appropriate placement can be determined.
- Repeals the provision prohibiting an administrative unit from appointing an educational surrogate parent for a child with disabilities.
- Repeals the provisions requiring the state board to promulgate rules specifying the minimum number of hours of educational instruction to be provided to a child with disabilities and the methods of delivery of educational services to a child with disabilities.
- Requires each eligible facility to conform, to the maximum extent possible, the length of its programs to the regular school year schedule of the school district in which the eligible facility is located.
- Stipulates that extended school year services shall be provided only if a child's IEP team determines that the services are necessary to provide a child with a free appropriate public education.

APPROVED by Governor April 4, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-119 Charter schools - capital facilities financing - state's moral obligation. For the purpose of charter schools that rely on the state charter school debt service reserve fund to have bonds issued by the Colorado educational and cultural facilities authority on their behalf, increases the aggregate outstanding principal amount of bonds that may be secured by the state's moral obligation and the state charter school debt service reserve fund to \$400,000,000.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

S.B. 06-127 Fresh fruits and vegetables pilot program - repeal. Creates a pilot program to make free fruits and vegetables available to students in public schools ("program"). Requires that, to the maximum extent practicable, not less than 75% of the students participating in the program are from school districts in which at least 50% of the students are eligible for free or reduced-cost lunch under the "National School Lunch Act". Sets requirements with regard to the application process for schools that wish to participate in the program. Requires that Colorado produce be used in the program to the maximum extent practicable. Requires the superintendent of a school district that participates in the program to report to the department of education regarding activities carried out under the program. Requires that if the general assembly appropriates \$500,000 or more to assist school districts in providing school breakfast programs, the department of education shall use \$150,000 of these funds to implement the program.

Repeals program effective January 1, 2009.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-130 Boards of cooperative services - appropriation. Restores statutory language directing the general assembly to make a separate annual appropriation to the state board of education to cover the estimated cost of the basic grants to eligible boards of cooperative services.

Appropriates from the general fund \$210,000 to the department of education for implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-137 Obsolete education statutes - repeal or amendment. Repeals or amends outdated provisions of the Colorado revised statutes regarding the elementary and secondary education system.

APPROVED by Governor April 24, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-176 Educators - licenses - termination of contracts - fingerprints - appropriation. Clarifies grounds on which the department of education ("department") may deny, annul, suspend, or revoke an educator's license. Clarifies language relating to an educator who terminates his or her employment contract, and authorizes the department to suspend an educator's license if he or she does not give the required notice prior to terminating his or her employment contract.

Directs applicants for educator licenses and nonpublic schools to whom applicants have submitted fingerprints to submit fingerprints directly to the Colorado bureau of investigation. Repeals the authority of the department to issue a license or authorization prior to receiving the results of a fingerprint-based criminal history records check.

Reduces the cash funds appropriation to the department for fingerprint checks by \$775,000. Changes \$337,816 from a cash funds exempt appropriation to a cash funds appropriation to the Colorado bureau of investigation for the educator fingerprint checks.

APPROVED by Governor May 11, 2006

EFFECTIVE July 1, 2006

H.B. 06-1001 Principals - survey of superintendents - professional development - performance evaluations - principal development scholarship program - financial aid - appropriations. Requires the state board of education ("state board") to direct the department of education ("department") annually to survey school district superintendents who employ new principals. Directs the department to base the survey on the principal licensure standards and design the survey to measure the quality and effectiveness of the principal preparation programs and solicit information concerning the principal licensure standards. Directs the state board annually to submit a summary report of the survey results to the education committees, the governor, the Colorado commission on higher education, and the appropriate institutions of higher education. Directs the education committees to consider the report at their biennial joint meeting to consider teacher preparation programs.

Requires a person who holds a professional principal license to select professional development activities for renewal of the license that relate to improving the person's skills as a principal and to complete any professional development activities specifically identified by the person's employing school district. Directs each school district to identify areas of improvement for principals and assist principals in attending appropriate professional development programs. Recognizes identification of areas of improvement for principals and assistance in improving in those areas as management functions that a school district must complete for accreditation.

Requires school districts to provide an annual written evaluation of a principal who is in the first 3 years of employment and at least one written evaluation every 3 years for a principal who is in the fourth or subsequent year of employment. Specifies that a principal's evaluation shall include input from teachers, and may include input from students and parents, in the manner provided by the school district. Clarifies that a principal whose performance is deemed unsatisfactory shall receive a notice of deficiencies and a remediation plan.

Creates the principal development scholarship program to provide stipends for professional development activities for principals on a need basis. Directs the state board to adopt rules concerning the procedures for applying for a stipend and the criteria for awarding the stipend. Specifies minimum criteria, including the applicant's degree of financial and professional need and the quality of the professional development activity. Creates the principal development scholarship fund ("fund"), and identifies gifts, grants, and donations as the source of moneys for the fund.

Directs the Colorado commission on higher education to adopt policies to allow a person who is participating in a principal preparation program to qualify for financial assistance.

Appropriates \$250,000 to the department from the principal development scholarship fund for implementation of the principal development scholarship program. Appropriates \$11,460 to the department from the educator licensure cash fund to implement the survey

requirements.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

H.B. 06-1004 Reading assistance grant program - eligibility criteria - application guidelines - grant awards - cash fund - appropriation. Creates the reading assistance grant program ("grant program") to provide grants to nonprofit organizations ("organization") that provide and distribute to school districts and eligible facilities accessible educational materials for students who have difficulty achieving the state model content standards, but are not identified as having a disability. Outlines the criteria an organization shall meet to be eligible to apply for a grant. Sets forth the terms of grant awards. Directs the state board of education ("state board") to promulgate rules to implement the grant program.

Defines the information an applicant must provide when seeking a grant under the grant program. Defines the criteria the department of education ("department") and state board shall use in making recommendations and awarding a grant to an applicant.

Creates the reading assistance grant program fund to provide for the payment of grants awarded.

Requires each nonprofit organization that receives a grant under the grant program to submit annually to the department a summary report on the use of the grant moneys received. Directs the department to provide to the governor and education committees of the senate and house of representatives a summary report of all grants made annually .

For the 2006-07 fiscal year, appropriates \$300,000 out of the read-to-achieve cash fund to the reading assistance grant program fund for implementation of the act.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

H.B. 06-1005 Full-day kindergarten excess costs - local mill levy authorization. Authorizes a school district, upon voter approval, to impose an additional mill levy for purposes of funding the school district's excess full-day kindergarten costs. Allows the question submitted to the voters to also include a question of whether to impose an additional mill levy of a stated amount and limited duration to fund the capital construction needs associated with the district's full-day kindergarten program. Requires a school district that imposes the additional full-day kindergarten mill levy to use evidence-based research in establishing its full-day kindergarten program. Precludes a school district that imposes the additional full-day kindergarten mill levy from participating in the full-day kindergarten component of the Colorado preschool program. Allows a school district that funds a portion of its full-day kindergarten program with the additional mill levy to charge tuition to out-of-district pupils enrolled in the locally funded portion of the full-day kindergarten program.

VETOED by Governor March 30, 2006

H.B. 06-1008 On-line education - supplemental courses - reimbursement - appropriation. Allows each school district that enrolls fewer than 3,000 students ("eligible school district"), each charter school that is not an on-line program, and each institute charter school that is

not an on-line program and enrolls fewer than 3,000 students ("eligible charter school") to receive reimbursement for supplemental on-line education courses ("course") purchased for students enrolled in grades 6 through 12.

Specifies that, for an eligible school district or eligible charter school to receive reimbursement for a course, the course must be provided by an entity that uses Colorado-licensed teachers. Establishes the procedure for an eligible school district or eligible charter school to be reimbursed by the department of education ("department"). Limits the amount of reimbursement for each course to the per-student cost of the course multiplied by the number of students who successfully complete the course. Caps each eligible school district's and eligible charter school's total reimbursement for a budget year at \$10 multiplied by the number of students enrolled in grades 6 through 12 in the eligible school district or eligible charter school.

Instructs the department to provide annually to the joint budget committee estimates of the number of students expected to be enrolled in grades 6 through 12 in the eligible school districts and eligible charter schools. To offset administrative costs, allows the department to retain up to 3% of the amount annually appropriated for reimbursements.

For the 2006-07 fiscal year, appropriates \$531,580 from the state public school fund to the department for implementation of the act. Specifies that the appropriated moneys come from federal mineral leasing revenues, and makes corresponding adjustments to letter notations in the long bill.

APPROVED by Governor May 17, 2006

EFFECTIVE May 17, 2006

H.B. 06-1021 Physical education teachers - requirements - exceptions. For school years commencing on and after July 1, 2010, prohibits a school district from employing as a physical education teacher a person who does not hold a physical education endorsement on his or her teacher license or who does not hold a license and either has completed 24 semester hours of credit in physical education or has passed an approved examination in physical education.

Exempts from the prohibition a person who holds an alternative teacher license, or a teacher in residence or emergency authorization. Excludes from the one-year limitation on emergency authorizations a person who is employed to teach physical education at a school district with an enrollment of 3,000 students or fewer.

VETOED by Governor May 4, 2006

H.B. 06-1023 Educator licensing - teacher in residence program - authorizations - alternative teacher license - professional principal license. Allows a person who completes a teacher in residence program to immediately qualify to receive a professional teacher license. Clarifies that a person need not complete an induction program while working under an initial teacher license if the person completes the induction program while working under a teacher in residence authorization. Recognizes that a person who completes a teacher induction program while working under a temporary educator eligibility authorization or a teacher in residence authorization but not an adjunct instructor authorization may apply completion of the induction program to the requirements for obtaining a professional teacher license.

Allows the department of education to extend an alternative teacher license for up to one year if the licensee provides proof that he or she is unable to complete the alternative teacher preparation program in one year for reasons other than incompetence.

Requires a person who completes an alternative principal program to also hold a masters degree to obtain a professional principal license. Recognizes that a person who completes a principal induction program while working under an interim authorization may apply completion of the induction program to the requirements for obtaining a professional principal license. Recognizes that a person who completes an administrator induction program while working under an interim authorization may apply completion of the induction program to the requirements for obtaining a professional administrator license.

VETOED by Governor March 30, 2006

H.B. 06-1056 School nutrition - vending machine requirements. Requires each school district board of education to adopt a policy providing that, by the 2008-09 school year, at least 50% of all items offered in vending machines located in public schools of the school district meet acceptable nutritional standards.

VETOED by Governor April 11, 2006

H.B. 06-1098 Teachers - professional development credit - suicide prevention programs. Allows public school teachers to receive professional development credit by attending an in-service program on juvenile mental health issues, including awareness and prevention of youth suicide.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 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. 06-1109 Accountability - academic performance awards - technical assistance - availability of information - appropriation. To identify the schools that receive the governor's distinguished improvement awards, instructs the technical advisory panel on the measurement of longitudinal academic growth ("panel") to determine the method by which to identify schools that demonstrate the highest rate of student academic growth in a school year toward state standards for proficiency. Directs the panel to take school size into account in its recommendations. Authorizes the state board of education to provide tangible items of recognition, in addition to monetary awards, to schools that receive academic performance awards.

Prohibits the department of education ("department") from calculating an academic performance or academic growth of students rating for a school that enrolls fewer than a specified number of students, as identified by policy adopted by the department. Directs the department to provide technical assistance and training to school districts and charter schools to assist them in interpreting and using diagnostic academic growth information. Directs the department, upon request of a qualified researcher, to make available the entire longitudinally linked dataset used by the department and the panel for generating diagnostic growth information.

Repeals language that requires all accreditation indicators relating to statewide assessments to be consistent with the methodology used in determining school academic ratings.

Increases by 1.0 FTE the appropriation to the department for longitudinal analyses of student assessment results.

APPROVED by Governor April 13, 2006

EFFECTIVE April 13, 2006

H.B. 06-1121 School district policy - community service - recognition. Requires each school district to consider and, if appropriate, adopt a policy to encourage students to engage in community service or service-learning and to recognize students' contributions to their communities. Specifies that a student may earn recognition for community service or service-learning in the manner provided by the policy.

APPROVED by Governor May 25, 2006

EFFECTIVE August 7, 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. 06-1240 School improvement plans - continued operation - voluntary restructuring. Allows a school that receives an overall academic performance rating of "unsatisfactory" ("unsatisfactory school") to operate under a school improvement plan ("SIP") for 2 full school years. If the school is still unsatisfactory at that time, instructs the state board of education ("state board") to review the operations of the unsatisfactory school and determine whether the unsatisfactory school should continue operating under the SIP, whether the SIP should be amended, or whether the unsatisfactory school should be converted to an independent charter school. Directs the state board to take into account specific considerations in making its determination. Requires the state board annually to review the operations of the unsatisfactory school so long as the school continues to receive an overall academic performance rating of unsatisfactory. Specifies how to determine the number of school years during which a school operates under a SIP.

Allows a school district or the state charter school institute ("institute") to voluntarily restructure an unsatisfactory school and to apply to the state board for a determination of whether the restructuring plan constitutes a major restructuring of the governance of the public school. If the state board finds that the plan is a major restructuring of the public school, allows the school to continue operating under the restructuring plan unless the school receives an overall academic performance rating of "unsatisfactory" for 2 years in any 3-year period. If the public school receives such ratings, requires the state board to review the operations of the school as it would the operations of an unsatisfactory school operating under a SIP. Specifies the minimum requirements for a restructuring plan to constitute a major restructuring. Requires the school district or the institute to allow the public to review and comment on the restructuring plan.

Directs the department of education ("department") to track the students enrolled in a public school during the school year preceding conversion to an independent charter school or voluntary restructuring to determine whether the students transfer to another public school following the conversion or restructuring. Requires the department to provide the information, without personally identifying the students, to the school district or the institute

upon request.

APPROVED by Governor April 6, 2006

EFFECTIVE April 6, 2006

H.B. 06-1283 Public school expenditures accountability - appropriation - referendum. Requires each school district to report its annual budget to the department of education in a standard format. Beginning in the 2007-08 budget year, requires each school district annually to spend at least 65% of its operational expenditures on services that directly affect student achievement. Allows a school district to apply for a waiver or hold a public election for the purpose of excusing the school district from compliance with the 65% requirement.

For the fiscal year beginning July 1, 2006, appropriates \$25,245 and 0.3 FTE from the general fund to the department of education.

Refers the act to a vote of the registered electors of the state at the next biennial regular general election.

REFERRED MEASURE November 2006

NOTE: This act will be submitted to a vote of the people at the November 2006 general election.

H.B. 06-1288 School districts - directors - election. Repeals language providing for the 6-month extension of director terms when the time for electing school directors changed from May to November. Requires a newly elected school director to take office within 15 days following receipt of the official abstract of the votes. Requires a candidate for school director to have been a registered elector of the school district for at least 12 months prior to the election.

Requires the designated election official for an election of school directors to publish a call for nominations at least 75 but not more than 90 days prior to the election. Specifies the contents of the call. Prohibits a candidate for the office of school director from circulating a nomination petition more than 90 days prior to the election.

Requires a newly elected or appointed school director to take the oath of office within 10 days after receiving the certificate of election or appointment. Directs the secretary of a school district to call an organizational meeting of the school district board of education within 15 days after the school district receives the official abstract of votes.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1374 Public school capital construction - funding for the 2005-06 fiscal year. Makes appropriations for the 2005-06 fiscal year of \$16.75 million from the general fund to the school construction and renovation fund (fund) and \$3.25 million from the general fund to the school capital construction expenditures reserve (reserve) to fund public school capital construction.

Specifies that of the \$16.75 million appropriated to the fund for the 2005-06 fiscal year, \$6.75 million shall be included in the calculation of the maximum level of state general

fund appropriations for the 2005-06 fiscal year and \$10 million shall be a general fund appropriation that exceeds the limitation on state general fund appropriations for the 2005-06 fiscal year but will be included in the calculation of the maximum level of state general fund appropriations in the following fiscal year. Specifies that the \$3.25 million that is appropriated to the reserve for the 2005-06 fiscal year shall be included in the calculation of the maximum level of state general fund appropriations for the 2005-06 fiscal year.

Specifies that the existing statutory deadlines applicable to a school district's or charter school's application for a matching grant from the fund shall not apply to grants awarded from moneys appropriated to the fund for the 2005-06 fiscal year.

Eliminates the requirement that the state treasurer transfer any moneys in the reserve that remain unexpended or unencumbered on March 15 of each fiscal year to the fund.

States that in fiscal years 2005-06 through 2010-11, the general assembly is not required to appropriate general fund moneys to the fund and to the reserve if general fund revenues for the applicable fiscal year do not exceed general fund obligations and the moneys required to be allocated to the highway users tax fund for the applicable fiscal year by more than \$80 million. Specifies that in such fiscal years, the general assembly may appropriate general fund moneys to the fund and to the reserve in its sole discretion.

VETOED by Governor March 31, 2006

H.B. 06-1375 School finance - instructional supplies - administration - declining enrollment districts - charter school capital construction - tax increment financing task force - juvenile detention facility costs - out of state tuition - reimbursement of excess costs for children with disabilities - distribution of appropriation for special education programs - Colorado special education fiscal advisory committee - private school definition - unreimbursed excess transportation costs - summer school grant program - expenditures from capital reserve fund - recovered overpayments of transportation reimbursements - national credential fee assistance - facility summer school grant program - creation of Colorado preschool and kindergarten program - elimination of full-day kindergarten program for unsatisfactory schools - right to display the United States flag - school capital construction - appropriations. Amends the "Public School Finance Act of 1994" (act) in the following respects:

- For the 2006-07 budget year, increases the statewide base per pupil funding to \$4,863.87, which reflects an increase over the preceding budget year of 2.1% for inflation plus one percentage point.
- For the 2006-07 budget year and future budget years, if a school district's expenditures for instructional supplies and materials exceeds the amount required to be budgeted for the budget year, allows the district to subtract the amount of the excess expenditures from the amount required to be budgeted for instructional supplies and materials for the subsequent budget year.
- Eliminates the authority of the department of education (department) to offset its direct and indirect costs for administering the act by transferring a portion of the appropriation in the annual general appropriation bill for the state's share of the total program funding of all school districts.
- Provides one year of additional state aid to declining enrollment districts in which a new charter school is opened to help the district with the impact of students enrolling in the new charter school. Distributes the aid in the proportion that the district's new charter school enrollment bears to the total

new charter school enrollment in all declining enrollment districts statewide in which new charter schools are opened in the budget year for which the additional aid is appropriated.

- For the 2006-07 budget year, requires the general assembly to appropriate \$7.8 million from the state education fund for charter school capital construction.
- Establishes a task force to study the impact of tax increment financing provisions in urban renewal plans on public school finance. Directs the task force to seek input from specified interest groups.

Requires a school district that provides teachers, books, and equipment to a juvenile detention facility to subtract the per pupil amount that the school district receives for juveniles in the facility from the expenses that are required to be reimbursed by the school districts whose students are served by the facility. For the 2006-07 budget year and each budget year thereafter, requires each charter school of a school district and each institute charter school located in the school district to pay a proportionate share of the costs incurred by the school district in reimbursing a school district that provides services to a juvenile detention facility.

Requires the department to negotiate reciprocal agreements with adjacent states to allow students to attend public schools in adjacent states without paying tuition. Requires the department to report to the house and senate education committees by January 31, 2007, regarding reciprocal agreements entered into with adjacent states.

Allows a district of attendance, district or institute charter school, or the provider of an on-line program to charge a child's district of residence excess special education costs only for a child with disabilities who satisfies certain criteria for special education funding. Requires the state board of education (state board) to develop proposed criteria for determining when special education excess costs may be charged to the district of residence of a child with a disability. Requires the state board to report its findings and proposed criteria to the education committees of the house and senate on or before December 15, 2006.

For the 2005-06 budget year and each budget year thereafter, modifies the distribution of the total amount appropriated to the department for the payment of costs incurred by administrative units for the provision of special education programs as follows:

- Distributes \$500,000 for the payment of costs incurred by administrative units for the provision of special education programs to orphans who are placed in eligible facilities;
- Distributes \$1,250 for each child receiving special education services from an administrative unit; and
- If any amount of the total annual appropriation remains after the distributions for orphans and the per pupil distribution has been made, and after the distribution of the portion of the total annual appropriation designated for high cost grants has been made, distributes \$6,000 per child with one or more specified disabilities to administrative units serving such children. Directs the department to determine the percentage of such children for which an administrative unit is eligible to receive additional funding based on the amount of the remaining appropriation and the per pupil amount of \$6,000.
- For the 2006-07 budget year and each budget year thereafter, subject to available appropriations, directs the general assembly to appropriate \$2

million to the department to fund grants to administrative units as reimbursement for high costs incurred in providing special education services to children with disabilities in the preceding budget year.

Creates the Colorado special education fiscal advisory committee (committee). Specifies the composition of the committee. Directs the committee to make grants to administrative units as reimbursement for costs in excess of \$40,000 (high costs) incurred in providing special education services to children with disabilities in the preceding budget year. Requires the committee to prioritize administrative units that expended the greatest percentage of their annual budgets to pay for high costs. Requires state board approval of grants awarded by the committee.

Directs the department to collect and provide to the committee specified data regarding the number of children with disabilities that receive special education services from each administrative unit. Requires the committee to report the data to the state board and the house and senate education committees by January 1, 2008. Requires the committee to report additional information regarding the high cost grants to the house and senate education committees on January 15, 2008, and on January 15 of each year thereafter. Terminates the committee on July 1, 2016, pursuant to the provisions of the sunset law.

For purposes of the statutory provision regarding charter schools, defines "private school" as a primary or secondary educational institution for students in kindergarten through the 12th grade or any portion thereof that may or may not have attained nonprofit status, that does not receive state funding through the act, and that is supported in whole or in part by tuition payments or private donations.

Modifies the method for calculating unreimbursed excess transportation costs for purposes of allowing school district boards of education to seek voter approval to impose a mill levy for the payment of such costs.

Creates a summer school grant program with a focus on reading, writing, or math for students entering the 4th through 8th grades who received an unsatisfactory score on the reading, writing, or math portion of the Colorado student assessment program (CSAP) in the preceding academic year. Specifies the requirements for a school district or institute charter school that receives a grant for a summer school program. Requires the general assembly, subject to available appropriations, to appropriate annually state education fund moneys to the department to award grants for summer school programs.

Allows moneys from a school district's capital reserve fund to be used to purchase computer equipment if the estimated unit cost exceeds \$500.

Requires any recovered overpayments of transportation reimbursements to school districts and the state charter school institute to be credited to the public school transportation fund.

Eliminates the national credential fund and instead authorizes the general assembly to appropriate moneys for national credential fee assistance from the state education fund directly to the department.

Narrows the facility summer school grant program to focus on reading, writing, or math. Eliminates the facility summer school grant program fund and instead requires the general assembly to appropriate state education fund moneys directly to the summer school

grant program.

Amends the "Colorado Preschool Program Act" as follows:

- Renames the program the "Colorado Preschool and Kindergarten Program Act" (CPKP).
- Expresses the general assembly's intent to fully fund the CPKP over the next 3 budget years.
- For the 2006-07 budget year and each budget year thereafter, allows a total of 14,360 children to participate annually in the CPKP statewide.
- For the 2006-07 budget year and each budget year thereafter, allows a school districts to apply to the department to serve up to 15% of the total number of children eligible to participate in the statewide CPKP through the full-day kindergarten portions of the districts' preschool and kindergarten programs.
- For the 2006-07 budget year and future budget years, allows school districts to apply to the department to serve up to 5% of the total number of children eligible to participate in the statewide CPKP through a full-day preschool portions of the districts' preschool and kindergarten programs.
- Encourages school districts to contract with head start agencies or child care agencies for the provision of district preschool and kindergarten programs.

Repeals the authority of school district boards of education to establish full-day kindergarten educational programs to serve students attending a school that receives an unsatisfactory academic performance rating.

Requires school district boards of education to adopt a policy to ensure the right of school district employees and students to display the United States flag. Adds the requirement to adopt a policy regarding the display of the United States flag as an accreditation indicator for school districts.

Makes the following appropriations in the 2005-06 and 2006-07 fiscal years for school capital construction:

- Appropriates \$19.25 million from the general fund to the school construction and renovation fund (fund) and \$5.75 million from the general fund to the school capital construction expenditures reserve (reserve) to fund public school capital construction.
 - Specifies that, of the \$19.25 million appropriated to the fund in the 2005-06 fiscal year, \$14.25 million shall be included in the calculation of the maximum level of state general fund appropriations in the 2005-06 fiscal year and \$5 million shall be a general fund appropriation that exceeds the limitation on state general fund appropriations in the 2005-06 fiscal year and is included in the calculation of the maximum level of state general fund appropriations in the following fiscal year.
 - Specifies that the \$5.75 million that is appropriated to the reserve in the 2005-06 fiscal year shall be included in the calculation of the maximum level of state general fund appropriations in the 2005-06 fiscal year.
- Specifies that for the 2006-07 fiscal year, the general assembly shall appropriate \$7.5 million to the fund and \$7.5 million to the reserve.
 - Specifies that the moneys appropriated to the fund and the reserve in

the 2006-07 fiscal year shall be included in the calculation of the maximum level of state general fund appropriations in the 2006-07 fiscal year.

Makes the following additional adjustment to the fiscal year 2005-06 long bill:

- Increases the general fund appropriation for special education programs for children with disabilities by \$20 million.

For the 2006-07 fiscal year, appropriates:

- \$65,804 from the general fund for administration of the CPKP.
- \$37,582 from the general fund for the special education fiscal advisory committee.
- \$283,377 from the general fund and \$1 million from the state education fund for declining enrollment district aid.
- \$1 million from the state education fund for the summer school grant program.
- \$500,000 from the state education fund for the facility summer school grant program.
- \$100,000 from the state education fund to the department for national credential fee assistance.
- \$3,816 from the general fund to the legislative department to fund per diem costs for the members of the task force.

Makes the following adjustments to the fiscal year 2006-07 general appropriations act:

- Increases the general fund appropriation for management and administration of the act by \$845,633, and decreases the cash funds exempt appropriation for management and administration of the act by the same amount.
- Increases the general fund appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding by \$4,931,217 for the 2000-slot increase in the CPKP, reflecting the elimination of the \$127,505 appropriation for the full-day kindergarten program for unsatisfactory schools.
- Increases the general fund appropriation for assistance to public schools, categorical programs, district programs required by statute, special education - children with disabilities, by \$25.72 million, including \$2 million for high cost grants.
- Decreases the appropriation for assistance to public schools, grant programs and other distributions, national credential fund by \$83,000. Said sum shall be from the state education fund.
- Decreases the appropriation for assistance to public schools, grant programs and other distributions, national credential fee assistance, by \$83,000. Said sum shall be from the national credential fund.
- Increases the state education fund appropriation for assistance to public schools, grant programs and other distribution, charter school capital construction, by \$2.8 million.

APPROVED by Governor April 28, 2006

EFFECTIVE April 28, 2006

H.B. 06-1396 School-based health centers - grant program - appropriation. Creates a grant program in the prevention services division ("division") of the department of public health and environment for the purpose of providing grants to school-based health centers. Directs that the grant program shall be funded by moneys annually appropriated by the general assembly. States that the grants may be awarded for the establishment and ongoing operations of school-based health centers; for expansion of primary health services, behavioral health services, or oral health services at existing centers; and for expansion of enrollment in the children's basic health plan. States that none of the grants shall be awarded to provide abortion services in violation of the state constitution. Directs the division to develop criteria for the grants in consultation with school-based health centers.

Appropriates \$500,000 and 0.7 FTE to the department of public health and environment for allocation to the division for the implementation of the act.

APPROVED by Governor June 2, 2006

EFFECTIVE July 1, 2006

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 06-31 Members of the armed forces and dependents - higher education programs on military bases - in-state tuition status - college opportunity fund stipend. Allows a member of the armed forces or a dependent of a member of the armed forces to receive in-state tuition status and a college opportunity fund stipend for a program offered on or after July 1, 2007, by an institution of higher education that has entered into a performance contract with the department of higher education pursuant to section 23-5-129, C.R.S., and that the eligible undergraduate student attends for credit on a military base.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

S.B. 06-32 Tuition - in-state status for dependents of members of the military. Clarifies the language concerning in-state status for dependents of members of the military.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-46 Pre-kindergarten - K-12 - higher education - legislative committee and special P-16 council - appropriation. Finds and declares the importance and necessity of a legislative oversight committee ("committee") to work with a special council ("P-16 council") to study education issues associated with pre-kindergarten through higher education. Creates a committee to oversee the work of the P-16 council. Specifies membership and identifies duties of the committee.

Creates the P-16 council to study the creation and implementation of an integrated system of education from pre-kindergarten through higher education. Specifies membership and identifies duties of the P-16 council, including issues to be studied.

Creates the P-16 cash fund.

For the 2006-07 fiscal year, appropriates from the general fund \$20,156 and 0.4 FTE to the legislative department for the implementation of the act.

VETOED by Governor May 26, 2006

S.B. 06-67 Mental health - suicide prevention - pilot program - repeal. Requires the Colorado commission on higher education to select, on or before July 1, 2007, one or more state institutions of higher education ("state institution") willing to participate in a suicide prevention pilot program. A selected state institution shall adopt a policy to distribute to and maintain a consent form for each student enrolled in the institution. The consent form shall allow the state institution to notify a contact person, as designated by the student, if a person who has been designated by the state institution has a reasonable belief that the student is considering suicide or may be a danger to himself or herself. Allows the student to sign, change, or revoke a consent form at any time. Provides specific immunity from liability for a state institution participating in the pilot program. Requires the Colorado commission on higher education to make a report to the education committees of the senate and house of representatives regarding the implementation of the act. Repeals the article July 1, 2010.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

S.B. 06-111 Health education curricula - cultural competency - task force - appropriation. Encourages Colorado institutions of higher education offering health education programs to include courses ensuring knowledge of cultural awareness and competence in their respective health service fields. Directs the department of public health and environment to lead a task force on cultural competence, composed of no more than 35 individuals selected by the department's executive director to represent health curriculum specialists from Colorado institutions of higher education, health-related licensing boards, statewide health-related professional associations, statewide religious and ethnic groups, and the department. Directs the task force to study and make recommendations by July 1, 2007, on specific course curricula for each health-related education field offered. Directs the department to issue an annual report card regarding existing and proposed cultural competency curricula. Requires health care-related entities within the division of registrations in the department of regulatory agencies to consider the task force's recommendations and to submit recommendations by July 1, 2008, concerning whether a cultural competency continuing education requirement should be adopted for health care licensees. Authorizes the use of tobacco settlement moneys for the task force.

Appropriates \$130,882 and 1.7 FTE to the department of public health and environment, for allocation to the administration and support division, for the implementation of the act.

VETOED by Governor May 26, 2006

S.B. 06-136 Nursing teacher loan forgiveness pilot program - fund - repeal - appropriation. Authorizes Collegeinvest to establish a nursing teacher loan forgiveness pilot program ("pilot program") for persons who teach courses in nursing at a Colorado public institution of higher education for a period of at least 5 consecutive academic years after receipt of an advanced degree. Specifies other required conditions for the loan forgiveness. Establishes the nursing teacher loan forgiveness fund ("fund"). Repeals the program effective July 1, 2018.

Appropriates \$161,600 from the general fund to the fund.

APPROVED by Governor June 1, 2006

EFFECTIVE June 1, 2006

S.B. 06-144 Instructors - health and dental insurance benefits - study - report. Requires the Colorado commission on higher education (commission) to conduct a study to determine the impact of providing health and dental insurance benefits to persons who are employed by one or more state colleges, universities, or community colleges (state institutions of higher education) and who teach an aggregate of 15 or more credit hours at one or more state institutions of higher education in a consecutive 12-month period (instructors).

In the course of conducting the study, directs the commission to determine the number of instructors who are employed by one or more state institutions of higher education and who are not eligible to enroll in health and dental insurance benefit plans provided through such institution, the number of instructors who are teaching at each institution, the cost of providing health and dental insurance benefits to instructors, and any other information deemed necessary by the commission.

Directs the commission to work with each state institution of higher education that employs instructors in order to collect the required information. In connection with the study, requires each institution to evaluate the options for and costs of including instructors in health and dental insurance benefit plans. Requires the commission to submit a report the general assembly detailing the results of the study no later than January 15, 2007.

APPROVED by Governor May 4, 2006

EFFECTIVE May 4, 2006

S.B. 06-152 Higher education - investments - Mesa state college - Colorado school of mines. Allows the treasurer of Mesa state college to be a member of the board of trustees for Mesa state college. If the board of trustees of Mesa state college or the Colorado school of mines votes to invest the college's assets, requires the respective board of trustees to establish an investment advisory committee consisting of at least 5 members to make recommendations to their respective boards of trustees regarding investments and to annually develop a written investment policy. Specifies persons who shall be included on the advisory committees. Expands the investment authority the respective boards of trustees may exercise on behalf of Mesa state college and the Colorado school of mines.

VETOED by Governor June 2, 2006

S.B. 06-203 Colorado commission on higher education - rulemaking. On and after the effective date of the act, requires all policies and amendments to existing policies adopted by the Colorado commission on higher education to be promulgated in accordance with the "State Administrative Procedure Act".

VETOED by Governor June 2, 2006

S.B. 06-204 Governing boards - appointments. Amends the statutes pertaining to each higher education governing board ("governing board") to require that:

- A member of the governing board who is appointed by the governor continue to serve until a successor is appointed and confirmed by the senate;
- No more than a majority of the governor-appointed members of a governing board be of the same political party; and
- The terms of the appointed members expire December 31 or the third calendar year following the calendar year in which the member is appointed and that the governor appoint a succeeding member on or before March 1 immediately following the expiration of the term.

Requires one of the nine governor-appointed members of the board of governors of the Colorado state university system ("CSU") to be a graduate of CSU.

States that it is the intent of the general assembly that the governor consider specified qualifications when appointing members to a governing board.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

S.B. 06-205 Colorado commission on higher education - qualifications - advisory committee membership. Requires that at least 2 members of the Colorado commission on higher education ("commission") have experience in the field of higher education. Requires the commission to establish a process whereby the governing boards of the state institutions of higher education on a rotating basis shall designate the nonlegislative members of the commission's advisory committee, and outlines the qualifications of the nonlegislative members.

VETOED by Governor June 2, 2006

S.B. 06-209 Higher education financing task force - analysis - recommendations - report - repeal. Creates a higher education financing task force to analyze and make recommendations regarding the system of financing for higher education in Colorado. Specifies the membership of the task force. Requires the private institution of higher education participating on the task force to make available to the task force the institution's financial records pertaining to the expenditures of public moneys.

Requires each state institution of higher education ("state institution") to have a program cost assessment completed by the national education finance organization selected by the task force to collect verifiable data regarding the actual cost to educate a student by specific academic disciplines, as well as varying costs of educating a student by academic level, at the state institution. Requires each state institution to submit the data collected from the completed cost analysis to the task force and the Colorado commission on higher education. Requires the task force to analyze the current levels of funding for undergraduate students and the financing structure for graduate level courses in relation to the costs necessary and appropriate to achieve the role and mission of each state institution. Specifies the topics for which recommendations shall be made to the general assembly. Contains a reporting requirement.

Repeals the task force, effective July 1, 2007.

VETOED by Governor May 26, 2006

H.B. 06-1024 Governing boards - report on underserved students - online textbook library. Requires the governing board of each institution of higher education ("state institution") to submit to the Colorado commission on higher education and the education committees of the senate and the house of representatives by September 1, 2006, a report regarding programs and services for underserved students. Urges each governing board of a state institution to consider the creation and implementation of an on-line textbook library at the state institution to allow students to purchase only those materials needed for the applicable course work.

APPROVED by Governor June 1, 2006

EFFECTIVE June 1, 2006

H.B. 06-1046 Private occupational schools - designated schools require fingerprint-based criminal history record check - data collection and confidentiality - fines - appropriation. Authorizes the private occupational school board ("board") to designate, by category of instruction, private occupational schools ("schools") that teach students under 16 years of age for which instructional staff or prospective instructional staff shall be required to submit

fingerprints for a criminal history record check prior to commencing or continuing employment in a designated school.

Requires all instructional staff or prospective instructional staff seeking to commence or continue employment at a designated school to submit a complete set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check. Allows the board to review the results of the fingerprint-based criminal history record check in assessing whether an instructional staff or prospective instructional staff person meets minimum standards of qualification.

Authorizes the board to prescribe uniform reporting policies and procedures for schools to obtain unit record data ("data"). Makes violation of the confidentiality of the data a class 1 misdemeanor, and requires the perpetrator to be removed or dismissed from public service.

Allows the board to promulgate rules and adopt procedures to establish, impose, and collect fines, in addition to requesting a temporary restraining order or an injunction, on entities that violate the provisions of statutes or rules relating to private occupational schools. Requires the board to consider any pattern of noncompliance when assessing penalties.

For fiscal year 2006-07, appropriates out of the private occupational schools fund to the department of higher education, division of private occupational schools, the sum of \$10,957 and transfers to the department of law the sum of \$10,957 and 0.1 FTE for the provision of legal services to the division of private occupational schools related to this act.

APPROVED by Governor May 17, 2006

EFFECTIVE May 17, 2006

H.B. 06-1093 Colorado northwestern community college - ballot question - mill levy - Moffat county affiliated junior college district. Creates a ballot question to be submitted to the voters of the Moffat county affiliated junior college district to determine whether to extend indefinitely the mill levy and the Moffat county affiliated junior college district for Colorado northwestern community college. Allows the ballot question to be proposed in up to 3 successive elections if initially rejected. Allows the state board for community colleges and occupational education to dispose of aircraft or equipment used by the Colorado northwestern community college in its aviation-related programs, with any proceeds from the disposal used to benefit Colorado northwestern community college.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1260 Student loan division - director and name - Collegeinvest bond limit - sale of assets. Specifies that the director of collegeinvest shall be the director of the student loan division in the department of higher education ("division"). Repeals the advisory committee on student loans. Specifies that the division shall be an enterprise so long as it meets the requirements of section 20 of article X of the state constitution. Changes the name of the student loan program to the Colorado student loan program.

Increases the limit on the amount of outstanding bonds of collegeinvest to \$2 billion. Provides that if the collegeinvest authority sells or transfers all or a substantial portion of its responsibilities, the proceeds of the sale or transfer are subject to appropriation by the

general assembly.

APPROVED by Governor April 18, 2006

EFFECTIVE July 1, 2006

H.B. 06-1269 Nursing faculty - fellowship program. Creates a nursing faculty fellowship program ("program") to fund qualified nursing faculty positions at schools of nursing in Colorado. Under the program, provides for an annual payment of up to \$10,000 for up to 3 years for a qualified position in a nursing school, subject to available gifts, grants, and donations. Authorizes the Colorado commission on higher education ("commission") to implement and administer the program beginning in the fall semester of the 2007-08 academic year, subject to available gifts, grants, and donations. Establishes a fund to receive gifts, grants, and donations. Directs the commission to prepare an annual report concerning implementation of the program.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

H.B. 06-1285 Tuition - accountable student program - health sciences professions. Creates an accountable student program ("program") for students in a university of Colorado at Denver and health sciences center professional health care program ("health care program"). The program requires students who, at the time of admission, will not be receiving any funding from the state to participate in the program and to sign an agreement to pay a special support fee to reimburse the state for costs incurred through participating in the health care program. Mandates that the special support fee not be reduced or waived regardless of any future determination of in-state tuition status for the student. Requires a student who participates in the program and subsequently leaves the university of Colorado at Denver for reasons other than a medical disability to repay the difference between the amount paid for the special support fee and the amount of tuition that would have been otherwise assessed.

APPROVED by Governor April 18, 2006

EFFECTIVE August 7, 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. 06-1317 Energy report. Directs the Colorado energy research institute and the energy and environmental security initiative at the school of law of the university of Colorado to annually create a Colorado energy profile containing up-to-date statistical energy information relating to Colorado.

Appropriates \$316,000 and 4.0 FTE from the operational account of the severance tax trust fund to the department of higher education for the implementation of the act.

VETOED by Governor June 2, 2006

H.B. 06-1336 Uniform athlete agents act - regulation - appropriations. Adopts the "Uniform Athlete Agents Act" for the uniform registration of sports agents (athlete agents) seeking to represent student athletes who are or may be eligible to participate in

intercollegiate sports with respect to commercial endorsement contracts or contracts to become professional athletes (agency contracts).

Requires athlete agents to register with the division of registrations in the department of regulatory agencies within 7 days after contact with a student athlete in this state. Requires athlete agents to disclose certain information in order to be registered. Provides for reciprocal registration with other states that have adopted the uniform act. Requires a nonresident athlete agent to maintain a registered agent in the state to receive service of process.

Imposes certain requirements and disclosures to be given to student athletes in an agency contract, including the amount and method of calculating the athlete agent's compensation, the name of any unregistered person receiving compensation because the student athlete signed the agreement, a description of reimbursable expenses and services to be provided, and warnings disclosing the cancellation and notice requirements under the uniform act. Gives student athletes a statutory right to cancel an agency contract within 14 days after the agency contract is signed without penalty.

Requires the athlete agent in addition to the student athlete to give notice of an agency contract made with an athlete agent to the athletic director of the affected educational institution within 72 hours after signing the agency contract or before the student athlete's next scheduled athletic event, whichever occurs first.

Gives the educational institution a statutory right of action against an athlete agent or former student athlete for damages, including losses and expenses incurred as a result of the educational institution being penalized, disqualified, or suspended from participation by an athletics association or conference or as a result of reasonable self-imposed disciplinary actions taken to mitigate sanctions. Allows for the recovery of costs and reasonable attorney fees to the prevailing party.

Prohibits an athlete agent from:

- Providing materially false or misleading information or making a materially false promise or representation with the intent of inducing a student athlete to enter into an agency contract;
- Furnishing anything of value to a student athlete or another person before the student athlete enters into the agency contract;
- Violating certain registration requirements.

Makes such violations a class 1 misdemeanor for a first offense and a class 6 felony for a second or subsequent offense. Authorizes the court, upon motion of the attorney general or the district attorney, to impose a civil penalty of not more than \$25,000 for violations of the uniform act.

For the fiscal year beginning July 1, 2006, appropriates:

- \$1,289 from the division of registrations cash fund to the department of regulatory agencies for the implementation of the act;
- \$43,397 and 0.5 FTE out of the division of registrations cash fund to the department of regulatory agencies for the implementation of the act;
- \$1,289 to the department of law for the provision of legal services to the department of regulatory agencies. Specifies that such sum shall be from cash

funds exempt received from the department of regulatory agencies out of the appropriation made to the department of regulatory agencies by the act.

VETOED by Governor May 26, 2006

H.B. 06-1360 Bioscience research - grant program - appropriation. Creates in the Colorado office of economic development ("office") the bioscience discovery evaluation grant program ("program") for the purpose of improving and expanding the evaluation of new bioscience discoveries at research institutions. Requires the office to administer the program and the director of the office to consult with a Colorado bioscience membership organization in the implementation of the program.

Specifies that the program shall provide grants to offices of technology transfer affiliated with state research institutions. Specifies the eligibility criteria for the program and reporting requirements for both the grantees and the office. Creates the bioscience discovery evaluation cash fund ("cash fund") for the costs associated with implementing and administering the program.

For the 2005-06 fiscal year, transfers \$2,000,000 of the general fund portion of limited gaming fund moneys to the cash fund. For the 2006-07 fiscal year, appropriates \$2,000,000 from the cash fund to the office of the governor for allocation to the office for implement of the act.

APPROVED by Governor June 5, 2006

EFFECTIVE June 5, 2006

H.B. 06-1399 College opportunity fund - spending authority. If there are moneys remaining in the college opportunity fund after the last academic term of a state fiscal year, allows a governing board of an institution of higher education ("governing board") to expend up to 3% of the amount originally authorized as stipends received on behalf of eligible undergraduate students for postsecondary educational services purchased by the department of higher education ("department") through fee-for-service contracts. Authorizes the department to transfer general fund spending authority from stipends to fee-for-service contracts in an equivalent amount to fulfill its fee-for-service contract obligations.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

ELECTIONS

S.B. 06-62 Absent uniformed services electors - overseas electors - voting by electronic means. Directs the secretary of state to promulgate rules that specify the procedures by which an absent uniformed services elector, a nonresident overseas elector, or a resident overseas elector may receive and return an absentee ballot by electronic means. Defines "electronic means" as facsimile transmission, but authorizes the secretary of state to establish procedures by which an absent uniformed services elector may vote by electronic mail when another more secure voting method is not available or feasible.

APPROVED by Governor April 24, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-170 Voter registration - identification - certification of election officials - voter registration drives - vote centers - reimbursement of election costs - voting accuracy and security procedures - election judges - electronic provisional ballots - reporting returns by precinct - electioneering at polling place - county home rule charter elections - appropriation. Requires a person registering to vote in person or by mail to provide a Colorado driver's license or state-issued identification card number if the person has a driver's license or identification card. Requires a person registering to vote who does not have a driver's license or identification card to state that he or she does not have these documents and to provide the last four digits of his or her social security number. Requires a person registering to vote who does not have a social security number to state that he or she does not have a social security number. States that the voter registration form shall contain a statement that:

- A person registering to vote must comply with the requirement to provide a driver's license, identification card, or social security number;
- A person who is qualified to vote in the state but does not have a driver's license, identification card, or social security number may still register to vote; and
- The secretary of state will assign an identifying number to a person who does not have a driver's license, identification card, or social security number for voter registration purposes.

States that the county clerk and recorder shall not register a person who does not comply with the requirements to answer questions about the person's eligibility to vote and to provide a driver's license, identification card, or social security number if the person has such a number.

Requires a person registering to vote by mail who is registering to vote for the first time in the county, or in the state if the statewide voter registration system is operating, to:

- Submit with the registration form a copy of identification, the person's driver's license, or the last 4 digits of the person's social security number; or
- Submit a copy of identification with the person's mail ballot or absentee ballot.

Increases the time for an election official to complete certification requirements from one to 2 years.

Increases the amount of time a voter registration drive organizer has to deliver a voter registration application collected from a person to the proper county clerk and recorder from 5 to 7 business days; except that an application signed less than 30 days before the registration deadline shall be delivered within 5 business days. Creates separate criminal penalties for negligent and intentional failure by a voter registration drive organizer to deliver a voter registration application to the proper county clerk and recorder by the deadline. Reduces the amount of the civil penalty for negligently failing to deliver a voter registration application from \$500 to \$50 for each business day of violation. States that a voter registration drive organizer that has been fined 3 times or more for negligent failure to deliver a voter registration application to the proper county clerk and recorder is guilty of a misdemeanor punishable by a fine of up to \$1,000 or one year in prison, or both. States that a voter registration drive organizer that intentionally fails to deliver a voter registration application to the proper county clerk and recorder is guilty of a class 1 misdemeanor punishable by a fine of \$500 to \$5,000 or 6 to 18 months in prison, or both.

Requires a designated election official to determine the number, location, and manner of operation of vote centers after a public comment period of at least 15 days and a public hearing. Directs the secretary of state to adopt guidelines for the number, location, and manner of operation of vote centers. Extends the date after which a county using vote centers must report election results by precinct from January 1, 2006, to January 1, 2008.

Increases the amount that the state reimburses counties for the cost of conducting elections in which a state ballot issue or state ballot question is on the ballot from 45¢ to 80¢ per active registered elector in counties with 10,000 or fewer active registered electors and from 35¢ to 70¢ per active registered elector in counties with more than 10,000 active registered electors.

Requires a designated election official to submit procedures to ensure voting accuracy and security to the secretary of state for review. Directs the secretary of state to notify the designated election official of the approval or disapproval of the procedures within 15 days.

Allows a state employee to take administrative leave with pay in order to serve as an election judge, without additional compensation for service as an election judge, unless the employee's supervisor determines that the employee's attendance at work on election day is essential.

Allows for the use of an electronic voting device to cast a provisional ballot if the device is certified by the secretary of state for that purpose. Gives the designated election official discretion to determine whether electors casting provisional ballots shall use the electronic voting device or paper provisional ballots.

Clarifies that when an elector casts a provisional ballot at a polling place outside the precinct where the elector is registered to vote, the elector's votes for federal and statewide offices for which the elector is eligible to vote shall be counted.

Beginning with the 2008 general election, requires that early and absentee voting results be reported by precinct, unless fewer than 10 early and absentee votes were cast and counted in any precinct within a political subdivision.

States that a respectful display of the American flag is not electioneering for purposes of the prohibition on electioneering within 100 feet of a polling place on election day.

Deletes the provision stating that an appropriation of moneys from the department of state cash fund or the general fund to reimburse county clerk and recorders for costs related to conducting elections shall not be used in calculating the fees of the department.

States that if a coordinated or general election is to be held within 60 days after a board of county commissioners receives a proposed county home rule charter, the special election on the adoption of the charter shall be held as part of the coordinated or general election.

Appropriates \$814,534 from the department of state cash fund to the department for implementation of the act.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

S.B. 06-228 Scientific and cultural facilities district - reasonable costs related to a coordinated election. Permits the scientific and cultural facilities district (district) to deduct an amount necessary to pay the district's actual or anticipated reasonable costs related to a coordinated election from its sales and use tax collections prior to making the program-related distributions currently required by law. Limits the amount that the district is required to pay a county or a city and county for its share of a coordinated election to the district's reasonable costs related to a coordinated election.

Defines the term "reasonable costs related to a coordinated election" to mean the amount that the district owes a county or a city and county for the district's share of the costs of a coordinated election, subject to the limitation that such amount shall not exceed the total county or city and county election costs multiplied by 1/2 of the sum of the weighted population and weighted ballot averages.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

H.B. 06-1012 Absentee ballots. Permits an eligible elector who wishes to receive an absentee ballot by mail to apply for the absentee ballot no later than the close of business on the 7th day before the election, instead of the 11th day as currently required by law.

Clarifies that the self-affirmation on a return envelope shall be categorized as incorrect and a ballot shall not count if, after receiving notice that the signatures on an absentee ballot do not match signatures on file, the eligible elector fails to enclose a copy of his or her identification along with a confirmation form.

Permits an eligible elector who receives an emergency absentee ballot by electronic transfer to return the ballot in the same manner. Establishes procedures and requirements for ballots received in this manner.

APPROVED by Governor March 6, 2006

EFFECTIVE July 1, 2006

H.B. 06-1051 Recall elections - petitions - resignation - date of election - absentee ballots - nomination of successor - canvass of votes. Lengthens the time after the initial filing of a recall petition in which the designated election official must notify the committee circulating a recall petition and the incumbent of the sufficiency or insufficiency of a petition

to 30 working days after the petition is filed.

Clarifies that the designated election official must mail a copy of a protest to a recall petition and a notice of hearing on the protest to the recall committee within 24 hours after a written protest has been filed. Increases the time following the filing of a recall petition that a protest hearing must be concluded to 55 days after the petition is filed.

Specifies that for an officer whose recall is sought that offers a resignation, the recall election shall not be called if the officer offers a resignation prior to the date on which the sufficiency of the recall petition has been sustained.

Changes when a governing body must set a recall election to not less than 30 nor more than 60 days after the time for filing a protest has passed and all protests have been decided. Modifies when a recall election must be held as part of a general election by specifying that the recall election shall be held as part of either a general or coordinated election if the general or coordinated election is held not less than 50 nor more than 90 days after the time for filing a protest and all protests have been finally decided.

Reduces the time that absentee ballots are available before a recall election to 25 days before the election.

Specifies that nomination petitions for candidates to succeed the officer being recalled may be submitted for approval to the designated election official at any time after the recall petition form has been approved. Authorizes candidates to begin circulating the nomination petition upon approval of the petition by the designated election official.

Increases the time that the canvass board has to complete an abstract of votes to the 17th day following a recall election. Extends the time for sending or delivering the certified abstract of votes cast to the secretary of state or governing body to no later than the close of business on the 18th day after the recall election.

Makes the act contingent on the approval by the voters of Senate Concurrent Resolution 05-005.

APPROVED by Governor April 13, 2006

EFFECTIVE JULY 1, 2007

Note: Senate Concurrent Resolution 05-005, enacted at the First Regular Session of the Sixty-fifth General Assembly, will be voted on by the people at the general election in November 2006.

H.B. 06-1142 Student election judges - compensation. Authorizes a county clerk and recorder or designated election official, in their discretion, to pay student election judges the same compensation received by an election judge, but, in any case, not less than 75% of the compensation received by an election judge for service provided as an election judge.

APPROVED by Governor March 17, 2006

EFFECTIVE July 1, 2006

H.B. 06-1191 Recounts required - multiple candidates to be elected in contest. For elections in which there is more than one person to be elected, requires a recount if the difference between the votes cast for the candidate who won the election with the least votes

and the candidate who lost the election with the most votes is less than or equal to one-half of one percent of the votes cast for the candidate who won the election with the least votes.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 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. 06-1198 Provisional ballots cast outside county of residence. Clarifies that when a voter casts a provisional ballot in a county other than the voter's county of residence, the ballot shall not be counted, unless:

- The voter moved from one county in the state to another county before the close of registration but failed to register to vote in the new county, in which case the voter may complete an emergency registration form or cast a provisional ballot in the new county of residence; or
- The voter moved from one county in the state to another county after the close of registration and does not vote in the county where registered, in which case the voter may cast a provisional ballot in the new county of residence and the voter's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 2006

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

FINANCIAL INSTITUTIONS

H.B. 06-1042 Banking. Repeals certain provisions of the "Bank Electronic Funds Act", except for provisions pertaining to consumer protection.

APPROVED by Governor March 13, 2006

EFFECTIVE August 7, 2006

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

GENERAL ASSEMBLY

S.B. 06-33 Obsolete statutes - repeal or amendment. Repeals or amends outdated provisions in the Colorado Revised Statutes.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-48 Dynamic model - legislative council - reestablishment. Reestablishes the pilot program for the director of research of the legislative council to use a dynamic model to analyze the economic impact of bills that make a tax policy change if the director receives \$120,000 in gifts, grants, or donations. Allows the dynamic model to be used during the first regular session that it is ready. Eliminates the express statutory authority to use moneys from the capital construction fund to implement the pilot program.

APPROVED by Governor June 2, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-51 Incumbents in or candidates elected to statewide elected office - prohibition on acceptance of monetary and in-kind gifts - reporting of gifts, honoraria, and other benefits - criminal penalties. Prohibits each incumbent in or candidate elected to statewide elected office from knowingly receiving or accepting from any other person, in connection with the public service of the incumbent or elected candidate, a gift of any money, including but not limited to a loan, pledge, or advance of money, a guarantee of a loan of money, or any monetary payment given, directly or indirectly, for the purpose of defraying any expenses related to the official duties undertaken by the incumbent or elected candidate as well as an in-kind gift, the receipt or acceptance of which is currently permitted as long as it is reported under the Colorado sunshine law.

Defines an "in-kind gift" to mean any gift of equipment, goods, supplies, property, services, or anything else, the value of which exceeds \$50 in the aggregate in any one calendar year, given, directly or indirectly, to an incumbent in or candidate elected to statewide elected office for the purpose of defraying any expenses related to the official duties undertaken by the incumbent or elected candidate.

Specifies that nothing in the act is to be construed to prohibit an incumbent in or candidate elected to statewide elected office from receiving a salary or other compensation paid to the incumbent or elected candidate in connection with the performance of his or her official duties, including payment for honoraria or payment of or reimbursement for travel expenditures as provided by law, including scholarships for conferences.

Extends the existing criminal penalties applicable to a violation of statutory provisions requiring the reporting of gifts and other benefits received by an incumbent in or candidate elected to statewide elected office to include a violation of the prohibition on monetary or in-kind gifts to an incumbent or elected candidate.

Requires each incumbent in or candidate elected to statewide elected office who receives gifts or honoraria to file reports disclosing the receipt of such gifts on a quarterly basis instead of on an annual basis.

Prohibits an incumbent in or candidate elected to statewide elected office from accepting a gift of any money from any person who is a professional or volunteer lobbyist or from a corporation or labor organization.

BECAME LAW June 8, 2006

EFFECTIVE July 1, 2006

S.B. 06-56 Capital development priority - joint budget committee changes - notification - joint meeting. If the joint budget committee ("JBC") changes the priority of capital construction projects established by the capital development committee ("CDC"), requires the JBC to notify the CDC and allow for a joint meeting of the 2 committees.

Specifies that, if the article authorizing the CDC is repealed, the JBC shall make determinations of priority with regard to capital construction projects.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-79 Post-enactment review of legislation implementation - limitations. Requires legislative service agencies to conduct a post-enactment review of the implementation of any bill enacted after January 1, 2006, that becomes law and contains an accountability clause and a legislative declaration setting forth the desired results or benefits to be achieved by the bill, as intended by the general assembly. Specifies what shall be determined by the legislative service agencies as a result of a post-enactment review.

Specifies the time within which a post-enactment review shall be completed and within which the legislative service agencies shall report their findings. Requires all officers, departments, agencies, and offices of the state, or of any political subdivision of the state, that is responsible for or involved in the implementation of a bill subject to post-enactment review to cooperate with and provide all information requested by legislative service agencies for purposes of conducting such a post-enactment review. Authorizes the adoption of legislative rules to implement accountability clauses and post-enactment reviews of the implementation of bills by legislative service agencies.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 2006

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

GOVERNMENT - COUNTY

S.B. 06-52 County sales or use tax - incremental exemption from statutory limitation for county-owned open space and parks. States that any increment of sales tax or use tax imposed by any county for the specific purposes of funding the acquisition or management of open space and parks within such county shall be exempt from the statutory limitation on the total amount of sales tax or use tax that may be imposed by the state, any county, and any city or town.

Specifies that in no case shall such additional increment of sales tax or use tax exceed a rate of one-half of one percent, and that the duration of the additional increment shall not exceed 20 years from voter approval.

Requires each county to specify in ballot language what percentage of total revenue generated will be used for the management of open space and parks. Specifies that the percentage shall not exceed 30% of total revenue generated from the additional increment. Also specifies that the funding for management shall be solely used to manage open space and parks acquired with the additional increment.

Specifies that the county may only impose an additional increment of sales tax or use tax after voter approval from eligible electors in the county.

VETOED by Governor May 4, 2006

S.B. 06-53 County authority to remove overgrown vegetation - expansion in lot size. Expands the size of the residential lot for which county governments are authorized to provide for and compel the removal of weeds and brush from one to 2 1/2 acres or less.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-74 Zoning and building codes - enforcement - civil penalties - liens - attorney fees. In connection with the enforcement of requirements arising under county zoning and building codes:

- Shortens the time from 30 days to 10 days within which a potential violator of county zoning or building code requirements is able to cure a violation before a summons and complaint is issued to the violator.
- Increases the amount of the civil penalties that may be levied for zoning or building code violations to not less than \$500 and not more than \$1000.
- Increases the amount of the additional penalty that may be levied for the continuation of a violation after issuance of a court order levying the original penalty to \$100.
- States that any assessment levied for violation of a county zoning or building code violation shall be a lien against the property on which the violation has been found to exist until paid. Requires that, in case the assessment is not paid within 30 days, it may be certified by the county attorney to the county

treasurer, who shall collect the assessment, together with a 10% penalty for the cost of collection, in the same manner as other taxes are collected. Requires any lien placed against the property to be recorded with the county clerk and recorder.

- Authorizes a county zoning official or building inspector to issue a summons and complaint to the violator instead of requesting the county sheriff or county attorney to issue the summons and complaint.
- In connection with a county court action for a zoning or building code violation, authorizes the county attorney to request that an action for zoning code enforcement be dismissed where, among other things, the violator has notified the zoning or building inspector of the cure or removal of the violation within a specified time.
- In connection with a county court action for a zoning or building code violation, authorizes the court to dismiss the action, where among other things, the county attorney files a motion indicating that the matter has been otherwise resolved.

Expands the list of matters to which statutory provisions granting courts the authority to impose attorney fees are inapplicable to include matters involving violations of local government ordinances and resolutions.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

H.B. 06-1009 Property tax - penalty for delinquent payment - increase in amount county treasurer may refrain from collecting. Increases the limit to \$50 on the amount of money to be collected as a penalty, interest, or costs for delinquent property tax payments that the county treasurer is authorized to refrain from collecting.

APPROVED by Governor March 13, 2006

EFFECTIVE March 13, 2006

H.B. 06-1087 Category - salaries of officers - Montezuma county. Changes the classification of Montezuma county from category 4 to category 3 for purposes of fixing the salaries of county officers.

Specifies that the act shall not take effect if House Bill 06-1295 is enacted and becomes law.

APPROVED by Governor April 6, 2006

EFFECTIVE

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 06-1295 became law on April 14, 2006.

H.B. 06-1181 Sheriffs - power to revoke appointment of deputy - personnel policy - liability. Limits the power of a county sheriff to revoke the appointment of a deputy at will by requiring a sheriff to adopt personnel policies for the review of revocation of appointments and by giving a deputy the right to prior notice of the reason for a proposed revocation of an appointment and an opportunity to be heard by the sheriff.

Repeals the provision under which:

- The sheriff and the sheriff's sureties are responsible for the acts of the undersheriff and deputies;
- Any default or misconduct by a deputy or jailer after the death, resignation, or removal of a sheriff is a breach of the sheriff's bond;
- An action for default or misconduct of a sheriff, undersheriff, jailer, or deputy may be prosecuted against the executors or administrators of the sheriff;
- A sheriff is subject to an action for damages for default or misconduct in relation to a writ of process delivered to the sheriff for execution;
- A sheriff and the sheriff's sureties are liable for the acts of a deputy or jailer with respect to the county jails and the supervision of prisoners in the jails; and
- An appointment of an undersheriff or deputy and the revocation of such an appointment shall be in writing and filed with the county clerk and recorder.

BECAME LAW March 28, 2006

EFFECTIVE August 7, 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. 06-1242 Clerk and recorder filing surcharge - extension - expansion of uses. Changes the expiration of the one dollar recording or filing surcharge collected by a county clerk and recorder from June 30, 2007, to June 30, 2012. Expands how a county clerk and recorder may use the proceeds of the surcharge.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 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. 06-1287 Public fund investments. Clarifies maturity periods and reorganizes the requirements related to the investment of public funds in the following securities:

- Treasury securities;
- Securities issued, fully guaranteed by, or for which the full credit of a specified entity or organization is pledged;
- Any security that is a general obligation of any state of the U.S., D.C., or any territorial possession of the U.S. or of any political subdivision, institution, department, agency, instrumentality, or authority of any of such governmental entities;
- Any security that is a revenue obligation of any state of the U.S., D.C., or any territorial possession of the U.S. or of any political subdivision, institution, department, agency, instrumentality, or authority of any of such governmental entities;
- Repurchase agreements;
- Reverse repurchase agreements;
- Securities lending agreements;
- Money market funds;
- Guaranteed investment contracts, guaranteed interest contracts, annuity contracts, or funding agreements; and

- Corporate and bank securities.

Specifies that public entities shall adopt criteria for designating eligible broker-dealers for the purchase of term securities, except for bond proceed investments. Updates broker-dealer liability provisions for illegal securities and authority of public trustees of counties to establish and manage specified accounts. Clarifies that public funds do not include funds invested by the public employees' retirement association and also do not include trusts managed on behalf of the board of education of a school district coterminous with a city and county for the benefit of a retiree's health insurance and teacher compensation. Specifies that a trust for the benefit of a teacher compensation system in a school district coterminous with a city and county shall manage and invest the funds and assets held in trust in accordance with the "Colorado Uniform Prudent Investor Act".

APPROVED by Governor April 24, 2006

EFFECTIVE August 7, 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. 06-1295 Salaries of county officers. Increases the salaries of county commissioners, sheriffs, treasurers, assessors, clerk and recorders, and coroners in counties of each category. Sets the salary of county surveyors in counties of each category, and allows a board of county commissioners to pay additional compensation to a surveyor for services in addition to the surveyor's official duties.

Creates a new category VI for the purpose of setting the salaries of county officers. Places Dolores, Jackson, Kiowa, Mineral, and Sedgwick counties in category VI.

BECAME LAW April 14, 2006

EFFECTIVE August 7, 2006

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

GOVERNMENT - LOCAL

S.B. 06-90 Illegal immigration - "sanctuary" policies - local cooperation with federal immigration officials - prohibited ordinances and policies - required reporting of illegal immigrant status. Prohibits a local government from passing any ordinance or policy that would limit or prohibit a peace officer, local official, or local government employee from communicating or cooperating with federal officials with regard to the immigration status of a person within the state.

Requires a peace officer who has probable cause to believe that an arrestee for a criminal offense is not legally present in the United States to report the person to the federal immigration and customs enforcement office if the arrestee is not held at a detention facility. If the arrestee is held at a detention facility and the county sheriff reasonably believes that the arrestee is not legally present in the United States, requires the sheriff to report the arrestee to the federal immigration and customs enforcement office. Exempts arrestees who are arrested for a suspected act of domestic violence.

Requires each local government to provide notice to peace officers of the duty to report and to provide written confirmation of such notice and reporting statistics to the general assembly. Prohibits a local government that violates this provision from receiving any grants administered by the department of local affairs.

APPROVED by Governor May 1, 2006

EFFECTIVE May 1, 2006

S.B. 06-95 Special district elections - limitations on transfer of property rights for purpose of qualifying electors. Prohibits any person from knowingly taking or placing title to taxable property in the name of another or entering into a contract to purchase or sell taxable property for the purpose of attempting to qualify such person as an eligible elector at any special district election or from aiding or assisting any person to do so. Makes void any ballot cast in violation of the act as determined in an election contest.

Specifies the limited circumstances in which a person may take or place title to taxable property in the name of another or enter into a contract to purchase or sell taxable property for the purpose of attempting to qualify such person as an eligible elector for a special district election.

Specifies that the incidental qualification of the spouse of a person as an eligible elector shall not constitute a qualification of more than the number of voters necessary to be eligible electors.

Specifies that it shall not constitute a violation of the act for a person to take or place title to taxable property in the name of another or to enter into a contract to purchase or sell taxable property in substitution of property acquired in accordance with the act.

Specifies that any person who is an eligible elector as of July 1, 2006, or who has been qualified as an eligible elector under the act shall remain qualified as an eligible elector until such time as the person ceases to meet the applicable qualifications.

Specifies that any person elected to a board whose qualification as an eligible elector is not challenged and overturned shall not be subject to further challenge based upon qualification as a property owner under the act for the remainder of the person's term in

office.

APPROVED by Governor March 29, 2006

EFFECTIVE March 29, 2006

S.B. 06-145 Local government - fee authority - reimbursement - unreimbursed medicaid costs. Authorizes a local government to charge a fee on the gross or net revenue of certain medical providers located within its territorial boundaries for the purposes of obtaining federal financial participation under the state's medicaid program to reimburse providers for unreimbursed medicaid costs. Subject to federal medicaid regulations, authorizes a local government, in any given year, to elect to not assess the fee imposed on certain medical providers and not make the reimbursements to the providers for that year. Requires the local government to certify to the department of health care policy and financing ("department") the amount paid to qualified providers for unreimbursed medicaid costs, which shall include the distribution of the fee collected. Requires the local government to pay qualified providers within the local government's territorial boundaries consistent with the department's calculation of the unreimbursed medicaid costs for the qualified providers within that territorial boundary.

Requires the department to amend the state medicaid plan, effective July 1, 2006, for the purpose of paying for unreimbursed medicaid costs incurred by qualified providers. Requires the medical services board to define unreimbursed medicaid costs by rule. Requires the department to distribute to a local government that has certified payment to qualified providers the federal financial participation received for eligible unreimbursed medicaid costs of the qualified providers within the local government's territorial boundaries.

BECAME LAW May 5, 2006

EFFECTIVE May 5, 2006

S.B. 06-148 Community policing program - local community policing plans - grant applications - division of criminal justice - administration of grants - funding. Creates the Colorado community policing program (program) in the division of criminal justice (division) for the purpose of providing grants to local law enforcement agencies to implement community policing plans designed to reduce or prevent crime in communities and at-risk neighborhoods.

Authorizes the division to administer the program and to establish procedures for the submittal of grant applications by local law enforcement agencies seeking to implement a community policing plan or to continue the operation of an existing program. Requires a local law enforcement agency to apply to the division in order to be eligible for a grant from the community policing program cash fund and for the application to include a plan that meets the criteria developed by the division. Specifies certain community policing activities a plan may include.

Directs the division to select those local law enforcement agencies that will receive grants through the program and the amount of each grant. Creates the community policing program cash fund. Authorizes the division to accept grants, gifts, or donations from any private or public source for purposes of implementing the program.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-154 Eminent domain - entities, individuals, and corporations authorized to use. Without making any substantive changes to the law of eminent domain, cross-references in a single statutory section various statutory provisions and a constitutional provision that pertain to the power of eminent domain in order to help Coloradans to more easily determine whether any given governmental entity, corporation, or person may exercise the power of eminent domain and identify the procedural requirements that the entity, corporation, or person must follow in exercising the power of eminent domain.

APPROVED by Governor April 6, 2006

EFFECTIVE August 7, 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. 06-1143 Election employees and election judges - criminal history records check. Requires a county clerk and recorder to request criminal history records from the public website maintained by the Colorado bureau of investigation for county employees who staff a vote counting center and who have access to voting systems or equipment. Requires the request to be made annually prior to the first election of the year. Authorizes a clerk and recorder, in his or her discretion, to request the criminal history records of an election judge. Allows a clerk and recorder that does not have access to a credit card to request that the county sheriff access the criminal records.

APPROVED by Governor March 27, 2006

EFFECTIVE March 27, 2006

H.B. 06-1159 Municipal annexation of enclaves - annexation transition committee - intergovernmental agreements pertaining to annexation. In the case of an enclave the population of which exceeds 100 persons according to the most recent United States census and that contains more than 50 acres, prohibits the enclave from being annexed unless the governing body of the annexing municipality has:

- Created an annexation transition committee (committee) composed of 9 members, 5 of whom shall reside, operate a business, or own real property within the enclave, 2 of whom shall represent the annexing municipality, and 2 of whom shall represent one or more counties in which the enclave is situated; and
- Published notice of the creation and existence of the committee, together with appropriate contact information, in the same manner as provided by current law for notices of annexation petitions and resolutions initiating annexation proceedings.

Specifies the following duties of the committee:

- To serve as a means of communication between or among the annexing municipality, one or more counties within which the enclave is situated, and the persons who reside, operate a business, or own real property within the enclave regarding any public meetings on the proposed annexation; and
- To provide a mechanism by which persons who reside, operate a business, or own real property within the enclave may communicate with the annexing municipality or any counties within which the enclave is situated regarding the

proposed annexation.

Requires any municipality that has entered into an intergovernmental agreement that addresses issues pertaining to the annexation of enclaves to promptly record the agreement with the clerk and recorder of any county within which any land area addressed in the agreement is situated.

APPROVED by Governor May 25, 2006

EFFECTIVE September 1, 2006

GOVERNMENT - MUNICIPAL

S.B. 06-39 Fire and police pension association - defined benefit system - partial entry procedure. Allows an employer to apply to the board of directors of the fire and police pension association for coverage under the statewide hybrid plan or statewide defined benefit plan (defined benefit system) for some, but not all, of the members of a local money purchase plan or the statewide money purchase plan. Creates this partial entry procedure as an alternative to the existing procedure for entry into the defined benefit system of the members of a local money purchase plan or the statewide money purchase plan, which requires approval by 65% of all active members employed by an employer. Clarifies that the partial entry procedure does not waive or invalidate the requirement for an election of members that may be required by a local plan document, trust agreement, or labor agreement.

Under the partial entry procedure, establishes that the active members of a local money purchase plan or the statewide money purchase plan that choose to be part of the defined benefit system will be covered under the defined benefit system, as well as all future eligible employees. In the case of entry that is approved by 65% of all active members employed by an employer, clarifies that all future employees hired after the effective date of coverage under the defined benefit system will become participants in the defined benefit system. Makes conforming changes to the application certification process for employers and to the authority of the board to promulgate rules.

BECAME LAW April 4, 2006

EFFECTIVE August 7, 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. 06-1059 Fire and police pension association - administrative provisions - relocation and modification. Specifies that moneys held in a volunteer firefighter pension fund are held in trust for the exclusive use and benefit of members and other beneficiaries.

Provides an exception for certain plans or funds to allow the use or diversion of the corpus or income of the fund for assignments and writs of garnishment relating to child support.

Establishes a defined benefit system consisting of specified plans administered by the board of the fire and police pension association (board). Specifies that the board may create plan documents for the plans within the defined benefit system in conformance with the statutory provisions for each plan. Relocates provisions requiring the defined benefit system and certain plans within the system to meet specified internal revenue code qualification requirements.

Creates the defined benefit system trust fund and specifies the property and assets that constitute the fund. Specifies that all assets held in connection with the defined benefit system shall be held in trust for the exclusive benefit of members and beneficiaries under the plans. Specifies that the board is the trustee of the trust fund. Establishes certain accounts and subaccounts within the trust fund with specified requirements.

Changes the name of the fire and police members' benefit fund to the fire and police members' benefit investment fund, and modifies the assets and accounts within the fund.

Relocates existing provisions governing specified accounts and subaccounts.

Creates the fire and police members' self-directed investment fund, consisting of the portion of the assets that are designated for self-direction by the member of specified plans.

Relocates and modifies provisions governing the control over the investment of moneys in specified funds, investment alternatives, disbursements from funds, allocation of earnings and losses, standards of conduct for providers of investment products, audit requirements, and other administrative duties and functions related to the funds.

Modifies the names of specified existing funds to include the term trust in the name of the funds.

Creates the old hire plan members' benefit trust fund consisting of the assets of the old hire plans administered and managed by the board. Requires the board to keep an accurate account of each individual old hire plan. Specifies that annual state contributions provided to fund the supplemental unfunded liability in state assisted plans be transferred to the fund rather than the fire and police members' benefit fund.

Establishes the disability and death benefits trust fund for contributions for death and disability benefits. Specifies that the assets of the fund shall be invested in the fire and police members' benefit investment fund.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1068 Fire and police pension association - social security supplemental plan - defined benefit - creation. For any employer that covers, under the federal "Social Security Act", employees who provide law enforcement or fire protection and that elects to affiliate with the fire and police pension association (association) for coverage under the statewide death and disability plan, specifies that the election of coverage under such plan is irrevocable.

Permits the board of directors of the association (board) to terminate the affiliation of an employer that has affiliated with the statewide defined benefit plan and to require the affiliated employer to participate in the supplemental social security plan created by the board. Specifies that the board shall provide notice to the employer and the members of the statewide defined benefit plan before the change in affiliation occurs. Allows an employer to elect not to participate in the social security supplemental plan and specifies that such election shall end the employer's affiliation with the statewide defined benefit plan.

Allows any employer that covers, under the federal "Social Security Act", employees who provide law enforcement or fire protection to elect coverage under the social security supplemental plan created by the board by filing a resolution with the board. Specifies that election of coverage under such plan is irrevocable. Specifies that any county that elects to affiliate with the social security supplemental plan shall make such election through the county's governing board. Specifies the requirements for approval of an employer's resolution to be covered under such plan.

Authorizes the board to develop, maintain, and amend a social security supplemental plan document that offers a defined benefit and that covers the employees of the employers that have elected coverage under the social security supplemental plan. Specifies how

employer and employee contributions to the plan shall be made. Specifies that employees covered under the plan are eligible for individual separate retirement accounts.

APPROVED by Governor March 27, 2006

EFFECTIVE March 27, 2006

H.B. 06-1304 Volunteer firefighter pension funds - payments from sources other than property tax - state contribution. Permits a municipality with a population of less than 100,000, a fire protection district, and a county improvement district to make contributions to a volunteer firefighter pension fund from tax sources other than property tax. Modifies the required state contribution to volunteer firefighter pension funds and the cap for such contribution beginning with the 2005-06 state fiscal year.

APPROVED by Governor June 1, 2006

EFFECTIVE June 1, 2006

GOVERNMENT - SPECIAL DISTRICTS

S.B. 06-47 Health assurance districts - taxing authority - property tax - sales tax - elections. Allows a health assurance district to be formed in any area of the state rather than only in rural areas. Authorizes a district to seek voter approval to levy a sales tax in the district to generate revenues to provide health care services. Maintains the authority for a district to be organized in accordance with the "Special District Act" and to levy a property tax in the district to generate revenues to provide health care services. For any district that has the authority to levy a property tax or a sales tax, allows the district to seek voter approval to levy both a property tax and a sales tax.

For the purpose of holding an election to seek voter approval of a health assurance district, requires that the regular special district election shall be held on the date of the general election or on the first Tuesday in November of an odd-numbered year and that any election on the proposal shall be conducted by the county clerk and recorder as part of a coordinated election.

For the purpose of a health assurance district that will levy a sales tax, exempts the district from certain requirements of the "Special District Act" and allows all eligible electors in the proposed district, rather than the property owners, to vote on the organization of the district and any related ballot issues.

Authorizes any health assurance district to contract with or work in cooperation and in conjunction with a health service district or any other existing health care provider or service in order to provide health care services to residents of such districts.

Upon voter approval, allows any county in the state to impose an additional sales tax for the purpose of providing health care services in the county. Exempts such additional sales tax from the total cap on total county sales tax imposed by law.

VETOED by Governor May 26, 2006

H.B. 06-1165 Highway-rail grade crossings - safety measures - railroad quiet zones. Authorizes a county, acting through a public improvement district or a local improvement district, to install safety measures that are necessary to allow the county to restrict the sounding of locomotive horns at highway-rail grade crossings in compliance with federal law. Requires the district to construct, maintain, and operate the safety measures in accordance with the authority and standards of the public utilities commission.

Authorizes a municipality, either by exercising its general powers or by acting through a general improvement district or a business improvement district, to install safety measures that are necessary to allow the municipality to restrict the sounding of locomotive horns at highway-rail grade crossings in compliance with federal law. Requires the municipality to construct, maintain, and operate the safety measures in accordance with the authority and standards of the public utilities commission.

APPROVED by Governor April 5, 2006

EFFECTIVE August 7, 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. 06-1335 Special district - construction contract - publish notice. Increases the amount of money used on a construction contract that triggers the requirement that a special district publish notice about the contract from \$25,000 to \$60,000.

APPROVED by Governor April 5, 2006

EFFECTIVE August 7, 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. 06-1338 Regional transportation district - additional district area. Authorizes all or any portion of a county entirely outside of, but contiguous to, the boundaries of the regional transportation district (district) and portions of a county not within, but contiguous to, the boundaries of the district when other portions of the county are within the boundaries of the district to become part of the district, subject to an election authorized by the district's board of directors. Specifies that the election may be requested by a petition signed by a specified portion of eligible electors or by a resolution by the board of county commissioners.

Repeals two sections related to the addition of district area that have previously occurred.

APPROVED by Governor May 4, 2006

EFFECTIVE May 4, 2006

GOVERNMENT - STATE

S.B. 06-3 State buildings - life-cycle cost analysis - biofuels. Requires the life-cycle cost analysis performed for each state-owned or state-assisted major facility to include an analysis of the use of biofuel to provide supplemental or exclusive heating, power, or both for the major facility. For renovations, requires the analysis to consider stranded utility costs. Defines "biofuel" to mean nontoxic plant matter consisting of agricultural or silvicultural crops or their byproducts, urban wood waste, mill residue, slash, or brush.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-6 Public employees' retirement association - convicted felons - denial employment. Allows the public employees' retirement association (PERA) to deny employment to an individual who has been convicted of a felony or other specified offense if the individual, during his or her employment with PERA, would have access to PERA investment information, PERA assets, or other information relating to PERA members or beneficiaries.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-9 Open meetings - executive sessions - electronic recording - attorney-client communication exception. Requires that discussions occurring in an executive session of a state public body or a local public body be electronically recorded, rather than recorded in some other method used by the public body to record the minutes of an open meeting. Repeals attestation requirements regarding the veracity of written minutes of an executive session.

Specifies that no record or electronic recording of a discussion involving a privileged attorney-client communication is required in an executive session that has been properly announced by the state public body or local public body. Clarifies that the electronic recording of an executive session shall reflect the opinion of the attorney representing the public body that no record or electronic recording was kept of such a discussion based on the attorney's opinion that the discussion constituted a privileged attorney-client communication. States that the attorney for the public body may provide a signed statement attesting to that opinion.

Makes the act applicable to discussions occurring in an executive session of a state public body or local public body on or after August 7, 2006.

APPROVED by Governor February 23, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-15 Division of central services - centralized fleet of state vehicles - vehicles included in fleet. Modifies the definition of "state-owned motor vehicle" to clarify the types of motor vehicles that are included in the centralized fleet of state vehicles. Specifies that any vehicle that is rated at one ton or more, that is a specialized vehicle used for the purpose of construction or maintenance, and that is owned, operated, or controlled by the department of transportation shall not be included in the definition of "state-owned motor vehicle" and

is not part of the centralized fleet of state vehicles.

Requires any department, institution, or agency of the executive branch of the state that owns, operates, or controls vehicles that are not part of the centralized fleet of state vehicles to provide the department of personnel with information requested by the department in order to compile data on all motor vehicles owned by the state.

Requires that the federal environmental protection agency mile-per-gallon rating for all motor vehicles purchased for the state-owned motor vehicle fleet on or after January 1, 2007, meet or exceed the average fuel efficiency standards as established pursuant to the federal "Energy Policy Conservation Act".

APPROVED by Governor May 25, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-16 Department of personnel - fleet - diesel vehicles - biodiesel. Requires the executive director of the department of personnel (director) to establish a policy by January 1, 2007, requiring all state-owned diesel vehicles and equipment to use a fuel blend of 20% biodiesel and 80% petroleum diesel, subject to availability and so long as the price is no more than 10 cents higher per gallon than that of diesel fuel, and to provide for proper administration, implementation, and enforcement of the policy. Requires the director to report to the general assembly the extent of biodiesel use in the state fleet on or before January 1, 2009.

Applies to all state-owned diesel vehicles fueled on or after January 1, 2007.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

S.B. 06-38 Insurance - fees paid by insurance companies - investigation and prosecution of insurance fraud. Increases the amount of money the division of insurance shall collect from entities regulated by the division for the purpose of investigating and prosecuting allegations of insurance fraud.

Specifies that the attorney general shall provide annual reports to the joint budget committee, the senate business, labor, and technology committee, and the house business affairs and labor committee, or any successor committees, and shall post a statistical report on the attorney general's website regarding the results of investigating and prosecuting insurance fraud.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

S.B. 06-49 State council on the arts - transfer - Colorado office of economic development. Transfers the state council on the arts, including its employees and property, from the department of higher education to the Colorado office of economic development on July 1, 2006.

APPROVED by Governor June 5, 2006

EFFECTIVE July 1, 2006

S.B. 06-57 Colorado bureau of investigation - missing senior citizen alert program - media alerts. Creates the missing senior citizen alert program ("program") to broadcast notice of a missing senior citizen who has an impaired mental condition. Requires the Colorado bureau of investigation ("CBI") to implement the program. Specifies that the program will include a procedure for local law enforcement agencies to verify a senior citizen is missing, to verify that the senior citizen has an impaired mental condition, and to notify the CBI. Directs the CBI to issue an alert after confirming the local law enforcement agency's information. Requires the alert to be sent to designated media outlets in Colorado. Authorizes the director of the department of public safety to promulgate rules to implement the program.

APPROVED by Governor April 4, 2006

EFFECTIVE April 4, 2006

S.B. 06-63 Information technology - management of major automation system development projects - office of innovation and technology - qualifications, training, and use of project managers and project management analysts - appropriation. Requires the office of innovation and technology (office) to establish policies and procedures for acceptable project plans and feasibility studies.

Prior to the approval or disbursement of any moneys for any major automation system development project (project), requires the office to certify to the state controller that any such project is in compliance with best practices adopted by the state concerning the management of an information technology project. Requires the office to develop policies regarding best practices and the verification of project managers and project management analysts.

Requires the department of personnel (department), in collaboration with the office, to create a job category and defined skill sets within the state personnel system for individuals employed as major automation system development project managers and major automation system development project management analysts. Specifies minimum qualifications for project managers and project management analysts. Requires the office to establish a team of project managers and project management analysts who shall:

- Satisfy any training and experience requirements as established by the department; and
- Be assigned by the office, in collaboration with the state agencies, to work with any such agencies on a project unless the agency's project manager or project management analyst satisfies the criteria specified in the act.

Requires state agencies that use the services specified in the act to be responsible for reimbursing the office for the personnel costs associated with the project management and project management analyst function. Requires the budget of each project to include funding for at least one project manager and one project management analyst. Authorizes the executive director of any state agency that employs any person who possesses the qualifications necessary to be a project manager or project management analyst to request a review and verification that any such person is in compliance with any personnel qualifications governing such position as adopted by the department concerning the management of an information technology project, and allows the executive director to use any such qualified staff person for project management and project management analyst services. Specifies that no state agency shall be precluded from hiring a contract employee

as a full-time project manager or project management analyst if the person satisfies the qualifications specified in the act.

Requires the office to establish and implement a training plan for all persons employed by the state as of the effective date of the act who provide services or functions described in the job descriptions provided by the department for project managers and project management analysts. Permits any employee who receives such training and who possesses sufficient relevant experience to be certified by the office as a project manager or a project management analyst. Allows the office, in collaboration with the department, to require, as part of the verification process created under the act, refresher training as specified in the act.

Requires state agencies to reimburse the office for the costs of providing the training required by the act.

Requires the office to submit a plan to the commission on information management and to specified legislative committees by February 1, 2007, and no later than February 1 of each calendar year thereafter. Describes the required contents of the plan.

Expresses the intent of the general assembly that, to the extent possible, the costs of implementing the act be included within the costs of major automation system development projects.

Appropriates \$249,281 to the office of innovation and technology for the implementation of the act.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

S.B. 06-64 Centralized contract management system - personal service contracts - vendor remedies - contract performance outside the United States or Colorado - state's rights to audit contract records - monitoring of vendor performance - performance evaluation reports - construction contracts - appropriation.

Centralized contract management system

Requires the department of personnel and administration (department) to implement and maintain a centralized contract management system (system) for the purpose of monitoring all personal services contracts entered into by a state governmental body that are subject to the requirements of the act. Specifies information pertaining to such contracts that the system is required to contain. Requires each governmental body to be responsible for gathering relevant information to be submitted to the department for inclusion in the system.

Requires that the system:

- Be a publicly available database of all personal services contracts entered into by all governmental bodies, accessible from the website maintained by the state. Specifies that information concerning contracts contained in the database and accessible on the website shall be searchable by criteria enumerated in the act. Requires information in the database to be either presented in plain and nontechnical language or by means of key terms that are clearly and easily defined.
- Identify the number of employment positions to be filled under any personal

services contract that had previously been performed by classified civil service employees, in addition to the total number of positions, if any, eliminated by the contract; and, in the case of any contract that is more than one year in duration, the cost savings, if any, and quality improvements, if any, realized by the state as a result of the contract.

- Include information concerning personal services expenditures by governmental body and by type of services. Specifies the type of services that may be designated.

Requires any new personal services contracts subject to the requirements of the act to be added to the system not more than 60 days after the execution of the contract.

Prior to entering into a sole-source personal services contract, requires the governmental body to attempt to identify competing vendors by placing a notice on the state's bid notification website for not less than 3 business days. Prohibits the sole-source selection method from being used in specified circumstances.

Upon the completion of each personal services contract, requires the governmental body that was a party to the contract to perform an evaluation of the vendor that performed the contract, and requires the evaluation to be added to the system. Specifies the items the evaluation is to measure. If the vendor disputes any information contained in the evaluation, permits the vendor to exercise existing contract dispute specified in the procurement code (code). If, upon completion of an appeal filed with the executive director of the department (executive director) or the Denver district court, as applicable, the vendor is not satisfied with the resolution of the appeal, allows the vendor to file a rebuttal statement that is to be maintained as part of the vendor evaluation record. Specifies that the vendor's sole remedy in contesting any evaluation is to be removal of the evaluation, correction of the evaluation, or submission of the rebuttal statement.

Commencing on September 30, 2006, until such time as the development of the system, requires the department to provide reports on a quarterly basis to the joint budget committee of the general assembly concerning the status of the development of the system. Requires the department to annually report information on personal services contracts contained in the system to the standing legislative committees of reference in each house of the general assembly with oversight responsibilities over the department's affairs. With respect to any sole-source contract identified in the system, requires the department to annually submit a report to the legislative council of the general assembly concerning any new sole-source contract entered into by the state during the prior calendar year. Specifies required contents of the report.

Contract performance outside the United States or Colorado

Prior to contracting or as a requirement for the solicitation of any contract from the state for services, as appropriate, requires any prospective vendor to disclose in a statement of work where services will be performed under the contract, including any subcontracts, and whether any services under the contract or any subcontracts are anticipated to be performed outside the United States or Colorado. If the prospective vendor anticipates services under the contract or any subcontracts will be performed outside the United States or Colorado, requires the vendor to provide in its statement of work a provision setting forth why it is necessary or advantageous to go outside the United States or Colorado to perform the contract or any subcontracts.

Right to audit records

Clarifies that the state is authorized to audit the books and records of any contractor or any subcontractor under any negotiated contract or subcontract to the extent that the books and records relate to the performance of a state contract or a subcontract.

Monitoring of vendor performance

Requires each personal services contract entered into pursuant to the code with a value of \$100,000 or more to contain:

- Performance measures and standards developed by the governmental body administering the contract specifically for the contract;
- An accountability section that requires the vendor to report regularly on its achievement of the performance measures and standards specified in the contract and that allows the governmental body to withhold payment until successful completion of all or part of the contract and the achievement of established performance standards;
- Monitoring requirements that specify how the governmental body will evaluate the vendor's performance, including progress reports, site visits, inspections, and reviews of performance data; and
- Methods and mechanisms to resolve any situation in which the governmental body's monitoring assessment determines noncompliance, which mechanisms shall include termination of the contract.

In the case of a multi-year contract, requires the governmental body to annually certify whether the vendor on any contract is complying with the terms of the contract. If the governmental body determines that the vendor has not complied with the contract terms, including but not limited to performance standards and measurable outcomes, permits the state to exercise any remedy available under law in the case of contract nonperformance. If a vendor is deemed to be in default under any one particular contract with the state, permits the state, in its sole discretion, to declare any or all other contracts it has entered into with the vendor to be in default.

Requires the system to include such information as will allow the executive director and governmental bodies to evaluate the prior record of a particular vendor in meeting performance measures and standards in connection with a contract to which it has been a party. In the event a particular vendor demonstrates a gross failure to meet such performance measures and standards in connection with one or more contracts to which it has been a party, authorizes the executive director, upon the request of and with a showing of good cause by a governmental body, to remove the name of the vendor from the database and prohibit the vendor from bidding on future contracts. Upon a showing of good cause by a vendor or governmental body, authorizes the executive director to reinstate the name of the vendor to the database. If a vendor disputes the removal of its name from the database or the prohibition of the vendor from bidding on future contracts, permits the vendor to exercise the debarment protest and appeal rights specified in specified sections of the code. If, upon completion of an appeal filed with the executive director or the Denver district court, as applicable, the vendor is not satisfied with the resolution of the appeal, permits the vendor to file a rebuttal statement that is to be maintained as part of the vendor evaluation record. Specifies that the vendor's sole remedy in contesting the removal or prohibition shall be reversal of the debarment or submission of the rebuttal statement.

Performance evaluation reports

In the case of each construction contract with a value of \$500,000 or more, requires

the governmental body to prepare, prior to completion of the contract, a contractor performance evaluation report. Requires each report to evaluate the contractor's performance on a particular project. Specifies certain information each report is required to contain. Requires each report to be kept on file by the governmental body and to be forwarded, within 30 days of the date on which the report is completed, to a central database managed by the department. Requires each report to be maintained in the database for at least 5 years after being forwarded to the database.

Requires each governmental body to establish appropriate procedures to ensure that each report relating to a prospective contractor is reviewed by the governmental body prior to the governmental body making any future contract awards, regardless of the procurement method used.

If a vendor disputes any information contained in a report, permits the vendor to exercise the contract rights provided for under specified sections of the code. If, upon completion of an appeal filed with the executive director or the Denver district court, as applicable, the vendor is not satisfied with the resolution of the appeal, permits the vendor to file a rebuttal statement that is to be maintained as part of the vendor evaluation record. Specifies that the vendor's sole remedy in contesting information contained in the report shall be removal of the evaluation, correction of the evaluation, or submission of the rebuttal statement.

General provisions

Specifies the particular contracts to which the act applies.

For purposes of the act, defines "governmental body" to include elected officials, the governing board of each institution of higher education, and the Colorado commission on higher education. Specifies that no institution of higher education shall be required to comply with specified requirements of the act prior to the commencement of the 2007-08 state fiscal year.

Specifies that, insofar as a conflict exists between the definition given a particular term affecting a personal services contract by the department and the definition given a term by an institution of higher education, the meaning given the term by the department shall control.

Appropriation

Appropriates specified amounts from the general fund to the following departments for the implementation of the act: Department of agriculture, department of corrections, department of education, department of health care policy and financing, department of human services, department of labor and employment, department of military and veterans affairs, department of natural resources, department of personnel, department of public health and environment, department of public safety, and department of revenue.

Appropriates from the department of state cash fund to the department of state and from the state highway fund to the department of transportation for the implementation of the act.

VETOED by Governor May 26, 2006

S.B. 06-81 Labor and employment nondiscrimination protections - addition of sexual orientation. Adds sexual orientation to the list of characteristics for which a person may not be discriminated against under state laws applying to:

- Employers' practices involving hiring, discharging, promoting, or demoting employees; the harassment of employees; and the compensation of employees;
- Employment agency practices involving listings, referrals, or compliance with an employer's direct or indirect request to discriminate;
- Labor organization practices involving the exclusion, expulsion, or other discrimination in membership;
- Employer, employment agency, or labor organization practices involving the use of a discriminatory publication, application, or inquiry; and
- Apprenticeship training programs or other occupational instruction programs.

Allows employers to require compliance with a dress code.

Excludes religious organizations or associations from the definition of "employer" for purposes of complying with state employment nondiscrimination laws, except for those religious organizations supported in whole or in part by public funds.

Appropriates \$32,225 from the general fund to the department of regulatory agencies for legal services associated with implementation of this act. Appropriates \$32,225 and 0.2 FTE out of such appropriation to the department of law for the provision of legal services to the department of regulatory agencies in connection with implementation of this act. Appropriates \$49,795 and 1.0 FTE from the general fund to the Colorado civil rights division for the implementation of this act.

VETOED by Governor May 26, 2006

S.B. 06-96 Wildfire response - wildfire preparedness fund - interstate compact. Directs the Colorado state forest service to use the moneys in the wildfire emergency response fund to employ wildfire hand crews to fight a wildfire for the first 2 days of the wildfire at the request of a county sheriff, municipal fire department, or fire protection district. Creates a preference for the use of wildfire hand crews from the inmate disaster relief program.

Changes the name of the initial aerial attack plan to the wildfire preparedness plan. Requires the plan to address the availability and staffing of state wildfire engines and the availability of state inmate wildfire hand crews. Requires the plan to be completed by December 1, 2006, and updated each December 1 thereafter.

Creates the wildfire preparedness fund. Transfers \$3.25 million in severance tax revenues from the local government mineral impact fund to the wildfire preparedness fund in each of the next 5 fiscal years. Authorizes the governor to access and designate moneys in the wildfire preparedness fund for wildfire preparedness activities by executive order or proclamation. Directs the Colorado state forest service to implement the directives set forth in such executive order or proclamation. Authorizes the Colorado state forest service to use the moneys on the wildfire preparedness fund to provide funding or reimbursement to volunteer fire departments to purchase fire shelters that comply with federal requirements.

Authorizes the governor to enter into the interstate compact for the prevention and control of forest fires.

Directs the state forester to submit a report to the joint budget committee and the agriculture committees of the house of representatives and the senate on the use of the moneys in the wildfire preparedness plan, the status of the wildfire preparedness plan, and the status of the interstate compact for the prevention and control of forest fires.

APPROVED by Governor May 18, 2006

EFFECTIVE May 18, 2006

S.B. 06-116 Tobacco settlement programs - scheduling of audits. Replaces the requirement that the legislative audit committee design a schedule for review and evaluation of tobacco settlement programs by the state auditor that ensures that each program is reviewed and evaluated at least once every 3 years with a requirement that the committee design a schedule for review and evaluation of programs that ensures that each program is reviewed and evaluated as deemed necessary by the committee after consultation with the state auditor.

APPROVED by Governor April 4, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-120 State agencies - licensing procedures - full investigation requirement. Requires a state agency to find objective and reasonable facts or conduct upon a full investigation prior to the revocation, suspension, annulment, limitation, or modification of a license by an agency. Defines a full investigation as a reasonable ascertainment of the underlying facts on which the agency action is based.

Specifies that the full investigation requirement does not pertain to licenses issued under the several articles regulating motor carriers as contained in the utilities statutes, title 40, or the provisions regulating driver's licenses set out in title 42.

APPROVED by Governor May 4, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-149 Information technology oversight in state agencies - office of information technology in the governor's office - chief information officer - commission on information management - duties and responsibilities - modifications - planning - procurement - rulemaking - statewide internet portal authority - state agency cooperation and compliance. Changes the name of the office of innovation and technology in the governor's office to the office of information technology (office). Makes the office's enumerated responsibilities mandatory instead of discretionary. Eliminates certain responsibilities of the office.

Eliminates the position of chief technology officer (CTO) and makes the chief information officer (CIO) the head of the office.

Specifies that the required submittals of state agency communications and data processing plans to the office be made as part of the state's planning and budgeting process. Directs that those plans:

- Be in compliance with the state's annual information technology plan;
- Specify the agency's communications and data processing procurement and system acquisition plans; and
- Identify risks, issues, and concerns with the agency's communications and data processing infrastructure.

Eliminates consultation with the executive director of the department of personnel by the CIO in the development of policies and procedures relating to technology investment management and the establishment of statewide standards for the efficient exchange of electronic information and technology.

In connection with the current authority to review state agency budget requests, including the legislative department, for communications and information resources technologies and data processing, requires the CIO, in consultation with the office of state planning and budgeting, to approve those requests of state agencies other than the legislative department.

Requires the CIO, instead of the commission on information management (IMC), to approve a set of minimum standards to control purchases and approve criteria to be used in approving or rejecting agency procurements. Eliminates the responsibility of the IMC to review policies and procedures for communication and information resources and data processing procurements, agreements, or contracts. Increases the amount of the procurement, agreement, or contract to which those policies and procedures apply from \$25,000 to \$100,000. Eliminates the required review and approval by the IMC of the CIO's aggregation of communication and information resources and data processing procurements for one or more state agencies.

Directs the CIO to monitor the status and timeliness of and advise on any risk management issues in connection with certain information technology projects and procurements, to assist state agencies with the timely delivery of those projects and procurements, and to advise the joint budget committee on requested or ongoing information technology projects. Directs the CIO to enforce all of the policies, procedures, standards, specifications, guidelines, or criteria that are developed or approved by the CIO individually or in consultation with other agencies.

Effective July 1, 2006, reduces the number of legislators appointed to the IMC to 2 members from each house, instead of 3. Makes the CIO the successor to the CTO as the chair of the IMC. Requires the IMC to hold regular public monthly meetings, and authorizes special meetings on the call of the CIO at such other times as deemed necessary.

Modifies the role of the IMC from one of strategic planning oversight and policy setting to advising the office and state agencies in certain areas. Consistent with this advisory role, changes the powers and duties of the IMC by authorizing the IMC to:

- Review state agency long-range plans, instead of preparing, approving, and assuring that the plans comply with the state's information technology plan;
- Assist with the development of, instead of developing, an approach for achieving compatibility or accessibility of communications and information systems;
- Review state agency procurements for conformance, instead of disapproving for nonconformance, with the state information technology plan;
- Advise the office and state agencies, in addition to the governor and general

- assembly, on communications and data processing matters;
- Make recommendations on, in addition to studying, data processing needs of state agencies;
- Review and recommend, instead of establishing, certain criteria for procuring adaptive technology for use by blind or visually impaired individuals.

Transfers the IMC's responsibility for approving a set of minimum standards and criteria relating to controlling purchases and procurements by state agencies to the CIO. Authorizes the IMC to assist and advise the CIO. Gives the IMC general rule-making authority in connection with the duties and responsibilities of the IMC, OIT, and CIO.

Modifies the IMC's duties relating to the statewide communications and information infrastructure. Authorizes the IMC to review and make recommendations on, instead of developing and implementing, requirements for the infrastructure and to review and make recommendations on, instead of overseeing, the use of the infrastructure. Directs the IMC to advise state agencies on the risks, issues, and concerns related to the state agency's communication and data processing infrastructure.

Requires state agencies to comply with the rules and standards in addition to the plans, policies, and directives of the office instead of the IMC and to comply with information requests of the office, the general assembly, and the joint budget committee.

Requires that state agencies coordinate and cooperate with the statewide internet portal authority for purposes of the delivery of electronic information, products, and services by the statewide internet portal authority.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

S.B. 06-160 Local government retirement association - board membership. Modifies the membership of the board of a retirement plan or system (board) comprised of one or more counties, one or more municipalities, and one or more political subdivisions. Requires 2 board members to be employees of a county participating in the plan or system that are elected by the participating county employees rather than employees of a county, municipality, or political subdivision participating in the plan or system elected by such participating employees. Specifies that one of the employees elected to the board shall reside west of the continental divide and one shall reside east of the continental divide. Clarifies that the terms of the 2 members elected to the board from the financial or business community are staggered.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-173 State officers and employees - mileage reimbursement rate. Modifies the mileage allowance that state officers and employees receive for each mile actually and necessarily traveled while on official state business. Removes the limitation that members of the general assembly only be reimbursed for actual and necessary vehicle travel within the member's district. Specifies that from the effective date of the act but before January 1, 2008, any mileage reimbursement shall be paid from the existing resources of a state officer's or employee's department or agency.

APPROVED by Governor May 31, 2006

EFFECTIVE May 31, 2006

S.B. 06-192 Interagency task force on drunk driving. Establishes an interagency task force on drunk driving ("task force") to investigate methods of reducing drunk driving. Specifies membership of the task force. Directs the task force to submit an annual report to the judiciary committees of the general assembly.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

S.B. 06-202 State controller - collection of debts due to the state - procedures - authority - collection fees. Specifies that the efforts to collect moneys owed to the state are not subject to civil liabilities under the "Colorado Fair Debt Collection Practices Act". Specifies that if the state controller (controller) fails to comply with the "Colorado Fair Debt Collection Practices Act", the controller is subject to disciplinary action through the department of personnel (department).

Allows the controller to delegate the collection of debts to the central collection services section of the division of finance and procurement, or any successor section, in the department. Clarifies that debts under the judicial department and the department of labor and employment for overpayment of unemployment insurance benefits and delinquent taxes do not need to be referred to the controller for collection. Eliminates the requirement that state agencies refer debts to the controller within 30 days of delinquency if payment arrangements have been made. Clarifies the criteria for controller waivers where agencies can demonstrate with written justification the capability to collect debt. Extends the time for assignment to private collections for debts not in the process of collection. Removes the requirement that there be a component based on geography in the criteria for selection of the private counsel or private collection agencies. Specifies that the department may provide debt collection services to other political subdivisions of the state.

Specifies that the rules related to the write off, release, or compromise of any debt due to the state may provide delegated authority for such actions and may include provisions to prohibit the referral of debts for tax offset based on the age or amount of the debt. Provides that these rules may also include provisions authorizing the collection of principal, interest, and other collection fees and costs.

When possible, allows the department to add a collection fee to the amount of a debt's principal and interest referred to the controller for collection. Requires the department to annually review the amount of the collection fee. Specifies that the aggregate fee shall not exceed 21% of a debt's principal and interest for the controller or private collection agency or 25% of a debt's principal and interest for private counsel. Provides that the debtor is liable for the total amount of a debt due, including the collection fee.

Clarifies that if a debt is litigated, the debtor is liable for attorney fees, court costs, and fees in addition to the collection fee.

If the debt due is a result of a nonpayment on a check, draft, or order upon presentment, provides that the department is entitled to collect statutory damages in addition to the collection fee.

Except as provided in the "Colorado Fair Debt Collection Practices Act", specifies that the controller, private counsel, or private collection agency must provide written notice

to the debtor regarding the amount of the debt, including an itemization of fees assessed, and the name of the creditor to whom the debt is owed.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-225 Department of public safety - Colorado state patrol - divisions - appropriation. Creates in the Colorado state patrol in the department of public safety a division to address human smuggling and human trafficking on state highways.

Appropriates from the general fund \$1,542,563 and 12.0 FTE to the department of public safety for allocation to the Colorado state patrol to address human smuggling and human trafficking on the highways of this state.

Specifies that the act shall take effect only if Senate Bill 06-206 or Senate Bill 06-207 is enacted and becomes law.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

NOTE: Senate bills 06-206 and 06-207 were signed by the governor May 30, 2006.

S.B. 06-233 State auditor - confidential information - access - penalties for release. Clarifies that, notwithstanding any other law but subject to existing exceptions, the state auditor, or his or her designee, shall have access to confidential records or information from any department, institution, or agency. Requires the state auditor to determine the necessity of accessing personal identifying health information. Clarifies that any confidential records or information provided to the state auditor may not be released, and that any person who does release such documents may be subject to a penalty for the release under any applicable law.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-234 Public construction projects - best value construction contracting - illegal aliens. Authorizes the state to award a construction contract for a public project through a competitive sealed best value proposals process in accordance with the requirements of the act. Specifies that a best value construction contract shall be solicited through a request for proposals that requires the submission of competitive sealed proposals from responsible offerors qualified to perform the construction contract. Requires the request for proposals to identify the evaluation factors upon which the award shall be based and the relative weight of such factors. Specifies certain evaluation factors to be included at a minimum in the request for proposals.

Requires the award of a best value construction contract to be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the state and that represents the best overall value to the state, taking into consideration the price and other evaluation factors set forth in the request for proposals. Prohibits other factors or criteria from being evaluated in making the award determination other than those specified in the request for proposals. Requires the contract file maintained by the state to contain the basis on which the award determination was made.

Specifies that the competitive sealed best value proposals process authorized by the act shall not be applied to any contract where such application would conflict with any federal law or federal rule because of restrictions on federal funding sources or for any other reason.

Prohibits an award of a best value construction contract from being made to an offeror under the act unless the offeror has participated or attempted to participate in the federal basic pilot program (pilot program) administered by the United States department of homeland security in order to verify that it does not employ any illegal aliens.

Requires each best value construction contract awarded in accordance with the requirements of the act to include a provision stating that the offeror has verified or attempted to verify through participation in the pilot program that the offeror does not employ any illegal aliens and, if the offeror is not accepted into the pilot program prior to entering into a best value construction contract, that the offeror shall apply to participate in the pilot program every 3 months until the offeror is accepted or the best value construction contract has been completed, whichever is earlier. Specifies that this provision shall not be required or effective in a best value construction contract if the pilot program is discontinued.

Requires a request for competitive sealed best value proposals issued pursuant to the act to comply with the existing statutory requirement pertaining to competitive sealed proposals for nonconstruction contracts to the extent that such requirements do not conflict with the requirements of the act. Specifies that, in the case of a conflict, the provisions of the act shall control.

VEETOED by Governor June 2, 2006

S.B. 06-235 Public employees - benefits - public employees' retirement association - highest average salary - board composition - maximum amortization period - supplemental amortization equalization disbursement - purchase of service credit - purchase of noncovered service credit - retirement age and service requirements - annual benefit increases - actuarial assessment prior to benefit increases - annual increase reserve - employment with employer after retirement - election to transfer between defined contribution and defined benefit plans - inclusion of higher education employees in certain benefit plans. Limits the permissible 15% increase in the calculation for highest average salary for current members of the public employees' retirement association (PERA) who retire after January 1, 2009. For members hired on or after January 1, 2007, requires a limit of 8% for salary increases that may be included in the calculation of highest average salary.

Modifies the composition of the PERA board (board) by removing the state auditor as an ex officio trustee of the board and eliminating elected positions on the current board as they expire, until the board consists of the following 15 trustees:

- The state treasurer;
- 3 elected trustees from the state division, elected by members of that division;
- 4 elected trustees from the school division, elected by members of that division;
- One elected trustee from the local government division, elected by members of that division;
- One elected trustee from the judicial division, elected by members of that

- division;
- 2 elected trustees who are retirees, one of whom shall be elected by members who have retired from the local government division, the judicial division, or the state division, and one of whom shall be elected by members who have retired from the local government division, the judicial division, or the school division; except that both retiree trustees cannot have retired from the same division;
- 3 trustees who shall be appointed by the governor and confirmed by the senate who have significant experience in investment management, finance, banking, economics, accounting, pension administration, or actuarial analysis, and no more than 2 of whom shall be from the same political party.

Reduces the maximum amortization period that is considered actuarially sound for each of the PERA trust funds from 40 to 30 years in compliance with the rules of the governmental accounting standards board.

Eliminates the automatic reduction of employer contributions upon a funded ratio of 110%.

Requires that employers who fail to provide membership in PERA pay the amortization equalization disbursement that was in effect at the time membership should have been provided.

Specifies that a member who refunds a PERA member account and later recommences membership shall be subject to the provisions regarding benefits, contribution rates, and related provisions that are in effect when the member recommences membership.

Requires PERA employers to make a supplemental amortization equalization disbursement of 0.5% of the employer's total payroll beginning January 1, 2008, and increasing each year by 0.5% of the employer's total payroll through 2013 for a total of 3% to be funded, to the extent permitted by law, by an allocation of funds otherwise available for use as employee compensation increases prior to award as salary or other compensation to employees. Specifies that the amortization equalization disbursement and the supplemental amortization equalization disbursement may be reduced when the actuarial funded ratio of a particular division of PERA is 100% as determined in an annual actuarial study of PERA. As each division attains a 30-year amortization period, requires the board to conduct a study of the amortization equalization disbursement and the supplemental amortization equalization disbursement and allows the board to make appropriate recommendations to the general assembly.

Specifies that a member who purchases service credit shall be subject to the provisions regarding benefits that are in effect at the time the member initiates payment of the purchase. Specifies that the cost to purchase forfeited service credit for members hired on or after January 1, 2007, shall be the refunded amount plus interest plus 1% of the member's highest average salary for each month or partial month of service credit. States that the 1% shall be allocated to the annual increase reserve.

Requires that the cost to purchase service credit for noncovered service shall be sufficient to pay the actuarial liability associated with the purchase. Of the amount paid by a member to purchase service credit for noncovered employment, decreases the amount that is transferred to the health care trust fund on the effective date of the member's retirement to 1.02% of the member's highest average salary at the time of the purchase of service credit.

For members hired on or after January 1, 2007, who have less than 35 years of service credit, specifies that a member may retire with a full service retirement benefit when the member's age and total years of service equal 85, so long as the member is at least 55 years of age.

Specifies that members hired on or after January 1, 2007, who are inactive members may receive a retirement benefit effective upon written application and approval by the board and upon reaching the requisite age and service credit.

Incorporates federal requirements on minimum required distributions pursuant to the federal internal revenue code.

Specifies that if an annual increase in retirement benefits occurs for members hired on or after January 1, 2007, it shall be effective with the July benefit and shall be paid from the retirement benefit reserve or the survivor benefit reserve, as appropriate, so long as the benefits have been paid to the benefit recipient for the full preceding calendar year and the retiree is older than 60 years of age or the retiree's age plus the retiree's number of years of service credit equals 85.

Within each of the state, school, local government, and judicial divisions of PERA, creates an annual increase reserve. Requires that 1% of the employer contribution for members hired on or after January 1, 2007, shall be allocated to the annual increase reserve to be used only to fund annual increases in benefits for those members. Allows an annual increase in benefits for those members equal to the lesser of 3% of the benefits paid to the members, any increase in the consumer price index, or an amount that would exhaust 10% of the balance of the annual increase reserve.

Requires the general assembly to cause an actuarial assessment of PERA to be conducted before increasing the benefits provided by PERA. Requires the legislative council staff to contract for the actuarial assessment upon direction from the president of the senate and the speaker of the house of representatives.

Defines the nature of the employment relationship between a retiree of PERA and an employer for purposes of determining the employer contributions and amortization equalization disbursement paid by an employer for employing retirees.

Defines the nature of the employment relationship between a retiree of PERA and an employer for purposes of determining any reduction in service retirement benefits for employment after service retirement pursuant to federal internal revenue service guidelines regarding independent contractors.

States that an eligible employee who is a member, inactive member, or retiree on December 31, 2006, who commences employment on or after January 1, 2007, and who initially elects to participate in the defined benefit plan or transfers into the defined benefit plan from the defined contribution plan shall continue membership in the defined benefit plan at the benefit level in which such membership account exists. States that an eligible employee who commences employment on or after January 1, 2006, who does not have an existing member account, and who elects to transfer into the defined benefit plan from the defined contribution plan, shall participate in the defined benefit plan at the benefit level existing when the employee begins participation in the defined benefit plan.

Provides a time limitation for employees to bring actions based on their election or

failure to elect between the defined contribution plans and the defined benefit plan.

For employees hired on or after January 1, 2008, expands the definition of an eligible employee for the PERA defined contribution plan and the state defined contribution plan to include employees of higher education institutions. Expands the election between the PERA defined benefit plan, PERA defined contribution plan, and state defined contribution plan to employees of higher educational institutions.

APPROVED by Governor May 25, 2006

PORTIONS EFFECTIVE May 25, 2006

PORTIONS EFFECTIVE January 1, 2007

PORTIONS EFFECTIVE January 1, 2008

S.B. 06-237 Interoperable communications plans - department of local affairs - all-hazards emergency management regions. Directs the executive director of the department of local affairs (executive director) to adopt a tactical and long-term interoperable communications plan by March 1, 2007, to improve the ability of the public safety agencies of state government to communicate with public safety agencies of the federal government, all-hazards emergency management regions (region), local governments, and other states. Specifies the required elements of the plan.

Requires each region to adopt and submit to the executive director by November 1, 2006, a tactical and long-term interoperable communications plan to improve communications among public safety agencies within the region and with public safety agencies of other regions, the state and federal governments, and other states. Requires each local government agency or private entity that operates a public safety radio system to collaborate in the development of the regional plan. States that a region that fails to submit an interoperable communications plan by November 1, 2006, or a local government agency that fails to collaborate in the development of the regional plan shall be ineligible to receive homeland security or public safety grant moneys administered by the department of local affairs, department of public safety, or department of public health and environment until the region submits an interoperable communications plan to the executive director.

States that a public safety agency shall not spend moneys received through the department of local affairs on a mobile data communications system unless the system is capable of interoperable communications.

Prohibits the executive director from requiring a public safety agency to acquire the communications equipment of a particular manufacturer or provider as a condition of awarding a grant.

States that a public safety agency or its employee acting in collaboration with another agency or person to create and operate an interoperable communications system shall have the same degree of immunity under the "Colorado Governmental Immunity Act" as the agency or employee would have if not acting in collaboration with another agency or person.

APPROVED by Governor June 1, 2006

EFFECTIVE June 1, 2006

H.B. 06-1010 Consent for government procurement rules of an international trade agreement. Prohibits state officials from binding the state to the government procurement rules of an international trade agreement or giving consent to the federal government to bind

the state to the government procurement rules of an international trade agreement, with one exception. Permits the governor to bind the state or give consent to the federal government to bind the state to the government procurement rules of an international trade agreement if the general assembly enacts legislation that explicitly authorizes the governor to do so. Declares that any prior consent that a state official has given for the state to be bound by the government procurement rules of any international trade agreement is invalid and nonbinding.

VETOED by Governor April 11, 2006

H.B. 06-1017 Colorado economic development commission - performance based incentives - new job creation - new jobs incentives cash fund. Allows a performance-based incentive (incentive) to any employer that creates a certain number of new full-time jobs in the state as a result of opening a new business or relocating or expanding an existing business. States that an employer in a rural area that creates at least 5 new jobs within one month shall qualify for an incentive for every new job created, and that an employer in an urban area that creates at least 10 new jobs within one month shall qualify for an incentive for every new job created. Specifies that the amount of the incentive is as follows:

- If the average wage for all new jobs created by the employer for which the incentive is claimed is 110% or more but less than 115% of the average wage in the county in which the new jobs are created, allows the employer an incentive in the amount of \$1,000 for every new job created;
- If the average wage for all new jobs created by the employer for which the incentive is claimed is 115% or more but less than 120% of the average wage in the county in which the new jobs are created, allows the employer an incentive in the amount of \$1,250 for every new job created; and
- If the average wage for all new jobs created by the employer for which the incentive is claimed is 120% or more of the average wage in the county in which the new jobs are created, allows the employer an incentive in the amount of \$1,500 for every new job created.

Specifies that a full-time job created by an employer shall be in addition to the average number of full-time jobs that the employer provided in the state during the 3 years preceding the creation of such new job in order for the employer to be allowed to claim the incentive for creating the new job.

Requires the employer to maintain all of the new jobs for at least one year in order to be eligible to claim the incentive. Specifies that an employer shall be allowed to include a new job in the total count of new jobs created one time.

Specifies that in order for an employer to claim an incentive for new jobs created, the employer shall submit an incentive application to the economic development commission (commission). Directs the commission to create the application form, and specifies the information that shall be included in the application.

Requires the commission to review each application submitted and to determine the amount of the incentive due to each employer that submitted an application. Directs the commission to issue an incentive payment to every employer who is eligible to receive an incentive.

Directs the commission to develop procedures for the administration of the incentive program, including establishing deadlines for employers to claim incentives and for the commission to issue the incentive payment. In addition, directs the commission to develop procedures for any employer that claims an incentive to determine the number of new jobs created and to verify that the average wage for the new jobs is the applicable percentage above the average wage in the county in which the new jobs are created.

Requires the commission to report specified information regarding the incentives to the business affairs and labor committee of the house of representatives and the business affairs, labor, and technology committee of the senate on or before March 1, 2007, and on or before March 1 of each year thereafter.

Limits the total amount of incentives that the commission may issue in a year to the amount appropriated to the commission to be used for the purposes of the incentives. States that if the commission receives applications for incentives that exceed the amount appropriated, the commission shall issue incentives to applicants in the order in which the commission received the applications.

States that the commission shall not allow an employer that has been approved to receive an economic development incentive for the creation of new jobs to receive an incentive for the same jobs for which the previous economic development incentive was approved.

Requires that of the total amount appropriated by the general assembly to the commission for the purposes of providing incentives, 15% shall be used by the commission to award incentives to employers who open a new business or expand or relocate an existing business and create new jobs in an enterprise zone that is not within the Denver metro area.

Creates the new jobs incentives cash fund (fund) in the state treasury and specifies that the fund shall consist of moneys annually transferred into the fund from the limited gaming fund.

Extends the repeal of the economic development commission to July 1, 2017.

States that the performance-based incentive shall only take effect if House Bill 06-1201 becomes law.

APPROVED by Governor June 5, 2006

EFFECTIVE June 5, 2006

NOTE: House Bill 06-1201 was signed by the governor June 5, 2006.

H.B. 06-1018 Sales and use tax receipts - older Coloradans cash fund. In all future state fiscal years, increases the funding from the state sales and use tax receipts to the older Coloradans cash fund from \$2 million to \$3 million.

APPROVED by Governor May 17, 2006

EFFECTIVE July 1, 2006

H.B. 06-1033 General fund surplus - manner and timing of crediting and allocation. For the 2006-07 state fiscal year and for each succeeding state fiscal year, instead of requiring the state controller to credit and allocate state general fund surplus for the preceding state

fiscal year to the highway users tax fund and the capital construction fund as required by current law on July 1 of the state fiscal year, requires the controller to:

- Credit and allocate amounts estimated by the state controller to equal 90% of the amounts required to be credited and allocated on September 20 of the state fiscal year; and
- Credit and allocate the remainder of the amounts required to be credited and allocated for the state fiscal year on the date on which the state controller distributes the state's comprehensive annual financial report.

APPROVED by Governor March 27, 2006

EFFECTIVE March 27, 2006

H.B. 06-1041 Administrative procedure - rules - continuation of cost-benefit analysis under sunset law. Requires the agency filing notice of proposed rule-making to submit to the executive director of the department of regulatory agencies a plain language statement concerning the subject matter or purpose of the proposed rule or amendment.

Extends the automatic termination date of the requirements and procedures regarding preparation of a cost-benefit analysis of proposed rules that may be requested by the executive director of the department of regulatory agencies to July 1, 2013, pursuant to the provisions of the sunset law.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1061 Retaliation for disclosure of information - complaints by state employees - procedure. Eliminates the requirement that the state personnel director conduct an investigation of a complaint filed by a state employee alleging retaliation for disclosure of information to determine whether there is a reasonable basis for the allegation before the state personnel board (board) may hold a hearing on the matter.

Directs the board to review an allegation of retaliation in accordance with uniform grievance procedures or to hold a hearing on the matter. Reduces the time in which an employee may file a written complaint alleging retaliation by a state agency from 30 to 10 days after the employee knew or should have known of a disciplinary action. Increases the time by which the hearing must commence from 45 to 90 days after the board receives the agency's written response. Reduces the time for which the hearing may be continued for good cause from 45 to 30 days. Increases the time by which the board shall order appropriate relief from 30 to 45 days after the hearing.

APPROVED by Governor March 27, 2006

EFFECTIVE August 7, 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. 06-1081 Open records - election records - elector information - prohibition on inspection. Prohibits a designated election official from allowing a person, other than the person in interest, to inspect the election records of any person that contain the original signature, social security number, month of birth, day of the month of birth, or identification of that person, including electronic, digital, or scanned images of that information.

Specifies that the prohibition does not apply to:

- Election records made available to any law enforcement agency or district attorney of this state in connection with the investigation or prosecution of an election offense;
- Election records made available to election employees or judges that are necessary for them to carry out the duties and responsibilities connected with the conduct of any election; and
- Voter registration lists prepared by a designated election official and made available for distribution or sale to or inspection by any person.

APPROVED by Governor March 17, 2006

EFFECTIVE March 17, 2006

H.B. 06-1085 Building regulation fund - permitted uses - appropriation. Expands the purposes for which moneys in the building regulation fund may be expended by specifying that moneys in the fund may be expended:

- To provide education and training to manufacturers, dealers, installers, building department employees, elected officials, and, as appropriate, other persons affected by the mobile, manufactured, and factory-built structures industry regarding the building codes and state program requirements applicable to mobile, manufactured, and factory-built structures within the state;
- To provide consumer training throughout the state that will help a consumer to make informed decisions when purchasing or considering the purchase of a mobile home, manufactured home, or factory-built structure; and
- To provide education and grants that will help manufacturers, dealers, installers, owners, and, as appropriate, other parties affected by the mobile, manufactured, and factory-built structures industry address safety issues that affect existing factory-built residential structures.

Appropriates \$311,302 and 1.1 FTE from the building regulation fund to the department of local affairs for the implementation of the act. Further appropriates \$2,578 of said appropriation to the department of law for the provision of legal services to the department of local affairs related to the implementation of the act.

APPROVED by Governor June 1, 2006

EFFECTIVE August 7, 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. 06-1095 State governmental bodies - preference for purchase of environmentally preferable products. In connection with the purchase of services or supplies, requires a governmental body to award the contract to a bidder who is able to offer environmentally preferable products subject to the conditions specified in the act.

Specifies that the preference created in the act shall apply only if all of the following conditions are met:

- The quality of the environmentally preferable products meets the specification of the bidder.
- The environmentally preferable products are suitable for the use required by the purchasing entity.
- Any bidder able to offer environmentally preferable products is able to supply such products in sufficient quantity, as indicated in the invitation for bids.
- The bid or quoted price for environmentally preferable products does not exceed the lowest bid or quoted price for products that are not environmentally preferable, or the bid or quoted price for environmentally preferable products exceeds the lowest bid or quoted price for products that are not environmentally preferable by not more than 5%.
- The head of the governmental body or other official charged by law with the duty to purchase products has made a determination that the governmental body is able to purchase the environmentally preferable products out of the governmental body's existing budget without any further supplemental or additional appropriation.
- Selecting an environmentally preferable product would not be disadvantageous to the state.

If the bid or quoted price for environmentally preferable products exceeds the bid or quoted price for products that are not environmentally preferable by more than 5%, authorizes a governmental body to award the contract to a bidder who offers environmentally preferable products where the governmental body demonstrates, on the basis of a life-cycle cost analysis, that long-term savings to the state will result from environmentally preferable purchasing in accordance with the requirements of the act. Specifies that nothing in the act shall require that a governmental body perform a life-cycle cost analysis in connection with the purchase of any products.

Requires any bidder that seeks to qualify for the preference created by the act to provide documentation to the governmental body inviting the bid that the products offered by the bidder are environmentally preferable. Specifies how the documentation requirement may be satisfied. Permits the governmental body to rely in good faith on any form of documentation that satisfies the requirement of the act. Specifies that, if none of the forms of documentation specified in the act apply to the product or service being purchased, the requirements of the act shall not apply to the purchase of the product or service.

Requires a governmental body to report to the joint budget committee the results of any life-cycle cost analysis used to justify the purchase of any environmentally preferable products in accordance with the requirements of the act during the previous fiscal year.

VETOED by Governor April 24, 2006

H.B. 06-1149 Professional lobbyists - required disclosure of additional information under sunshine act - appropriation. Expands existing statutory requirements pertaining to lobbyist disclosure to require that disclosure statements filed by professional lobbyists contain the following:

- In the case of specific legislation, during a regular or special session of the general assembly, the bill number of the legislation for which the lobbyist is receiving contributions or making expenditures for lobbying, and whether the

disclosing person's principal is supporting, opposing, amending, or monitoring the legislation identified as of the time a disclosure statement is required to be filed after the lobbyist is retained to advocate or monitor in connection with the legislation. Requires the disclosure statement to specify that the lobbyist's representation is accurate as of the date of disclosure only and that such representation is not binding on the lobbyist after that date and is subject to change subsequent to that date and prior to the time the next disclosure statement is due. If a disclosure statement from a lobbyist during a regular or special session of the general assembly fails to show any bill numbers or nature of the legislation, as applicable, requires the lobbyist to make an affirmative statement that he or she was not retained in connection with any legislation.

- If the lobbyist's principal is an individual, the name and address of the individual and a description of the business activity in which the individual is engaged. If the lobbyist's principal is a business entity, a description of the business entity in which the principal is engaged and the name or names of the entity's chief executive officer or partners, as applicable. If the lobbyist's principal is an industry, trade, organization or group of persons, or professional association, a description of the industry, trade, organization or group of persons, or profession that the lobbyist represents.
- A statement detailing any direct business association of the lobbyist in any pending legislation, measure, or question. For purposes of the act, defines "direct business association" to mean that, in connection with a pending bill, measure, or question, the passage or failure of the bill, measure, or question will result in the lobbyist deriving a direct financial or pecuniary benefit that is greater than any such benefit derived by or shared by other persons in the lobbyist's profession, occupation, or industry. Specifies that a lobbyist shall not be deemed to have a direct personal relationship in a pending bill, measure, or question where that interest arises from a bill, measure, or question that affects the entire membership of a class to which the lobbyist belongs.

Appropriates \$36,400 to the department of state for the implementation of the act.

APPROVED by Governor June 7, 2006

EFFECTIVE June 7, 2006

H.B. 06-1157 Information security - chief information security officer - public agencies - information security plans - deadlines for submittal and implementation - security incident reporting - discontinuation or suspension of agency operations - institutions of higher education - information security plans. Provides for oversight of information security in public agencies and institutions of higher education as follows:

Public agencies:

Requires the appointment by the governor of a chief information security officer (CISO) to administer information security in public agencies, which is defined to include any executive, legislative, or judicial department, division, commission, board, bureau, or institution other than the department of higher education and institutions of higher education. Specifies the duties and responsibilities of the CISO, including:

- To develop and update information security policies, standards, and guidelines

- for public agencies;
- To promulgate rules containing information security policies, standards, and guidelines for public agencies by a specified date;
- To ensure the incorporation of and compliance with those information security policies, standards, and guidelines in the public agency's information security plan;
- To direct information security audits and assessments in public agencies;
- To establish and direct a risk management process to identify information security risks in public agencies and deploy risk mitigation strategies, processes, and procedures;
- To approve or disapprove and review annually the information security plans of public agencies;
- To conduct information security awareness and training programs;
- In coordination and consultation with the office of state planning and budgeting and the chief technology officer, to review public agency budget requests related to information security systems and to approve such budget requests for public agencies other than the legislative department; and
- To coordinate with the Colorado commission on higher education (CCHE) for purposes of reviewing and commenting on information security plans of institutions of higher education.

Specifies that for the state fiscal year commencing on July 1, 2006, the cost of the services provided by the CISO to public agencies be paid from federal funds received by the state for that purpose. Expresses the intent of the general assembly that the cost of these services be adequately funded in future fiscal years through an appropriation to each public agency to pay for those services.

Requires public agencies to develop an information security plan and submit the plan to the CISO by July 15, 2007. Specifies certain components the plan must include. In the event a public agency fails to submit a plan by that date or the plan is disapproved, requires the CISO to notify the governor and the head and chief information officer of the public agency. Authorizes the CISO to temporarily discontinue or suspend the operation of an agency's communication and information resources if no plan has been approved by September 15, 2007. Allows a public agency to phase in the plan over a 3-year period. Directs public agencies to report annually to the CISO on the agency's implementation of the information security plan.

Requires public agencies to report a security incident to the CISO. Authorizes the CISO to temporarily discontinue or suspend the operation of the public agency's communication and information resources. Requires the CISO to give notice to the governor, or the lieutenant governor in the event the governor is not available, and the head and chief information officer of the public agency concurrent with such discontinuation or suspension of operations. Gives the CISO authority to enter into contracts with private persons and entities to assist with resolving a security incident in a public agency. Requires the CISO to establish an approved list of persons and entities selected by the CISO through a request for proposals. Directs public agencies to comply and cooperate with a directive of the CISO to temporarily discontinue or suspend the operation of the agency's communication and information resources.

Excludes information security plans, information security incident reports, and information security audit and assessment reports from public inspection under the open records law.

Institutions of higher education:

Requires each institution of higher education, on or before July 1, 2007, in coordination with CCHE, to develop an information security plan that provides information security for the communication and information resources that support the operations and assets of the institution of higher education. Requires the information security plan to include:

- Periodic assessments of the risk and magnitude of the harm that could result from a security incident;
- A process for providing adequate information security for the communication and information resources of the institution of higher education;
- Information security awareness training for employees of the institution of higher education;
- Periodic testing and evaluation of the effectiveness of information security for the institution of higher education, which shall be performed not less than annually;
- A process for detecting, reporting, and responding to security incidents consistent with the information security policy of the institution of higher education and the terms and conditions by which institutions of higher education and the department of higher education shall report information security incidents to the chief information security officer; and
- Plans and procedures to ensure the continuity of operations for information resources that support the operations and assets of the institution of higher education in the event of a security incident.

Requires each institution of higher education, on or before July 15, 2007, to submit the information security plan to CCHE for review and comment and CCHE to submit the plans to the chief information security officer. Allows an information security plan to provide for a phase-in period not to exceed 3 years and for the completion of any phase-in by July 1, 2009.

Directs CCHE to require institutions of higher education to provide regularized security awareness training to inform the employees, administrators, and users about the information security risks and the responsibility of employees, administrators, and users to comply with the institution's information security plan and the policies, standards, and procedures designed to reduce those risks.

Requires quarterly reporting by the CISO to the governor and the commission on information management on the implementation of information security measures required by the act.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

H.B. 06-1158 School and junior college buildings - plan reviews and inspections - building and fire codes - division of oil and public safety - division of fire safety. Directs the division of oil and public safety in the department of labor and employment (division) to conduct the necessary plan reviews and inspections of public school and junior college buildings and structures for compliance with the division's building and fire codes or delegate this responsibility to an appropriate local building or fire department at the request of the affected board of education, the state charter school institute, or the charter school.

Directs the division to cause copies of school building plans to be sent to the appropriate fire department for review of fire safety issues. Requires the fire department to review the building plans, determine whether the building or structure is in compliance with the fire code, and respond to the division within 10 business days. Allows the fire department to request an extension of this deadline due to the complexity of the building plans. Directs the division of fire safety in the office of preparedness, security, and fire safety in the department of public safety (division of fire safety) to perform the plan review or inspection if the fire department declines or if no certified fire inspector is available.

Directs the division or the building department to issue a certificate of occupancy for a school or junior college building or structure if the building or structure is in conformity with the building and fire codes and if the affected fire department certifies that the building or structure is in compliance with the fire code. Allows a fee to be charged for plan reviews and inspections in an amount determined by the division on the basis of the direct cost of providing the service. Directs the division to charge a fee not to exceed \$200 if the division conducts the inspection. Directs the division to charge a fee for plan review and issuance of a construction permit in an amount that covers the division's expenses.

Requires inspectors for plan review and construction inspections to be certified by the international code council, the national fire protection association, or another similar national organization or to have equivalent qualifications.

Directs the inspecting entity to cooperate with the school district, the state charter school institute, or the junior college board.

Creates the board of appeals in the division to hear disputes involving the interpretation of the division's codes or standards. Grants a school board, the state charter school institute, a charter school, or a junior college board the right to appeal a final written decision of the entity conducting a plan review or inspection.

Authorizes the appropriate fire department or the division of fire safety to inspect the buildings and structures of a school district, institute charter school, charter school, or junior college as necessary to ensure compliance with the division's fire code and standards. States that if a local fire department does not perform such inspections, the division shall have the authority and duty to conduct the inspections.

Directs the director of the division of fire safety to:

- Supervise the employees of the division of fire safety;
- Adopt rules and nationally recognized standards necessary to perform the functions of the division of fire safety; and
- Adopt by rule a fire code identical to or modeled on the international fire code.

Directs the division to certify fire inspectors. Specifies that a person certified as a fire inspector must:

- Apply to the division of fire safety for certification;
- Pay a certification fee;
- Be at least 18 years of age;
- Pass the fire code certification examination, be certified by the international code council, or demonstrate equivalent qualifications.

Appropriates \$72,647 and 1.0 FTE from the public safety inspection fund to the

department of labor and employment, for allocation to the division. Appropriates \$55,645 and 1.0 FTE to the department of public safety, for allocation to the division of fire safety, of which \$49,020 shall be from the public safety inspection fund and \$6,625 shall be from the firefighter and first responder certification fund.

APPROVED by Governor June 1, 2006

EFFECTIVE July 1, 2006

H.B. 06-1189 Governmental immunity - tort claims - assignment and subrogation claims not separate from direct claim for purposes of damages limitation. Clarifies that tort claims brought against public entities and public employees are subject to the damages limitations of the "Colorado Governmental Immunity Act" regardless of whether a claim is brought directly by an injured party or indirectly by an assignee or subrogee of the injured party. Clarifies that an assignment or subrogation concerning an injury governed by the "Colorado Governmental Immunity Act" is not a separate occurrence with regard to limitations on judgments recovered against public entities or public employees.

APPROVED by Governor April 18, 2006

EFFECTIVE April 18, 2006

H.B. 06-1195 State personnel system - job evaluation and compensation. Modifies the required length of suspension from work for a state-employed supervisor who fails to annually evaluate subordinate employees in the state personnel system from not less than one workweek to not less than one workday.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 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. 06-1200 Operational account of the severance tax trust fund - energy-related assistance to low-income households - appropriation. Requires a portion of the operational account of the severance tax trust fund to be used for the purpose of providing energy-related assistance to low-income households through direct bill payment assistance and home energy efficiency improvements. Establishes that the moneys for providing direct bill payment assistance will be appropriated to the department of human services for the purpose of increasing available moneys under the low-income energy assistance program and to the office of the governor to be distributed to energy outreach Colorado for it to provide direct bill payment assistance when the department of human services is not accepting client applications for the low-income energy assistance program. Establishes that moneys for providing home energy efficiency improvements will be appropriated to the office of the governor for the office of energy management and conservation.

Appropriates a total of \$24,000,000 for the foregoing purposes for the 2005-06 fiscal year and a total of \$11,000,000 for the 2006-07 fiscal year. Requires a total of \$12,000,000 to be initially appropriated for the 2007-08 fiscal year and a total of \$13,000,000 for the 2008-09 fiscal year. Requires that the end balance of the operational account of the severance tax trust fund to be at least as much as is to be appropriated pursuant to this bill in the next fiscal year.

APPROVED by Governor February 3, 2006

EFFECTIVE February 3, 2006

H.B. 06-1256 State personnel system - total compensation - clarification of procedures. Clarifies the procedure for ensuring that state employees do not receive the recommended changes in employee salaries in the annual compensation recommendations for changes to salaries and any adjustments to the recommendations that were made by the general assembly in the annual general appropriation act for the 2003-04 state fiscal year.

For purposes of the state employees group benefit plans, specifies that:

- A child is a dependent through the end of the month in which the child turns 19 years of age;
- An unmarried child who is between 19 and 24 years of age and who is a full-time student in an educational or vocational institution is a dependent through the end of the month in which the child is no longer a full-time student; and
- Any person authorized by the director of the department of personnel to be a dependent in response to statutory changes made to mandated coverage for group benefits insurance is a dependent.

Specifies that state employees who are members of the public employees' retirement association (PERA) who are eligible to elect to become members of the public officials' and employees' defined contribution plan, and state employees who are members of the public officials' and employees' defined contribution plan who are eligible to elect to become members of PERA, shall make the election during the annual open enrollment period for the state employees group benefit plans.

APPROVED by Governor April 24, 2006

EFFECTIVE July 1, 2006

H.B. 06-1306 Statewide audit - secure and verifiable documents. On or before July 1, 2008, requires the state auditor or a contractor to study the implementation of the "Secure and Verifiable Identity Document Act", including an examination of whether a birth certificate should qualify as a secure and verifiable document. Beginning in 2007, requires the state auditor to prepare an annual executive summary of compliance with the requirements of the "Secure and Verifiable Identity Document Act" based upon audits conducted during the year.

APPROVED by Governor May 30, 2006

EFFECTIVE August 7, 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. 06-1310 Tobacco settlement moneys - state auditor review funding - transfers to programs - appropriations. Bases the appropriation to the state auditor's office for review of programs that receive tobacco settlement moneys ("tobacco programs") on the amount of tobacco settlement moneys received in the preceding calendar year, rather than the preceding fiscal year. Specifies that only those tobacco programs that receive an appropriation equal to a percentage of the tobacco settlement moneys will have their appropriations reduced to fund the state auditor's review of tobacco programs.

For specific tobacco programs, instructs the state treasurer to transfer the specific

amount of tobacco settlement moneys to the tobacco program's fund, instead of requiring an appropriation of said amount to the tobacco program's fund.

Clarifies that the moneys transferred at the end of each fiscal year from the tobacco settlement cash fund to the state general fund shall not include any moneys required for transfers to tobacco programs in the following fiscal year.

Adjusts the appropriations made to tobacco programs in the 2006-07 long bill to reflect the changes in calculating the appropriation to the state auditor.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1312 Information letters and private letter rulings - taxpayer requests to the executive director of the department of revenue - rulemaking - deadlines for issuance or declination of letter or ruling - availability to public - fees - sunset - appropriation. Authorizes the executive director of the department of revenue (executive director), or the executive director's designee, to issue information letters and private letter rulings to taxpayers. Requires the executive director to promulgate rules establishing the process for issuing the letters or rulings, including but not limited to rules that specify:

- The procedure, form, and time for submitting a request for a private letter ruling;
- The terms and conditions under which a private letter ruling binds the department of revenue;
- Limitations on the applicability of an information letter or a private letter ruling; and
- When a request for an information letter or a private letter ruling may be declined by the executive director.

Requires the executive director to issue private letter rulings within 90 days after a taxpayer's request for a ruling or notify the taxpayer within 30 days after the request for a ruling if the request is declined.

Specifies that the issuance, modification, or revocation of an information letter or a private letter ruling shall not constitute a tax policy change for TABOR purposes.

Requires the executive director to redact information from an information letter or private letter ruling in order to ensure the confidentiality of the taxpayer or other persons, transactions, factual circumstances, or time periods that are the subject of the letter or ruling and make public the balance of the letter or ruling. Authorizes the executive director to withhold the letter or ruling from the public based upon a determination that information cannot be redacted in a manner that maintains that confidentiality. Makes such a determination subject to review by a court of competent jurisdiction.

Directs the executive director to promulgate rules establishing reasonable fees for the direct and indirect costs of the administration of the act.

Repeals the act on July 1, 2011. Specifies that, prior to the repeal, the information letter and private letter ruling function of the executive director shall be subject to the sunset review process.

Appropriates \$72,000 and 1.0 FTE to the department of revenue for allocation to the taxation business group for the implementation of the act.

APPROVED by Governor June 1, 2006

EFFECTIVE June 1, 2006

H.B. 06-1320 Colorado lottery - promotional drawings. Allows the director of the state lottery division to promote the lottery by establishing promotional drawings. Specifies that promotional drawings are not subject to regulation and are not to be deemed a lottery or game of chance.

Defines a "promotional drawing" as a prize promotion involving the conduct of giveaways through the use of free chances, including the use of nonwinning tickets from existing or prior games, for purposes of commercial advertisement of the lottery, the creation of goodwill, the promotion of new lottery products, or the collection of names.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1321 Sunrise review process - application deadline. Shortens the time between application for a sunrise review and completion of the sunrise review report by the department of regulatory agencies by moving the deadline for application from July 1 to December 1.

Makes the act apply to proposals submitted on or after July 1, 2006, to the department of regulatory agencies to regulate unregulated professional or occupational groups.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

H.B. 06-1328 Tobacco litigation settlement moneys - review of use. To comply with provisions of existing law that required the joint budget committee and the health and human services committees of the general assembly (joint committees) to meet jointly to review the use of tobacco litigation settlement moneys on or before January 30, 2006, and that further require the joint committees to submit a legislative recommendation specifying the date by which the joint committees shall again review the use of settlement moneys, specifies that the joint committees shall again review the use of settlement moneys on or before January 30, 2009.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 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. 06-1343 Public contract for services - illegal aliens - required provisions - damages for breach - department of labor investigations. Prohibits a state agency or a political subdivision from entering into or renewing a public contract for services with a contractor who knowingly employs or contracts with an illegal alien to perform work under the contract or who knowingly contracts with a subcontractor who knowingly employs or contracts with an illegal alien to perform work under the contract. Requires a prospective contractor to certify that it does not knowingly employ or contract with an illegal alien and that the

contractor has participated or attempted to participate in the federal basic pilot employment verification program (basic pilot program) in order to verify that it does not employ any illegal aliens.

Establishes specific provisions that must be in each public contract for services related to illegal aliens performing work under the contract, participation in the basic pilot program, and investigations by the department of labor and employment. Establishes damages for a breach of one of these contractual provisions that leads to the termination of the public contract for services, which include actual and consequential damages and inclusion of the contractor on a public list maintained by the office of the secretary of state.

Permits the department of labor and employment to investigate whether a contractor is complying with the provisions of a public contract for services relating to illegal aliens.

APPROVED by Governor June 6, 2006

EFFECTIVE August 7, 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. 06-1347 Identity theft and financial fraud deterrence board - Colorado fraud investigators unit - statewide resource - fund - sunset review - appropriation. Creates in the department of public safety ("department") the identity theft and financial fraud deterrence board ("board") and the Colorado fraud investigators unit ("unit") to provide statewide support to law enforcement agencies in addressing identity theft and financial fraud crimes. Directs the board to make policy decisions for the unit. Directs the unit to assist in the investigation and prosecution of identity theft and financial fraud crimes. Specifies the membership of the board.

Creates the unit in the Colorado bureau of investigation in the department. Requires the unit to provide the board with a comprehensive plan for addressing issues concerning identity theft and financial fraud crime, and requires the board to approve the plan. Directs the unit to provide the board with quarterly performance reports. Requires the board to report by May 1, 2009, to the judiciary committees on the implementation and success of the unit.

Creates the Colorado identity theft and financial fraud cash fund to be funded by surcharges on uniform commercial code filings, lender licenses, and money transmitter licenses.

Repeals the act on July 1, 2011. Subjects the board and the unit to the sunset review process.

Appropriates \$378,435 and 3.5 FTE to the department for the implementation of the act.

APPROVED by Governor May 30, 2006

EFFECTIVE May 30, 2006

H.B. 06-1357 Open records - marriage license applications - prohibition on inspection - exceptions. Prohibits a custodian of records from allowing a person, other than the person in interest, to inspect the application for a marriage license of any person. Includes an

immediate family member of either party to the marriage license application as a person in interest. Defines an "immediate family member" as a person related by blood, marriage, or adoption.

Specifies that the prohibition on inspection of marriage license applications does not apply to records of marriage licenses and marriage certificates.

Requires that a record of a marriage license application be made available for public inspection 50 years after the date the record was created. Authorizes a district court in its discretion to order the custodian of records to permit the inspection of a marriage license application record upon application by any person and good cause shown.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

H.B. 06-1362 Colorado economic development commission - performance based incentives - film production in Colorado - film incentives cash fund. Allows any film production company (company) that produces a film in the state and that spends at least 75% of its production and payroll expenditures in the state to claim a performance-based film production incentive (incentive) in an amount as follows:

- For a company that originates the film production activities in the state, an amount equal to 10% of the company's qualified local expenditures and qualified payroll expenditures in the state if the total of such expenditures equals or exceeds \$100,000; and
- For a company that does not originate the film production activities in the state, an amount equal to 10% of the total amount of the company's qualified local expenditures and qualified payroll expenditures if the total of such expenditures equals or exceeds \$1,000,000.

Requires a company to apply to the Colorado economic development commission (commission) prior to beginning production activities in the state in order to claim an incentive. States that the company's application shall include the company's statement of intent to produce a film for which the company will qualify for the incentive.

Directs the commission to review each application submitted by a company before the company begins work in the state and to make an initial determination of whether the company will be eligible to receive an incentive. States that the commission shall grant conditional approval to every company that, based on the information provided by the company, will be eligible to claim an incentive.

Upon completion of film production activities in the state, requires a company that received conditional approval to receive an incentive to submit financial documents to the commission that detail the expenses incurred in producing the film in the state. Specifies that the company shall also submit an affidavit stating that the details of the expenditures are accurate. If the amount of the company's actual qualified local expenditures and qualified payroll expenditures allows the company to qualify for the incentive, requires the commission to issue an incentive to the company.

Creates the film incentives cash fund (fund) in the state treasury and specifies that the fund shall consist of moneys annually transferred into the fund from the limited gaming fund. States that the general assembly shall annually appropriate moneys in the fund to the

commission to be used for the purpose of providing incentives. Allows the commission to withhold up to 2.5% of the total amount appropriated to the commission for purposes of the administrative costs of the incentive program.

States that the total amount of incentives that the commission issues in any fiscal year shall not exceed the amount appropriated to the commission for the purposes of awarding the incentives in the applicable fiscal year. If the commission receives applications for incentives that exceed the amount appropriated by the general assembly for the fiscal year, requires the commission to issue incentives to companies in the order in which the commission received applications until the amount appropriated has been expended.

Directs the commission to establish application guidelines and other procedures for the purposes of awarding the incentives. Directs the commission to include certain data regarding the incentives in an annual report to the general assembly.

Extends the repeal of the commission to July 1, 2017.

States that the performance-based film production incentive shall only take effect if House Bill 06-1201 becomes law.

APPROVED by Governor June 5, 2006

EFFECTIVE June 5, 2006

NOTE: House Bill 06-1201 was signed by the governor June 5, 2006.

H.B. 06-1373 Colorado mental health institute at Pueblo - construction - appropriation. Authorizes the executive director of the department of human services ("executive director") to enter into contracts for the completion of the design and the construction of an institute for forensic psychiatry and auxiliary facilities at the mental health institute in Pueblo. Repeals the authority of the executive director to enter into a lease for the institute and auxiliary facilities.

Transfers moneys to the capital construction fund for fiscal years 2006-07 and 2007-08 to pay for the institute and auxiliary facilities.

Appropriates \$35,000,000 to the department of human services for implementation of the act, and specifies that \$20,000,000 of the appropriation shall remain available for use for up to 3 years.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1386 Capital construction fund transfers. Transfers \$46,944,687 from the general fund to the capital construction fund for the 2006-07 fiscal year. Transfers moneys from the general fund exempt account to the capital construction fund in the amounts of \$10,000,000 for the 2005-06 fiscal year and \$15,000,000 for the 2006-07 fiscal year.

APPROVED by Governor June 1, 2006

EFFECTIVE June 1, 2006

HEALTH AND ENVIRONMENT

S.B. 06-114 Air quality - housed commercial swine feeding operations - odor controls - appropriations. Allows wastewater vessels and impoundments used in connection with a housed commercial swine feeding operation to be operated with technologies or practices to capture, recover, incinerate, or otherwise manage odorous gases as an alternative to using a physical cover. Requires a housed commercial swine feeding operation to submit to the department of public health and environment information sufficient to demonstrate that the technologies and practices used are as effective as covers at minimizing odor from the operation.

Requires a housed commercial swine feeding operation to manage odor emissions such that odor emissions from the operation:

- Cannot be detected at or beyond the property boundary after the odorous air has been diluted with 7 volumes of odor-free air; and
- Cannot be detected at any off-site receptor (defined as a home, school, or business) after the odorous air has been diluted with 2 volumes of odor-free air.

Allows the division of administration in the department of public health and environment to delegate enforcement of odor emissions to any county or regional department of health. Establishes a fee to offset the division's direct and indirect costs of enforcement, compliance, and regulation of odor emissions. Creates the housed commercial swine feeding operation fund for the deposit of such fees and for the support of enforcement activities.

Appropriates \$52,312 and 0.5 FTE to the department of public health and environment, and \$4,834 to the department of law, for the implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-132 Water pollution control - wastewater treatment grants. Extends, for 5 years, the repeal date of the domestic wastewater treatment grant program to allow the state to enter into contracts with counties on behalf of unincorporated areas for construction of high-priority domestic wastewater treatment projects.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-171 State board of health - transfer of authority. Transfers the authority of the state board of health regarding:

- Drinking water standards, the drinking water project eligibility list, fees for the program regulating the beneficial use of biosolids, and individual sewage disposal systems to the water quality control commission; and
- Solid waste disposal sites to the newly renamed solid and hazardous waste commission.

APPROVED by Governor May 25, 2006

EFFECTIVE July 1, 2006

S.B. 06-208 Health care - blue ribbon commission for health care reform - created - purpose - appointment and representation of members - duties - cash fund created - repeal - appropriation. Creates the blue ribbon commission for health care reform (commission) for the purpose of studying and establishing health care reform models to expand health care coverage and to decrease health care costs for Colorado residents.

Authorizes the appointment to the commission of 8 members who represent consumers, 8 members who represent health insurance purchasers, and 8 members who represent experts and business leaders. Requires the commission to study health care coverage and reform models, seek insight from interested parties and the public, select top proposals for technical analysis, and present a final report to the general assembly. Requires the commission to be administered by a nonpartisan project administrator with the assistance of a project coordinator.

Creates the health care reform cash fund to consist of gifts, grants, donations, and appropriations from the general fund for the purpose of carrying out the functions of the commission. Makes the commission's functions contingent upon the receipt of at least \$50,000 in gifts, grants, and donation. Repeals the commission, effective July 1, 2010.

Adjusts appropriations made in the 2005-06 long appropriations bill to the department of health care policy and financing.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

H.B. 06-1045 Hospital-acquired infection rates - reporting - advisory committee - annual report - sunset review - appropriation. Requires a hospital to collect data on hospital-acquired infection rates for specified clinical procedures and to routinely submit its hospital-acquired infection data to the national healthcare safety network in accordance with national healthcare safety network requirements and procedures.

Directs the executive director of the department of public health and environment ("department") to appoint an advisory committee to assist the department in the development of the department's oversight of hospital-acquired infections disclosure and the department's methodology for disclosing information collected, including methods and means for release and dissemination.

Compels the department to create an annual report summarizing the reports, comparing infection rates for each individual hospital in the state, discussing findings, making conclusions, and spotting trends. Requires patient confidentiality to be maintained during the reporting. Designates all information and materials obtained and compiled by the department as confidential, not subject to disclosure. Makes failure to comply with the reporting requirement sanctionable. Provides the department with compliance oversight of the reporting.

Subjects the advisory committee to review before July 1, 2016, pursuant to the provisions of the sunset law.

Appropriates \$52,626 and 0.6 FTE to the department for allocation to the health facilities and emergency medical services division for the implementation of the act.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

H.B. 06-1054 HIV and AIDS prevention - grant program - fund - tobacco settlement moneys- appropriation. Creates the Colorado HIV and AIDS prevention grant program ("program") in the department of public health and environment to address local community needs in the areas of medically accurate HIV and AIDS prevention and education through a competitive grant process.

Creates the HIV and AIDS prevention grant program advisory committee ("advisory committee") and specifies that the program shall be overseen by the advisory committee. Specifies the make up of the advisory committee. Clarifies that the grants administered under the program shall be subject only to the program restrictions and shall not be subject to the same restrictions as grants provided with federal moneys. Requires the state board of health, upon recommendations of the advisory committee, to adopt rules regarding the program and specifies what the rules shall include. Addresses conflicts of interest and limits administrative expenditures for the program.

Establishes the AIDS and HIV prevention fund.

Specifies that the program shall receive 2% of the total amount of tobacco settlement moneys annually received by the state, not to exceed \$2,000,000 in any fiscal year. Appropriates \$1,584,448 in fiscal year 2006-07 from the tobacco litigation settlement cash fund to the fund to implement the program.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

H.B. 06-1074 Waste tire recycling development fee. Extends the waste tire recycling development fee and the processors and end users of waste tires cash fund until July 1, 2012. Allows moneys in the waste tire recycling development cash fund that remain at the end of any fiscal year to be spent without further appropriation. Requires that the advanced technology fund, funded by the waste tire recycling development fee, be used to finance research, development, and technology transfer with regard to waste diversion and recycling strategies, including those pertaining to waste tires.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

H.B. 06-1103 Nursing facilities - assisted living residences - contract provisions. States that any contract clause or lease provision that results in or requires forfeiture of rent following the one-month period after a person residing in a nursing home facility, including a skilled nursing facility, intermediate care facility, or assisted living facility, moves due to a medical condition or dies during the term of the contract or lease shall be deemed against public policy and shall be void. Requires that the provisions of any contract or written agreement regarding forfeiture appear on the front page of the contract or agreement in no less than 12-point bold-faced type.

States that a contract or written agreement that requires forfeiture of rent within the one-month period in which the patient moves due to a medical condition or dies does not violate the act. Directs the facility to return to the patient or the patient's estate any rent paid in excess of one month's rent after the patient moved due to a medical condition or died.

Allows such facilities to assess daily rental charges under certain circumstances after a patient moves due to a medical condition or dies.

APPROVED by Governor March 31, 2006

EFFECTIVE January 1, 2007

H.B. 06-1154 State registrar of vital statistics - heirloom certificates - appropriation. Directs the office of the state registrar of vital statistics to issue heirloom birth certificates and marriage certificates. Requires that heirloom birth and marriage certificates have the same status as evidence as that of original birth and marriage certificates. For each sale of an heirloom birth or marriage certificate, credits \$10 to the infant immunization fund or the Colorado domestic abuse program fund, respectively, and credits the remainder of such moneys to the vital statistics records cash fund.

Appropriates \$24,400 to the department of public health and environment for implementation of the act.

APPROVED by Governor May 17, 2006

EFFECTIVE August 7, 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. 06-1175 Air quality - secondhand tobacco smoke - "Colorado Clean Indoor Air Act" - exemptions - enforcement. Enacts the "Colorado Clean Indoor Air Act" (act). Makes legislative findings and declares that the purpose of the act is to preserve and improve the health, comfort, and environment of the people of this state by limiting exposure to tobacco smoke.

Specifies that, to reduce the levels of exposure to environmental tobacco smoke, smoking shall not be permitted in any indoor enclosed area or the main entryway to such area, including, but not limited to: Public meeting places; elevators; government-owned or -operated means of mass transportation, including, but not limited to, buses, vans, and trains; taxicabs and limousines; grocery stores; gymnasiums; jury waiting and deliberation rooms; courtrooms; child day care facilities; health care facilities, including hospitals, health care clinics, doctor's offices, and other health care related facilities; any place of employment not exempted; food service establishments; bars; limited gaming facilities; indoor sports arenas; restrooms, lobbies, hallways, and other common areas in public and private buildings, condominiums, other multiple-unit residential facilities, hotels, and motels; at least 75% of the sleeping quarters within a hotel or motel that are rented to guests; bowling alleys; billiard or pool halls; retirement facilities, public housing facilities, and nursing homes, not including a resident's private residence quarters; public buildings; auditoria; theaters; museums; libraries; public schools, nonpublic schools, and other educational and vocational institutions; and facilities in which games of chance are conducted. In the case of employers who own facilities exempted from this act, requires those employers to provide a smoke-free work area for every employee requesting not to have to breathe environmental tobacco smoke, and establishes that every employee has a right to work in an area free of environmental tobacco smoke.

Makes exceptions to the general prohibitions on smoking for private homes, residences, and automobiles; limousines under private hire; hotel or motel rooms if the total percentage of the hotel or motel rooms in which smoking is permitted does not exceed 25%;

retail tobacco businesses; cigar-tobacco bars; the enclosed smoking areas of a municipally operated international airport; the outdoor area of any business; a place of employment that is not open to the public and is under the control of an employer that employs 3 or fewer employees; nonresidential buildings on a farm or ranch with less than \$500,000 gross annual income; and licensed casinos.

Permits the owner or manager of any place to post, at such owner's or manager's discretion, signs prohibiting smoking or providing smoking and nonsmoking areas, which posting will have the effect of including such areas within the places where smoking is prohibited or restricted under the act.

Permits local authorities to enact smoking regulations that cover the same subject matter as the provisions of the act. Specifies that no local regulations can be less stringent than the act, except in defining the smoke-free radius around the doorway of a building, which, unless otherwise specified, shall be 15 feet. Allows enforcement of such local regulations through the municipal courts or their equivalent in any city, city and county, or town.

Makes violation of the act a class 2 petty offense punishable by a fine not to exceed \$200 for a first violation within a calendar year, a fine not to exceed \$300 for a second violation within a calendar year, and a fine not to exceed \$500 for each additional violation within a calendar year. Deems each day of a continuing violation a separate violation of the act. Allocates 75% of the revenue from any fines collected to the city, city and county, or town in which a violation occurs and 25% to the general fund of the state.

APPROVED by Governor March 27, 2006

EFFECTIVE July 1, 2006

H.B. 06-1177 Air pollution control - continuation of asbestos program under sunset law. Extends the automatic termination date of the asbestos control program in the department of public health and environment until July 1, 2013, pursuant to the provisions of the sunset law. Authorizes examinations for air monitoring specialists. Prohibits conflicts of interest between the identification and abatement of asbestos for all asbestos abatement projects. Allows air monitoring specialists and applicants for recertification to contest certification determinations. Establishes testing and certification renewal cycles administratively, not to exceed 5 years. Repeals obsolete provisions. Updates the citations to certain rules.

APPROVED by Governor March 27, 2006

EFFECTIVE March 27, 2006

H.B. 06-1265 Air quality control commission - lead-based paint abatement. Requires each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

APPROVED by Governor March 27, 2006

EFFECTIVE August 7, 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. 06-1278 Hospital report card - hospital information system - assistance from hospital association. Creates a comprehensive hospital information system that collects, compiles, coordinates, and analyzes hospital data. Requires the executive director of the department of public health and environment ("executive director") to select a duly constituted association of hospitals and to rely upon the assistance and advice of the selected association to implement the act. Allows the executive director to reject or revoke acceptance of the association. If the association is rejected or has acceptance revoked, creates the Colorado commission for hospital statistics. Requires the executive director to establish the Colorado hospital report card that consists of public disclosure of the collected hospital data. Imposes an apportioned fee on hospitals to fund the report card.

For the 2006-07 fiscal year, appropriates \$31,541 and 0.5 FTE to the department of public health and environment, for allocation to the health facilities and emergency medical services division for implementation of the act.

APPROVED by Governor June 2, 2006

EFFECTIVE August 7, 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. 06-1309 Air quality - changes in federal law - anti-backsliding. If a change in federal law causes a state air quality rule or standard to no longer be required by or to become otherwise more stringent than federal law, allows the air quality control commission to retain such rule or standard if it is already part of the state implementation plan or other federally-approved program and to promulgate a rule or standard to be submitted as a federally-approved program to the extent that the rule or standard prevents the change in federal law from causing an increase in emissions over current levels or a violation of a standard. Exempts agricultural, horticultural, and floricultural emission sources from any such rule or standard except to the extent necessary to require the use of oxygenated biofuels in the wintertime. Prevents state air quality law from being more stringent than federal law with regard to emissions from historic steam locomotives.

VETOED by Governor April 24, 2006

H.B. 06-1337 Water quality - violations - penalties - rules. Establishes criteria to be considered when civil penalties for violation of water quality control provisions are assessed, including:

- The potential damage from the violation;
- The violator's compliance history;
- Whether the violation was intentional, reckless, or negligent;
- The impact upon or threat to the public health or environment as a result of the violation;
- The duration of the violation; and
- The economic benefit realized by the violator as a result of the violation.

Creates the water quality improvement fund (fund) to be used to:

- Improve the water quality in the community or water body impacted by the

- violation;
- Provide grants to disadvantaged communities for storm water projects or to assist with planning, design, construction, or repair of domestic wastewater treatment works; or
- Provide the nonfederal match funding for nonpoint source projects under the federal clean water act.

Requires the division of administration in the department of public health and environment to provide a full accounting of all projects funded with moneys from the fund in an annual report.

Allows the division to institute a civil or administrative action to impose and collect penalties. Subjects the final decision of the commission to judicial review.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

H.B. 06-1363 Colorado student delinquency prevention program - created - funding - criminal surcharge - appropriation. Creates the Colorado student delinquency prevention program ("program"), within the Tony Grampsas youth services program, to provide funding for before-and-after school programs for youth enrolled in kindergarten through grade 8. Describes the types of before-and-after school programs that qualify for funding. Directs the Tony Grampsas youth services board ("board") to award the grants. Specifies that an entity may be eligible to receive funding through the program regardless of whether the entity serves children who are eligible for free or reduced-cost lunch.

Creates the Colorado student delinquency prevention program fund ("fund"). Identifies the source of moneys for the fund as gifts, grants, and donations and 82% of the moneys collected from the juvenile crime prevention surcharge. Specifies that grants awarded through the program shall be paid from moneys appropriated from the fund and from 30% of the amount annually appropriated to the Tony Grampsas youth services program. Requires the board to award at least 15% of the amount annually available to the program to entities operating in underserved communities.

Creates the juvenile crime prevention surcharge ("surcharge") of \$75 to be collected from each adult and juvenile convicted of or adjudicated for a felony or misdemeanor. Specifies that, of the moneys collected from the surcharge, 5% are allocated to the clerk of the court for administrative costs, 82% are allocated to the fund, and 13% are allocated to the juvenile diversion cash fund. Requires the court to waive the surcharge if the defendant's annual income does not exceed 150% of the poverty level, allows the court to waive the surcharge if the court determines the defendant is indigent or otherwise unable to pay, and otherwise prohibits the court from waiving the surcharge.

Creates the judicial surcharge administration fund. Specifies that the judicial surcharge administration fund consists of 5% of the juvenile crime prevention surcharge.

For the 2006-07 fiscal year, appropriates \$116,904 from the judicial surcharge administration fund to the judicial department for implementation of the surcharge; appropriates from the juvenile diversion cash fund to the department of public safety for allocation to the division of criminal justice \$303,952 for the juvenile diversion program; and appropriates \$1,917,233 from the Colorado student delinquency prevention program

fund to the department of public health and environment for allocation to the prevention services division for implementation of the program.

VETOED by Governor June 2, 2006

H.B. 06-1392 Alcohol and drug abuse - regulation of treatment facilities. Clarifies that the division of alcohol and drug abuse in the department of human services has the authority to regulate private treatment facilities that do not receive public funds but dispense controlled substances for the purpose of treating persons with drug abuse problems. States that no person shall operate a public or private treatment facility that treats persons for drug abuse, and that either receives public funds or dispenses controlled substances, or both, without approval from the division of alcohol and drug abuse. Clarifies that the standards apply to treatment facilities that receive any public funds, not just state funds.

APPROVED by Governor May 17, 2006

EFFECTIVE May 17, 2006

H.B. 06-1410 Health disparities grant program - fund creation - distribution - appropriations. Creates the health disparities grant program fund to be administered by the department of public health and environment. Requires that 15% of the moneys transferred to the prevention, early detection, and treatment fund shall be transferred to the health disparities grant program fund.

For the 2005-06 fiscal year, decreases the appropriation from the prevention, early detection, and treatment fund to the department of public health and environment, prevention services division by \$5,570,400 and 0.2 FTE and appropriates the amount to the department of public health and environment, administration and support, for the health disparities grant program.

For the 2006-07 fiscal year, appropriates \$8,615,207 and 0.5 FTE to the department of public health and environment, support services division, special programs for the health disparities grant program. Makes the following adjustments to the long bill for the 2006-07 fiscal year: Decreases the appropriation to administration and support, special programs, health disparities grant program, for personal services, by \$30,000 and 0.5 FTE; decreases the appropriation to the administration and support, special programs, health disparities grant program, for health disparities grants by \$4,331,450; decreases the appropriation to the prevention services division, prevention programs, for prevention, early detection, and treatment grants by \$4,253,157.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

HEALTH CARE POLICY AND FINANCING

S.B. 06-1 Prescription drugs - medicaid - multi-state drug purchasing - Colorado cares Rx - appropriation. Requires the department of health care policy and financing ("department") to apply for federal authorization, as necessary, to enter into a multi-state drug purchasing pool ("purchasing pool") for the benefit of the state's medicaid recipients. Requires the department to contract, through a competitive bidding process, with one or more for-profit or nonprofit entities for purposes of the purchasing pool.

Requires the executive director of the department to promulgate any rules necessary for the state to receive the federal authorization necessary to implement the purchasing pool and for the state to generate the maximum amount of savings to the state medicaid program. Authorizes the department to purchase prescription drugs outside of the purchasing pool if the department determines the prescription drugs are medically necessary. Contains a reporting requirement.

Establishes the Colorado cares Rx program ("program") in the department to allow an eligible person, any political subdivision of the state, and any business to purchase prescription drugs at the discounted rate negotiated by the entity administering the program. Defines the eligibility criteria for the program. Requires the department's contract with one or more entities to implement and administer the program.

Appropriates \$99,840 to the department for the implementation of this act. Specifies that \$70,817 of this amount shall be from the general fund and \$29,023 shall be from federal funds.

VETOED by Governor May 26, 2006

S.B. 06-44 Colorado indigent care program - primary care - adults - appropriation. Increases the minimum percentage of the federal poverty level of the Colorado indigent care program to 250% and specifies that the eligibility requirements shall be determined by rule of the medical services board.

Establishes the Colorado health care services fund ("fund"), and specifies how much in fiscal years 2005-06, 2007-08, and each of the 2 fiscal years thereafter the fund shall receive from the general fund exempt account. Specifies that 18% of the moneys annually appropriated from the fund shall be appropriated to Denver health and hospitals as the community health clinic provider for the city and county of Denver. Specifies how the remaining moneys annually appropriated will be allocated between community health clinics and primary care clinics operated by a licensed or certified health care facility to provide primary care services to low-income adults.

Makes various adjustments to the 2005 and 2006 general appropriations acts to fund the act.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

S.B. 06-128 Coordinate care for persons with a disability - pilot program - rules - reports - repeal. Directs a Colorado nonprofit organization with a board composed of persons interested in medicaid recipients with a disability to submit a proposed pilot program to the

department of health care policy and financing ("department") on or before September 1, 2006. Directs the department to review the proposed pilot program and, by January 1, 2007, to:

- Report to the nonprofit organization and specified committees of the general assembly;
- Request, if it finds that the pilot program meets required components, request necessary federal authorizations to implement the pilot program.

Directs the department to implement the pilot program if it receives the necessary federal authorizations. Authorizes the medical services board to promulgate rules. If the pilot program is implemented, requires the department annually to report to the general assembly on the effects of the program. If the department can establish that the pilot program has resulted in cost savings and increased client satisfaction, authorizes the pilot program to be expanded into additional geographic areas of the state.

Establishes the coordinated care for people with disabilities fund ("fund"). Directs the state treasurer annually to transfer to the fund the interest earned from the breast and cervical cancer prevention and treatment fund.

Repeals the act on July 1 of the fifth year following implementation of the pilot program.

Makes various adjustments to the 2006 general appropriations act for the implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-129 Medicaid - cash system of accounting - appropriation. Requires the department of health care policy and financing to use the cash system of accounting, regardless of the source of revenues involved, for all activities related to the financial administration of any non-administrative expenditure that qualifies for federal financial participation under title XIX of the federal "Social Security Act", except for expenditures made for the Colorado indigent care program.

Makes various adjustments to the 2005 general appropriations act for the implementation of this act.

APPROVED by Governor May 11, 2006

EFFECTIVE May 11, 2006

S.B. 06-131 Class I nursing facility reimbursement system - study - report - increase rate - appropriation. Directs the department of health care policy and financing ("department") to conduct a study and report to specified committees of the general assembly on a new reimbursement system for class I nursing facility providers based upon a pricing model system, a pay for performance system, and any other reimbursement system selected by the department.

Provides a floor for the reimbursement rate that class I nursing facility providers shall receive and a ceiling on the increase that a class I nursing facility provider may receive.

For the 2006-07 fiscal year, repeals an 8% cap on any increase in health services costs for a class I nursing facility with an average Medicaid census of over 64% of the actual residents.

Increases the general fund appropriation to the department in the 2006 general appropriations act by \$1,188,203.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

S.B. 06-135 Children's basic health plan - pregnant women - appropriation. Specifies that until the department of health care policy and financing ("department") receives federal approval to increase eligibility in the children's basic health plan ("plan") for a pregnant woman whose family income exceeds 185% but does not exceed 200% of the federal poverty level, a pregnant woman within this income range shall be considered enrolled in the plan throughout the woman's pregnancy and for 60 days following the pregnancy. For fiscal year 2005-06, authorizes the department to use tobacco tax moneys appropriated from the health care expansion fund to pay for 100% of the expenses related to the pregnant woman's enrollment in the plan until federal financial participation is available.

Appropriates \$353,161 from the health care expansion fund to the department for fiscal year 2005-06.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-145 Local government - fee authority - reimbursement - unreimbursed medicaid costs. Authorizes a local government to charge a fee on the gross or net revenue of certain medical providers located within its territorial boundaries for the purposes of obtaining federal financial participation under the state's medicaid program to reimburse providers for unreimbursed medicaid costs. Subject to federal medicaid regulations, authorizes a local government, in any given year, to elect to not assess the fee imposed on certain medical providers and not make the reimbursements to the providers for that year. Requires the local government to certify to the department of health care policy and financing ("department") the amount paid to qualified providers for unreimbursed medicaid costs, which shall include the distribution of the fee collected. Requires the local government to pay qualified providers within the local government's territorial boundaries consistent with the department's calculation of the unreimbursed medicaid costs for the qualified providers within that territorial boundary.

Requires the department to amend the state medicaid plan, effective July 1, 2006, for the purpose of paying for unreimbursed medicaid costs incurred by qualified providers. Requires the medical services board to define unreimbursed medicaid costs by rule. Requires the department to distribute to a local government that has certified payment to qualified providers the federal financial participation received for eligible unreimbursed medicaid costs of the qualified providers within the local government's territorial boundaries.

APPROVED by Governor May 5, 2006

EFFECTIVE May 5, 2006

S.B. 06-219 Department of health care policy and financing - administrative reorganization - appropriation. Reorganizes and amends statutes relating to all programs administered by the department of health care policy and financing ("department"), including, but not limited to:

- The Colorado medical assistance act;
- The Colorado indigent care program;
- The children's basic health plan;
- The old age pension health and medical care program; and
- The comprehensive primary and preventive care grant program.

Consolidates all statutes relating to the department in title 25.5, Colorado Revised Statutes. Duplicates in title 25.5, Colorado Revised Statutes, existing county administrative and financial provisions that are currently in the human services code and that relate to the programs the department administers.

Repeals the July 1, 2007, repeal date of the medical services board. Transfers the administration of the home care allowance and adult foster care from the department to the department of human services. Repeals obsolete provisions.

Appropriates \$18,306,628 to the department for county administration. Appropriates \$1,593,624 to the department for administrative case management payments to counties. Makes various adjustments to the 2006 general appropriations act for appropriations to the department and the department of human services.

APPROVED by Governor June 6, 2006

EFFECTIVE July 1, 2006

S.B. 06-227 Programs administered by the state department - public health program applicants - required identification of employers - reporting requirements of state department, department of labor and employment, and employers - penalty - fund - appropriation. Requires an applicant for health care benefits administered by the department of health care policy and financing (state department), including, but not limited to, benefits provided pursuant to the "Colorado Medical Assistance Act" and the children's basic health plan, and a person requesting uncompensated care in a hospital to identify the employer or employers of the proposed beneficiary of the health care benefits, or if the beneficiary is not employed, the adult responsible for providing the beneficiary's support. Requires the state department to report annually to the general assembly regarding employers with 50 or more employees who are public health program beneficiaries. Requires the state department to make the report available to any person who requests such report.

Requires employers who employ 500 or more employees who are public health program beneficiaries or whose dependents are public health program beneficiaries in this state to submit information to the executive director (director) of the department of labor and employment regarding the number of part-time and full-time employees and the amount spent on health care for the employees. Requires the director to submit a report annually to the governor and the general assembly that compiles the information reported to the director from each employer.

Creates a penalty for employers who fail to timely submit the required information. Creates the Colorado fair share health care cash fund, and requires the penalty amounts to be appropriated to the fund. Requires that moneys in the fund be annually appropriated to

the state department for the purposes of the "Colorado Medical Assistance Act".

Adjusts appropriations made in the 2006-07 general appropriations act.

VETOED by Governor June 2, 2006

H.B. 06-1079 Medicaid providers - penalties - informal hearing. Specifies that a medical provider who knowingly receives payment or seeks collection through a third party from a recipient or the estate of a recipient to which the provider is not lawfully entitled is liable to the recipient or the estate of the recipient. Specifies the amount for which the medical provider is liable. Provides that a party may send notice of claim to the provider and to the department of health care policy and financing ("department"), and requires the executive director of the department to promulgate rules for an informal hearing process. Excludes licensed long-term care facilities.

APPROVED by Governor March 27, 2006

EFFECTIVE January 1, 2007

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

H.B. 06-1211 Retaliation - definition. Defines "retaliation" for purposes of any rule or action taken by the department of health care policy and financing.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1270 Eligibility determinations - at school sites - demonstration program - advisory committee - repeal - appropriation. Establishes a demonstration project to authorize qualified personnel to make determinations of eligibility for medicaid and the children's basic health plan at school sites. For the 2007-08 school year, directs the executive director ("executive director") of the department of health care policy and financing ("department") to select school districts to participate in the demonstration project. Establishes an advisory committee to make recommendations to the executive director on the demonstration project. Directs the medical services board to promulgate rules governing the demonstration project. Subject to the receipt of gifts, grants, or donations, directs the department to contract for an independent evaluation on the project to be provided to committees of the general assembly. Repeals the demonstration project effective July 1, 2010.

Increases the general fund appropriation to the department in the 2006 general appropriations act by \$29,766.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

H.B. 06-1299 Providers - durable medical equipment - disposable medical supplies - rules - requirements. After January 1, 2007, requires the rules of the medical services board to prohibit payment to providers of durable medical equipment and disposable medical supplies under the fee-for-service and primary care physician programs of the medical assistance

program unless the provider complies with specified requirements or contracts with a provider that complies with the requirements.

APPROVED by Governor April 18, 2006

EFFECTIVE August 7, 2006

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

HUMAN SERVICES - MENTAL HEALTH

H.B. 06-1277 Persons with mental illness - emergency 72-hour hold - records - acute treatment units - licensure - fees -appropriation. Changes language referring to persons with a mental illness. Ensures that only certified peace officers can implement an emergency 72-hour hold for a person with mental illness. Outlines procedures for record maintenance and retention in outpatient and inpatient facilities for persons with mental illness.

Authorizes the department of human services to license acute treatment units annually and to establish and enforce standards for the operation of those facilities. Requires acute treatment units to obtain a license prior to beginning operation. Sets forth the fee structure for applicants for licensure for an acute treatment unit.

For fiscal year 2006-07, appropriates \$3,829 out of cash funds from fees collected for health facility licensing to the department of public health and environment, health facilities and emergency medical services division, for the implementation of the act.

APPROVED by Governor June 1, 2006

EFFECTIVE August 7, 2006

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

HUMAN SERVICES - SOCIAL SERVICES

S.B. 06-97 Long-term care facilities - reports. Requires certain agencies that make a report of specified occurrences at a licensed long-term care facility to provide that report to the department of public health and environment. Makes the report available for public inspection.

Compels a report of the occurrence of abuse to be made to a law enforcement agency.

APPROVED by Governor April 6, 2006

EFFECTIVE April 6, 2006

S.B. 06-124 Electronic benefits transfer service fund - transfer of repealed fund balance. Directs the state treasurer to transfer to the general fund the fund balance of moneys remaining after the repeal of the electronic benefits transfer service fund.

APPROVED by Governor April 4, 2006

EFFECTIVE April 4, 2006

S.B. 06-134 Colorado works - resource limitations. Increases the resource and asset limitation for the Colorado works program from approximately \$2,000 per family to \$15,000 per family. Exempts from the \$15,000 resource limitation specified assets designated to promote self-sufficiency.

Makes the act applicable to eligibility determinations made for the Colorado works program on or after October 15, 2006.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

S.B. 06-165 Medical assistance act - reimbursement - telemedicine - pilot program for treatment of chronic conditions - cost savings - sunset review - appropriations. Endorses the use of telemedicine and provides that medical services and other health care services rendered via telemedicine are reimbursable under the "Colorado Medical Assistance Act" ("act"), and under health care coverage or health insurance policies, to the same extent as such services would be if rendered in person. Eliminates a previous distinction between the provision of medical care via telemedicine in counties with a population of 150,000 or less and in counties with a population greater than 150,000. States that a patient always has the option to refuse the delivery of health care services via telemedicine. Authorizes the executive director of the department of health care policy and financing ("department") to adopt rules regarding telemedicine services.

Directs the department to contract for the conduct of pilot programs for the rendition of medical services via telemedicine under the act. States that the pilot programs will evaluate the management of, and treatment of patients with, congestive heart failure, chronic obstructive pulmonary disease, and diabetes or diabetes-related conditions. Provides for sunset review of the administration of the pilot programs. Prohibits conflicts of interest by persons evaluating the pilot programs in connection with the sunset review or otherwise.

Removes the transfer of medical data and education related to health care services from the existing definition of "telemedicine" in the "Colorado Medical Practice Act".

Makes the following adjustments to the department's appropriations in the 2006 general appropriations act:

- Adds \$27,086 to the executive director's office for personal services.
- Adds \$1,937 to the executive director's office for operating expenses.
- Adds \$13,319 to the executive director's office for the medicaid management information system.
- Adds \$161,216, plus an anticipated \$161,215 in federal funds, for medical services premiums.

APPROVED by Governor June 2, 2006

EFFECTIVE July 1, 2006

S.B. 06-199 Child care licensing - fees - standards - fingerprint-based criminal history records check. Defines and adds "children's resident camps" and "cradle care homes" as facilities subject to the terms of the "Child Care Licensing Act". Allows a facility to be certified as a foster care home and licensed as a family child care home as long as separate entities perform the certification and licensing.

Increases from 120 days to 6 months the length of time for which a provisional child care license may be granted.

Allows the state board of human services to promulgate rules concerning fees for insufficient fund payment, for the collection of overdue fines, and for the collection of fees for scanning of adoption records. Allows the state department of human services ("department") to prescribe standards for training providers of cradle care home services.

Mandates that, as part of the review of each application for license or for renewal of a license, the department shall require a fingerprint-based criminal history records check of any adult who is 18 years of age and older who is the applicant or an owner, employee or licensee of the applicant or who resides in the licensed facility.

Mandates that an existing child care license shall not continue in effect during an appeal process if the application for renewal of the license is denied.

APPROVED by Governor May 1, 2006

EFFECTIVE August 7, 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. 06-1207 Foster care - salaried foster parent pilot program. Creates a demonstration pilot program to allow for the employment of a salaried foster parent by a child placement agency. Defines a salaried foster parent as a person employed by a child placement agency for the sole purpose of providing foster care and who serves in no other capacity for the child placement agency. Allows a child placement agency participating in the demonstration pilot program to employ a salaried foster parent. Repeals the pilot program, effective July 1, 2009.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 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. 06-1255 Juveniles - permanency hearings - commitment to department of human services. Defines when a specified entity is considered to have the responsibility for placement and care of a child for purposes of compliance with the federal "Social Security Act". To comply with the federal "Social Security Act", mandates 12-month permanency hearings for juveniles placed out of the home. Creates a process allowing an administrative law judge to hold a permanency hearing. Details the specific findings to be made when a court commits an adjudicated juvenile to the state department of human services.

APPROVED by Governor April 18, 2006

EFFECTIVE April 18, 2006

H.B. 06-1266 Public assistance - overpayments - fraud - worker's compensation - no appropriation. Authorizes a county department to recover a debt for fraudulently obtained public assistance, fraudulently obtained overpayments of public assistance, or excess public assistance paid for which the recipient was ineligible, which has been reduced to a judgment, through the garnishment of worker's compensation benefits that the person is entitled to receive.

Changes the time frames, to conform to federal law, for which a public assistance recipient, who is found to have committed an intentional program violation, is disqualified from participation in any public assistance program.

Specifies that the information contained in the state directory of new hires shall be made available to the administrators of public assistance programs for purposes of establishing or verifying eligibility or benefit amounts. Clarifies the classification of a claim against the estate of a decedent for excess public assistance paid for which the public assistance recipient was ineligible.

Contains a no appropriation clause and specifies that it is the intent of the general assembly that the recovery of public assistance through the garnishment of worker's compensation benefits not be incorporated into the Colorado benefits management system.

APPROVED by Governor May 17, 2006

EFFECTIVE August 7, 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. 06-1271 Child care centers - specialized care facilities - treatment foster care - exemptions from local zoning regulations. Excludes from the definition of a "child care center" specialized group facilities that are licensed to provide care for 3 or more children but are only providing care for 3 or fewer children who are determined to have a developmental disability or are diagnosed with a serious emotional disturbance. Changes from 5 to 3 the minimum number of children for which a specialized group facility may provide care. Creates a special type of child care called "treatment foster care" as an alternative to residential treatment facilities. Exempts certain specialized group facilities from complying with local government zoning regulations.

APPROVED by Governor April 18, 2006

EFFECTIVE April 18, 2006

H.B. 06-1351 Teen pregnancy and dropout prevention program. Changes the required report date for the statewide program for teen pregnancy and dropout prevention ("program"). Extends the repeal date for the program. Requires the department of regulatory agencies to review the program prior to its repeal. Renames the program to omit the word "pilot".

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

H.B. 06-1395 Residential child health care - psychiatric residential treatment facilities - rules - county contributions - appropriations. Authorizes the program for residential child health care to provide services to medicaid-eligible children residing in psychiatric residential treatment facilities. Requires the medical services board to define in rule the staff permitted to order, monitor, and assess seclusion and restraint in psychiatric residential treatment facilities, and the corresponding restrictions on the use of seclusion and restraint.

Limits the county contribution to the residential child health care program for fiscal years 2006-07 and 2007-08 to the county's actual contribution in fiscal year 2004-05. Directs the department of human services to submit a recommendation to the joint budget committee by January 15, 2008, regarding the county contributions for fiscal years commencing on and after July 1, 2008.

For fiscal years 2006-07 and 2007-08, authorizes the department of human services to seek supplemental funding related to implementation of the placement of children in residential child health care programs.

Establishes a provisional license for specified mental health professionals who are working in residential child care facilities. Authorizes medicaid reimbursement for services provided by provisional licensees only if approved by the federal government.

Adjusts the general fund appropriations for the 2006-07 fiscal year, resulting in an increase in the appropriation to the department of health care policy and financing of \$5,114,391 and an increase in the appropriation to the department of human services of \$5,205,775. Appropriates from the division of registrations cash fund \$30,397 and 0.4 FTE to the department of regulatory agencies.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

H.B. 06-1397 Early childhood councils - applications - membership - duties - Colorado early childhood council planning team - annual conference - statewide fiscal analysis - cash fund - appropriation. Repeals the pilot program for community consolidated child care services. Incorporates the existing pilot site agencies into a new integrated statewide system of early childhood councils ("council") designated and convened by the various counties, subject to available appropriations.

Mandates an application process to receive designation as a council. Requires each council to develop a strategic plan that includes a plan for evaluating child and parent outcomes and longitudinal evaluations. Outlines the mandatory community representation on a council, as well as suggested participation. Sets forth the duties of the councils. Outlines the application process for funding.

Creates the Colorado early childhood council planning team ("planning team") to oversee the activities of, and provide operation support for, the councils. Details mandatory membership for the planning team. Sets forth the duties and functions of the planning team.

Directs the state department of human services ("state department") and the planning team to coordinate a long-term evaluation of the statewide system of councils, and sets forth what the evaluation shall include. Requires the state department and the planning team to conduct an annual conference for the councils. Requires the state department and the planning team to conduct a statewide fiscal analysis. Creates a cash fund.

For the 2006-07 fiscal year, appropriates \$2,000,000 and 1.0 FTE from the general fund to the department of human services, early childhood cash fund, for the implementation of the act. From the \$2,000,000 appropriation, further appropriates \$67,500 to the department of education for the implementation of the act.

VETOED by Governor June 2, 2006

INSURANCE

S.B. 06-5 Court-ordered mental health treatment. Requires an individual or group health benefit plan that provides coverage for mental health services to provide coverage for services regardless of whether the services are voluntary or court-ordered as a result of contact with the criminal justice or juvenile justice system. Specifies that the health benefit plan is required to provide coverage only for benefits that are medically necessary and otherwise covered under the plan. Establishes that the term "mental health services" includes treatment for mental illness and treatment for biologically based mental illness.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-11 Health insurance - Pueblo area study - appropriation. Instructs the division of insurance to conduct a study of the factors that drive health insurance costs in the Pueblo area. Defines the parameters of the study and the data to be gathered and analyzed. Authorizes the division of insurance to contract with a nonprofit entity to analyze data collected by the division and prepare a report of the analysis of such data. Directs the commissioner of insurance to report the findings to designated members of the general assembly on or before January 15, 2008.

Appropriates \$25,349 to the department of regulatory agencies, division of insurance, for the implementation of this act.

VETOED by Governor June 2, 2006

S.B. 06-35 Health care task force - study premium subsidy program. Requires the health care task force, during the 2006 interim, to consider issues concerning the creation of a program to provide health benefit plan premium subsidies to qualifying individuals enrolled in a qualifying health benefit plan, as described in Senate Bill 06-035, as introduced in the second regular session of the sixty-fifth general assembly.

APPROVED by Governor May 1, 2006

EFFECTIVE May 1, 2006

S.B. 06-36 Small group sickness and accident insurance - basic health benefit plan design plan - medical evidence-based health benefit plan option. Adds an additional benefit design option to the basic health benefit plan that may be offered by small employer carriers that reflects a medical evidence-based health benefit plan (plan) that does not include certain otherwise mandatory coverage provisions, is a high deductible plan, covers limited prevention and screening based on the latest medical evidence, covers limited elective inpatient and surgical care, covers limited medications, and covers maternity care. Requires the commissioner of insurance to appoint a benefit design advisory committee to provide recommendations regarding the plan. Allows the division of insurance to accept gifts, grants, and donations made for the purpose of funding the functions of the committee. Repeals the committee, effective July 1, 2011.

APPROVED by Governor May 25, 2006

EFFECTIVE January 1, 2007

S.B. 06-41 Health insurance - prompt payment provisions - application to claims made as a result of motor vehicle accidents. Requires that the prompt pay provisions for health insurance expenses apply to claims made as a result of injuries sustained as a result of a motor vehicle accident, regardless of whether fault in the accident has been determined.

APPROVED by Governor May 17, 2006

EFFECTIVE January 1, 2007

S.B. 06-107 Health care coverage - provisions for basic and standard health benefit plans. Allows small employer carriers to vary the application of minimum participation requirements and minimum employer contribution requirements by product.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-112 Health insurance - in-network benefits. Specifies that, for the duration of the term of a policy in effect when the insured pays the amount charged for a covered health care service and seeks reimbursement from a carrier for such covered health care service, the insured shall be liable for no more than the in-network copayment, coinsurance, and deductible for such service if:

- The insured seeks reimbursement from the carrier within 12 months after the provision of the service;
- Preauthorization is not required for the particular type of service provided; and
- A contract between the provider and the carrier was in place when the service was provided.

APPROVED by Governor April 24, 2006

EFFECTIVE September 1, 2006

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

S.B. 06-113 Life insurance - foreign travel - nondiscrimination. Prohibits a life insurance company from refusing to insure, refusing to continue to insure, limiting the amount or extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely for reasons associated with the individual's past or future lawful foreign travel. Allows a life insurer to exclude or limit coverage of specific lawful travel, or charging a differential rate for such coverage, when bona fide differences in risk or exposure have been substantiated by the use of relevant data from at least one independent reliable source that establishes a material variation in actual or reasonably anticipated experience that correlates to the risk of specific lawful travel. Requires insurers to maintain the data and documents that support any such differences and to make the data and documents available upon request by the commissioner of insurance.

Applies to life insurance policies offered or entered into on or after July 1, 2006.

APPROVED by Governor April 28, 2006

EFFECTIVE July 1, 2006

S.B. 06-180 CoverColorado premium rates - creation of range for rates - exception. Establishes a minimum and maximum average premium rate for coverage under CoverColorado. Specifies that the statutory premium rate range does not apply to individuals approved by the board of directors of CoverColorado for participation in the board's premium subsidy program.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-213 Health insurance - network facility services - report by the division of insurance - repeal. Requires health care services provided at an in-network facility, including services provided by an out-of-network provider, to be provided to the covered person at no greater cost to the covered person than if the services were obtained from an in-network provider. Repeals such requirement on July 1, 2010. Prior to the repeal, requires the division of insurance to conduct an evaluation of the network coverage cost provisions to the senate health and human services committee and the house of representatives business affairs and labor committee and for the legislative staff of such committees to notify the committee chairs of the expectation of the evaluation and the repeal date.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

S.B. 06-221 Health care task force - consider reimbursement of emergency and trauma care providers. Directs the health care task force to consider the establishment of a new reimbursement system for emergency responders and trauma care providers.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1006 Casualty - personal property - repair business referrals - appropriations. Regulates the referral by an insurance company of an insured under a policy of personal property insurance to a property repair business.

Appropriates \$9,582 to the division of insurance in the department of regulatory agencies for the implementation of the act.

VETOED by Governor June 2, 2006

H.B. 06-1030 Automobile insurance - disclosure requirements. Requires an insurer or producer of automobile insurance policies, as a condition of doing business in this state, to use a uniform disclosure form when issuing an auto insurance policy to a consumer. Directs the commissioner of insurance to promulgate by rule such uniform disclosure form.

Requires an insurer or producer offering automobile insurance to provide a clear explanation to the insured regarding the products purchased, the amount of coverage purchased, and the applicability of the coverage depending on the determination of fault of the insured. Moves provisions regarding disclosure requirements for automobile insurance

to the same statutory section.

APPROVED by Governor March 17, 2006

EFFECTIVE January 1, 2007

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

H.B. 06-1040 Sunset review - division of insurance - certificates of authority for health and life insurers - scope of future sunset reviews. Continues the functions of the division of insurance (division) related to the issuance of certificates of authority for health and life insurers, and consolidates the review of such functions within the review of the functions of the division related to the regulation of health care coverage and life insurance, respectively. Adds a sunset review of the functions of the division related to the regulation of life insurance and repeals said functions effective July 1, 2007. Expands the sunset review of the functions of the division related to the issuance of certificates of authority for property and casualty, automobile, and other insurers to encompass the regulation of such insurers. Adds a sunset review of the functions of the division related to the regulation of health care coverage and repeals said functions effective July 1, 2012.

Requires the division to make efforts to comply with the uniform process established by the national association of insurance commissioners for applications for certificates of authority and to track compliance with said process.

APPROVED by Governor March 27, 2006

EFFECTIVE March 27, 2006

H.B. 06-1106 Sickness and accident insurance - prohibited exclusion - exception. Prohibits an individual or group sickness and accident insurance policy, other than a long-term care policy, disability income policy, or supplemental policy covering a specified disease or other limited benefit, issued, renewed, or reinstated on or after January 1, 2007, from containing a limitation or exclusion of payments under hospital or medical benefits coverage because the insured or a covered dependent sustained injuries while intoxicated or under the influence of a controlled substance.

BECAME LAW April 7, 2006

EFFECTIVE January 1, 2007

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

H.B. 06-1330 Property and casualty insurance - information filing requirements with the commissioner of insurance - appropriation. Requires a property and casualty insurer to file with the commissioner of insurance (commissioner) the information required in schedule P of the national association of insurance commissioners annual statement for the following lines of insurance:

- Private passenger automobile total;
- Commercial automobile total;
- Homeowners multiple peril;
- Farmowners multiple peril;
- Commercial multiple peril;

- Medical malpractice; and
- Other liability.

Requires an insurer to specify in its rate filing with the commissioner, for Colorado business other than workers' compensation, the state or states from which experiences were drawn and the consideration used in setting the rates.

Appropriates \$5,243 from the division of insurance cash fund to the department of regulatory agencies, for allocation to the division of insurance.

APPROVED by Governor June 1, 2006

EFFECTIVE August 7, 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. 06-1346 Individual and group sickness and accident insurance - required dependent coverage. Requires all individual and group sickness and accident insurance policies and all group health service contracts that offer dependent coverage to offer to the parent, for an additional premium or by rider or supplemental policy, the same dependent coverage to the minor child of a dependent child and the minor child of an unmarried child who is under 25 years of age and either has the same legal residence as the parent or is financially dependent on the parent. Clarifies that administrative and other additional costs shall be paid by the parent or the policyholder and not by other covered persons who do not choose to purchase the additional coverage.

VETOED by Governor May 26, 2006

H.B. 06-1383 Market conduct examinations. Establishes procedures for the commissioner of insurance (commissioner) to conduct market conduct examinations of insurance companies doing business in this state to identify, assess, prioritize, and remedy market conduct problems that have a substantial adverse impact on the market.

Specifies that the commissioner is responsible for conducting market conduct examinations for Colorado policyholder protection. Allows the commissioner to delegate market conduct examination responsibility to the insurance commissioner of another state and, in such cases, requires the commissioner to accept a market conduct examination report prepared by the insurance commissioner of the other state if the commissioner determines that:

- The laws of the examining state are substantially similar to applicable Colorado law;
- The examining state has a market conduct surveillance system that is comparable to Colorado's system; and
- The examination was conducted within the past 5 years.

If the examination conducted by the other state's insurance commissioner did not evaluate a particular area of concern to the commissioner, allows the commissioner to pursue a targeted examination or market analysis of the unexamined area. When another state's commissioner conducts such examination and it results in a finding that the insurer should modify a practice or procedure, requires the commissioner to accept documentation that the

insurer has made a similar modification in this state instead of initiating his or her own market conduct action or examination. Requires the commissioner to annually review his or her delegations of examination responsibility.

Specifies the procedure for the commissioner to use in conducting a market analysis and in developing a baseline understanding of the marketplace. Outlines the particular market conduct actions that the commissioner may impose on an insurer that he or she determines to be in need of further inquiry prior to conducting a targeted, on-site market conduct examination. Establishes protocols for market conduct actions. Requires insurers to cooperate with the commissioner in providing access to books, records, accounts, papers, documents, and computer or other recordings relating to property, assets, business, and affairs of the insurer.

Authorizes the commissioner to conduct targeted, on-site market conduct examinations when other market conduct actions are inappropriate. Requires the commissioner to conduct the examination in accordance with the national association of insurance commissioners (NAIC) market conduct uniform examination procedures and the NAIC market conduct examiner's handbook. Compels the commissioner to announce the examination to the insurer and to post notice of the examination on the NAIC examination tracking system at least 60 days before the examination is to start. Before the examination, requires market conduct surveillance personnel to prepare a work plan, which is to be contained in the announcement sent to the insurer. Requires the commissioner to provide a written explanation and revised work plan when a targeted examination is expanded beyond its original scope.

Establishes a time line for delivering a draft report to the insurer after completion of the examination, receiving written responses from the insurer on the draft report, finalizing the report, and receiving the insurer's response on the final report. Requires the commissioner to maintain the confidentiality of the final report for 30 days before opening the report for public inspection.

Allows the commissioner to assess the reasonable and necessary cost of the market conduct examination as a fee against the insurer as long as the fee is consistent with the NAIC market conduct examiner's handbook. Permits the commissioner to retain contract examiners to conduct an on-site examination, subject to written protocols developed by the commissioner that:

- Establish and use a dispute resolution or arbitration mechanism to resolve conflicts regarding examination fees; and
- Require disclosure of the terms of the contracts, including fees and hourly rates that may be charged.

Makes all documents created, produced, obtained by, or disclosed to the commissioner or any other person in the course of a market conduct action or market conduct analysis confidential and exempt from subpoena, and precludes public release of such documents unless otherwise authorized by law.

Requires market conduct surveillance personnel to be qualified by education and experience and, where applicable, professional designations. Sets forth the circumstances under which market conduct surveillance personnel are deemed to have a direct or indirect conflict of interest and the circumstances under which personnel would not be automatically precluded from conducting an examination.

Sets parameters on and criteria to be used by the commissioner in the imposition of fines and penalties as a result of an enforcement action. Requires the commissioner to report market data to the NAIC market information systems and to share information and coordinate market analysis and examination efforts with other states. At least annually, requires the commissioner to make available to insurers information on new laws and rules, enforcement actions, and other information relevant to ensure compliance with market conduct requirements.

Prohibits an insurer from taking retaliatory personnel action against an employee who provides information to or testifies before the commissioner in connection with a market conduct investigation. Authorizes an employee that has been subjected to such retaliatory personnel action to institute a civil action within one year after the alleged action, and specifies the relief that may be granted by the court.

APPROVED by Governor May 17, 2006

EFFECTIVE January 1, 2007

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

LABOR AND INDUSTRY

S.B. 06-110 Document fraud - civil penalty - appropriation. Prohibits fraudulently making, for any purpose, the documents that are listed in federal regulations for the purpose of verification of employment eligibility. Imposes a civil penalty of not less than \$50,000 for document fraud. Authorizes the office of the attorney general to bring a civil action on behalf of the department of labor and employment for each instance of document fraud. Requires the moneys from the collection of a civil penalty to be deposited in the judicial stabilization cash fund or, if the judicial stabilization fund is abolished, then the general fund.

Appropriates \$68,879 to the department of law for implementation of the act.

APPROVED by Governor May 30, 2006

EFFECTIVE May 30, 2006

S.B. 06-195 Colorado Employment Security Act - compliance with federal law - unemployment benefits - transfer of tax rates to employee leasing company. Modifies the benefits provisions of the "Colorado Employment Security Act" (act) as follows to conform with federal law requirements:

- With regard to the ability of a person who terminates employment because of an addiction to alcohol or drugs to collect benefits, deletes the requirement that the person did not receive a prior award under such conditions within the preceding 10 years.
- With regard to the ability of a person who terminates employment because of domestic abuse to collect benefits, deletes the requirement that the person did not receive a prior award under such conditions within the preceding 3 years.
- With regard to the ability of a person who terminates employment to accompany a military spouse transferred for medical reasons to collect benefits, deletes the requirement that the person has resided in Colorado for at least 2 years.

Modifies the provisions of the act relating to the transfer of experience and the assignment of tax rates from a work-site employer to an employee leasing company to specify that a transfer of experience occurs only if there is substantial common ownership, management, and control of the employer and the employee leasing company.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

H.B. 06-1055 Workers' compensation - medical impairment benefits - victim of crime of violence. Specifies that the limitation on the duration and amount of medical impairment benefits for workers' compensation claims based on mental impairment does not apply to a victim of a crime of violence, regardless of the intent of the perpetrator of the crime.

APPROVED by Governor March 27, 2006

EFFECTIVE July 1, 2006

H.B. 06-1174 Workers' compensation - coverage - construction work. Requires every person who contracts for the performance of work at a construction site to either provide workers' compensation coverage or require proof of workers' compensation coverage for

every person performing construction work at the site.

Punishes violations with a civil penalty of up to \$500 per day, payable to the workers' compensation cash fund.

Exempts an owner or occupant, or both, of a residence who contracts out any work done on the property from providing workers' compensation coverage to the contractors.

Makes this act apply to events occurring on or after October 1, 2006.

VETOED by Governor April 13, 2006

H.B. 06-1193 Health care workers - whistleblower protection - prohibited disciplinary action. Prohibits a health care provider from taking disciplinary action against a health care worker for making a good faith report or disclosure regarding patient safety information or quality of patient care. Requires a health care worker to follow the internal reporting procedures of the health care provider when making a good faith report or disclosure.

VETOED by Governor May 8, 2006

H.B. 06-1314 Employment - prohibition against employer's mandatory political or religious meetings for employees - exception for religious and political organizations. Prohibits an employer from requiring employees to attend or participate in any communication with the employer, the purpose of which is to express the employer's opinions about religious or political matters. Prohibits an employer from penalizing an employee for not so attending or participating or for making a good faith report of a violation of the prohibitions. Allows an employee to enforce the prohibitions through court proceedings. Exempts religious and political organizations from the prohibitions.

VETOED by Governor May 26, 2006

H.B. 06-1340 Division of oil and public safety - explosives permits. Exempts a person, firm, partnership, or corporation that is subject to explosives regulation under federal mining law from the state permit requirements administered by the division of oil and public safety in the department of labor and employment.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

MILITARY AND VETERANS

S.B. 06-126 Tobacco litigation settlement funds - percentages retained as trust fund. For fiscal years 2006-07 through 2010-11, specifies the percentage of moneys appropriated to the Colorado state veterans trust fund from the tobacco litigation settlement cash fund that must be retained in the trust fund as principal and the percentages of such appropriations that shall be subject to appropriation for specified expenses or programs of the department of military and veterans affairs.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 06-8 Commercial vehicles - hazardous materials - standards - enforcement. Requires motor vehicles that weigh less than 10,000 pounds and transport hazardous materials to meet the minimum standards for commercial vehicles. Repeals a provision prohibiting a peace officer who has not attained level I inspection certification from enforcing the "Hazardous Materials Transportation Act of 1987". Changes the penalty for violating certain hazardous materials rules from a class 3 misdemeanor criminal offense to a class 2 misdemeanor traffic offense. Sets the penalty for such violation at \$250 with a \$33.30 surcharge. Doubles the penalty for a repeat offense within 12 months.

APPROVED by Governor May 25, 2006

EFFECTIVE July 1, 2006

S.B. 06-10 Permits - longer vehicle - excess size and weight - hazardous materials - express consent waiver. Authorizes a company to obtain and file an express consent waiver that enables the company to designate a company representative to be party of interest in court for violation of the following:

- Permits for extra legal longer vehicle combinations;
- Permits for excess size and weight vehicle combinations; and
- Permits for transporting hazardous materials.

Clarifies that the appearance of the company representative in court covering the matter does not constitute the practice of law in violation of state law.

APPROVED by Governor April 4, 2006

EFFECTIVE July 1, 2006

S.B. 06-13 Driver's license - security features. Extends until July 1, 2009, the 60¢ surcharge on driver's licenses that covers the cost of security features.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

S.B. 06-21 Identification cards - renewal by mail - period of validity. Allows an individual who meets certain requirements to renew his or her identification card by mail. Requires such a person to attest under penalty of perjury that he or she is lawfully present in the United States and is a resident of Colorado. Allows the department of revenue to promulgate rules.

APPROVED by Governor April 24, 2006

EFFECTIVE July 1, 2006

S.B. 06-28 Registration - bronze star special license plate - appropriation. Creates the bronze star special license plate. Authorizes a person who has received a bronze star medal to use the plate.

Appropriates \$1,608 from the license plate cash fund to the department of revenue

for the implementation of the act.

APPROVED by Governor June 5, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-58 Periodic emissions inspections. Changes the requirement for periodic emissions inspection of light-duty diesel motor vehicles from once every 12 months to once every 24 months for vehicles that are 10 years old or newer and model year 2004 or newer. Exempts light-duty diesel vehicles that are less than 4 model years old from emissions inspections.

APPROVED by Governor May 11, 2006

EFFECTIVE July 1, 2007

S.B. 06-80 Registration - support the troops special license plate. Creates the support the troops special license plate that features a yellow ribbon with a flag and the phrase "support the troops". On and after July 1, 2007, authorizes issuance of the plate to persons who pay the appropriate fees plus a one-time fee of \$25. Authorizes issuance of personalized support the troops special license plates. Prohibits renewal of the plates if at least 3,000 plates are not issued by July 1, 2009.

Requires a person applying for the plate to donate \$25 to a nonprofit organization selected by the adjutant general to administer the program. Requires the donation to be used to aid veterans, active service members, and their families, with no more than 7% used for administrative costs.

APPROVED by Governor June 1, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-83 Driver's licenses and permits - alternate permit supervisor. Authorizes a parent, stepparent, grandparent, or guardian or foster parent, who signs an affidavit of liability, but does not have a driver's license, to appoint an alternate permit supervisor. Requires the alternate permit supervisor to be 21 years of age or older and hold a valid Colorado driver's license.

Allows a minor with a driver's permit or driver's license to drive a motorcycle or motor-driven cycle under the supervision of a parent, stepparent, grandparent with power of attorney, guardian, foster parent, or alternate permit supervisor, authorized to drive a motorcycle or motor-driven cycle in this state.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

S.B. 06-100 Registration - Colorado "Kids First" special license plate. Creates the Colorado "Kids First" license plate. Authorizes issuance of the plate to persons who pay the appropriate fees, plus a one-time fee of \$25, and who have a certificate issued by the Rocky Mountain research and prevention institute confirming donation to a health promotion and

injury prevention fund. Requires the fund to be used to help promote the health of and prevent injury to children. Requires the fund to file a statement of nonprofit status with the department of revenue. Credits the one-time fee to the highway users' tax fund.

APPROVED by Governor June 2, 2006

EFFECTIVE July 1, 2007

S.B. 06-163 Title - liens - perfection. Sets the date on which a lien on a motor vehicle is perfected to be the date on which it is filed with the county clerk and recorder. Makes the following changes to the perfection filing requirements:

- Requires the address of the mortgagee.
- Replaces the requirement for a complete description with a requirement for the make, model, color, and identification number.
- Requires the date of the mortgage.

Applies these statutory changes to mortgages or liens on motor vehicles filed with a county clerk and recorder on or after July 1, 2006.

APPROVED by Governor April 24, 2006

EFFECTIVE July 1, 2006

S.B. 06-172 Registration - military special license plates - taxes fees. Removes the fees and taxes for one set of military valor special license plates and survivors of Pearl Harbor special licence plates.

APPROVED by Governor May 11, 2006

EFFECTIVE January 1, 2007

H.B. 06-1007 Motor vehicle - transfers - scrapping. Prohibits a person who is not a licensed motor vehicle dealer from purchasing or otherwise receiving a motor vehicle for the purpose of scrapping the motor vehicle, unless the seller or transferor:

- Is the owner on the certificate of title, an operator, or a licensed motor vehicle dealer; and
- Provides a completed bill of sale on a form prescribed by the department of revenue (department).

Requires a person other than a motor vehicle dealer who purchases or otherwise receives a motor vehicle for the purpose of scrapping the vehicle to keep it for 7 business days before scrapping it. Establishes penalties for violations of the provisions of the act.

Requires the department to keep records related to abandoned vehicles that are wrecked or dismantled for one year.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

H.B. 06-1020 Collectors' items - horseless carriage special license plate. Defines the phrase "early date of manufacture" for the purposes of registering collectors' motor vehicles that are

at least 50 years old. Requires the executive director of the department of revenue to register collectors' motor vehicles for 5 years.

APPROVED by Governor March 27, 2006

EFFECTIVE August 7, 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. 06-1035 Commercial vehicles - railroad stops. Requires a commercial vehicle that transports passengers to stop before crossing railroad tracks. Requires a school bus, commercial vehicle transporting passengers, and vehicle carrying hazardous materials to stop before crossing street-grade railroad tracks within a residential area. Requires such vehicles to stop even when the railroad crossing has a gate or flashing lights.

APPROVED by Governor March 17, 2006

EFFECTIVE July 1, 2006

H.B. 06-1072 Registration - fallen service member special license plate - appropriation. Creates the fallen service member special license plate to indicate that a family member of the owner has fallen in the line of duty while serving in the armed forces. Authorizes the spouse, child, or parent of a person who has died serving in the armed forces to be issued the plate. Sets standards for the issuance of the plate.

Clarifies that the plate is a distinctive plate not requiring 3,000 plates be issued.

Appropriates \$1,608 to the motor vehicle division of the department of revenue.

APPROVED by Governor June 6, 2006

EFFECTIVE January 1, 2007

H.B. 06-1084 Speed contests - speed exhibitions - aiding and facilitating - exemption - driver's license points - court-ordered immobilization of motor vehicle - unauthorized removal of immobilization device - removal fee - motor vehicle abandonment - impoundment in lieu of immobilization device. Repeals and reenacts the traffic statute concerning illegal speed contests. Specifies that speed contests and speed exhibitions are separate crimes with separate penalties. Clarifies that aiding or facilitating the commission of a speed contest offense or speed exhibition offense results in liability for the commission of the particular offense.

Specifies that the operation of a motor vehicle in organized competition on an authorized race track, race course, or drag strip is exempt from liability for speed contests or speed exhibitions. Assesses driver's license points if a person is convicted of a speed contest offense, a speed exhibition offense, or aiding or facilitating the commission of either offense.

Permits a court, in its discretion, to order that a motor vehicle used in an illegal speed contest or speed exhibition be fitted with an immobilization device under certain circumstances. Specifies that the unauthorized removal of an immobilization device is a misdemeanor traffic offense. Requires a law enforcement agency that is ordered to place an immobilization device on a motor vehicle to inform the court if it is unable to comply with the order because the law enforcement agency is not yet equipped with an immobilization

device or because it does not have a sufficient number of immobilization devices. Requires the court in such a case to order the law enforcement agency to impound the motor vehicle for the same time period that the court initially ordered the motor vehicle to be immobilized.

Requires the owner of an immobilized motor vehicle to pay a fee for the time period that the immobilization device remains on the vehicle. Permits a court, in its discretion, to grant additional time within which to pay the immobilization fee. Requires a court that grants additional time to notify the law enforcement agency that placed the immobilization device. Specifies that a motor vehicle from which an immobilization device is not properly removed within a stated period of time will be deemed abandoned for purposes of the laws concerning vehicles abandoned on public or private property. Includes a law enforcement agency that placed a court-ordered immobilization device on a motor vehicle as a recipient of proceeds from the sale of the motor vehicle under the abandoned vehicle laws.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

H.B. 06-1104 Identification card - fingerprints. Requires an application for a state-issued identification card to contain the applicant's fingerprint.

APPROVED by Governor March 17, 2006

EFFECTIVE July 1, 2006

H.B. 06-1107 Driver's license - permit requirements - minors. Requires the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who cosigns the application for a minor's instruction permit, to sign the log or other written evidence certifying that the driver has completed at least 50 hours of actual driving experience as required for issuance of a driver's license.

Requires a driver 16 years of age or older who is driving with a valid instruction permit to be accompanied by the person who signs the affidavit of liability.

Requires a driver 15 years of age but less than 16 years of age, who is driving with a valid instruction permit, to be accompanied by a specified person who is seated in the front seat of the motor vehicle in close proximity to the driver.

Requires the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who accompanies the minor while the minor is driving, to hold a valid Colorado driver's license.

Authorizes a parent, stepparent, grandparent, or guardian, who signs a minor's instruction permit but does not have a valid Colorado driver's license, to appoint an alternate supervisor. Requires the alternate supervisor to be 21 years of age or older and a Colorado licensed driver.

Allows a parent, stepparent, grandparent, or guardian, who does not have a valid Colorado driver's license but holds a valid driver's license from another state and has proper military identification, to supervise a minor while the minor is driving with an instruction permit.

Authorizes the parent, stepparent, grandparent with power of attorney, or guardian or foster parent who signs the log or other written evidence certifying that the minor has

completed at least 50 hours of driving to allow the minor to drive, for additional hours, with an individual, 21 years of age or older, who holds a valid driver's license.

APPROVED by Governor May 1, 2006

EFFECTIVE July 1, 2006

H.B. 06-1108 Minor convicted of traffic offense - mandatory attendance at court-approved driver improvement school - payment for attendance - financial assistance information. Requires, rather than permits, a court to order a minor under 18 years of age who is convicted of a traffic violation other than a traffic infraction to attend a driver improvement school. Requires the minor, or the minor's parents who appear in court with the minor, to pay the cost of attending the driver improvement school. Requires courts to make available information on scholarships and other financial assistance in order to help minors or their parents offset the costs of driver improvement school. Specifies that the driver improvement school shall be approved by the court.

APPROVED by Governor April 13, 2006

EFFECTIVE July 1, 2006

H.B. 06-1118 Commercial driver's licenses - out-of-service orders - alcohol impaired driving. Adds an administrative revocation of a license for driving while ability impaired for a person under 21 years of age, or of driving under the influence, to the grounds for placing a commercial driver's license out of service. Clarifies when a police officer shall serve a notice of revocation for any violation that warrants revocation.

Changes the periods of revocation for alcohol-related offenses by commercial drivers to match federal standards, which range from one year to a lifetime ban.

Clarifies that an out-of-service order includes an order issued under United States federal, state, or local law or under Canadian or Mexican law.

Declares it a class 1 traffic misdemeanor to operate a motor vehicle in violation of an out-of-service order. Prohibits plea bargains unless the prosecutor does not have a prima facie case.

Upon conviction, instructs the department of revenue to suspend the commercial driver's license of the violator. Sets procedures for administering the suspension, for conducting any hearing related to the suspension, and for judicial review of the department's final action.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1162 Restrictions on minor drivers - increase age limit of minors subject to restrictions to 18 years of age - violation of restraining device and seatbelt laws - penalties. Increases the age of minor drivers that are subject to specific restrictions from under 17 years of age to under 18 years of age. Enhances the penalty for minor drivers under 18 years of age who violate the traffic laws concerning the use of restraining devices and seatbelts in motor vehicles.

APPROVED by Governor April 13, 2006

EFFECTIVE July 1, 2006

H.B. 06-1171 Persistent drunk drivers - ignition interlock device - probationary licenses - surcharge. Lowers the blood alcohol content level for identification of a persistent drunk driver from 0.20 to 0.17. Requires the use of an ignition interlock device as a condition of a probationary license issued to a persistent drunk driver. Clarifies that a person required to obtain an ignition interlock device may not drive without the device until the restriction is removed, and requires the division of motor vehicles in the department of revenue to note this requirement on the person's driving record. Authorizes moneys in the persistent drunk driver cash fund to be used to pay for intervention or treatment services for persons unable to pay for the intervention or treatment. Increases the minimum surcharge for alcohol- and drug-related traffic offenses to \$50 and prohibits a court from reducing or suspending the surcharge unless the court determines that the defendant is indigent.

APPROVED by Governor June 1, 2006

EFFECTIVE January 1, 2007

H.B. 06-1176 Registration - kit vehicles - emissions inspection exemption. Defines a "kit vehicle" as a passenger-type motor vehicle that has been assembled, by other than a licensed manufacturer, from a manufactured kit that includes a prefabricated body and chassis and is accompanied by a manufacturer's statement of origin. Specifies that the year listed on the certificate of title is the same as the year stated on the kit manufacturer's statement of origin. Exempts kit vehicles from the motor vehicle emissions inspection program.

APPROVED by Governor June 1, 2006

EFFECTIVE July 1, 2007

H.B. 06-1178 Insurance requirement - motorist insurance database - appropriation. Continues the motorist insurance identification database program (program) indefinitely and removes the program from the cycle of legislative review pursuant to sunset law. Directs the department of revenue to conduct an analysis of the effectiveness of the database and report the findings to the business affairs and labor committee of the Colorado house of representatives by January 1, 2008. Changes from monthly to weekly the schedule for updating the database. Authorizes the department to operate the database internally instead of with a private contractor.

Adjusts appropriations made in the 2006 general appropriations act for the implementation of this act.

APPROVED by Governor May 25, 2006

EFFECTIVE July 1, 2006

H.B. 06-1294 Motor vehicle titles - rebuilder's title. Creates a rebuilder's title for a motor vehicle. Requires an applicant for a rebuilder's title to furnish, upon application:

- A statement indicating the means by which the applicant acquired the vehicle, the source of the vehicle's title of ownership, and any other information the executive director of the department of revenue may require;
- A bond or a reasonable alternative; and
- Evidence that the applicant has had a certified vehicle identification number inspection performed on the vehicle.

Directs the department of revenue to issue to a rebuilder's title holder a standard title, upon making the vehicle roadworthy, if certain conditions are met. Directs the department

to issue a new vehicle identification number to a rebuilt vehicle if the owner of the vehicle can establish evidence of ownership of the vehicle and its parts.

APPROVED by Governor May 17, 2006

EFFECTIVE August 7, 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. 06-1302 Emissions testing - high-emission vehicles - identification through remote sensing - clean screen program - appropriation. Establishes a high emitter program to identify and repair high-emission vehicles. Requires the department of public health and environment to brief the transportation legislation review committee on the effectiveness of the high emitter program. Establishes a phased increase in clean screen testing, including identifying locations that may accommodate unmanned remote sensing devices without causing a safety hazard. Allows the department to reduce the number of lanes at enhanced inspection centers or the number of enhanced inspection centers in the program area.

Requires vehicles identified as exceeding acceptable emission limitations to report to an enhanced inspection center within 30 days. Requires a vehicle that fails an enhanced emissions test to be repaired and to pass a subsequent approved emissions test before the vehicle may be registered or reregistered. Requires vehicles that operate within the program area but registered outside the program area that are repeatedly detected under the clean screen program be subject to enforcement under a program to identify vehicles that exceed acceptable emissions limitations. Establishes that the owner of a vehicle that is not in compliance shall have 30 days to repair and test the vehicle successfully. Establishes a fine of \$100 per violation. Requires that, after 90 days, registration be administratively suspended on a vehicle that remains out of compliance.

Establishes a pay-upon-registration program. Establishes that the emissions inspection fee shall not exceed \$9.

Allows for the termination of all requirements for regularly scheduled basic or enhanced emissions inspections of motor vehicles.

Appropriates \$250,000 and 1.5 FTE to the department of public health and environment for the implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE July 1, 2006

H.B. 06-1339 Registration - Denver broncos special license plate - appropriation. Creates the Denver Broncos special license plate for motor vehicles that do not exceed 16,000 pounds. On and after January 1, 2007, authorizes issuance of the plate to persons who pay the appropriate fees, plus a one-time fee of \$25, and who have a certificate issued by the Denver Broncos Charities confirming a \$30 donation to the Denver Broncos Charities. Credits the one-time fee to the highway users tax fund. Retires the plate if 3000 such plates are not issued by July 1, 2009.

Appropriates \$53,600 to the department of revenue, for allocation to the motor

vehicle division, for the implementation of the act.

APPROVED by Governor June 6, 2006

EFFECTIVE August 7, 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. 06-1341 Commercial driver's licenses - unlawful use or possession - misdemeanor. Makes it a misdemeanor for a person to:

- Possess an altered or false commercial driver's license;
- Fraudulently obtain or refuse to surrender a commercial driver's license;
- Use another person's, or to permit another person to use the person's, commercial driver's license;
- Refuse to surrender a suspended, revoked, or cancelled commercial driver's license; or
- Duplicate a commercial driver's license for purposes of resale or distribution.

Directs the division of motor vehicles in the department of revenue to revoke permanently the privilege of receiving a commercial driver's license for a violation relating to the commercial driver's license. Prohibits a court from accepting a plea to an offense other than a violation relating to a commercial driver's license unless the prosecuting attorney is unable to establish a prima facie case.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

H.B. 06-1390 Excess size and weight - permits - mobile cranes. Authorizes the department of transportation to issue permits to mobile cranes that exceed otherwise-applicable weight and size limits but are within the weight limits set by the department. Sets standards for such permits.

APPROVED by Governor June 1, 2006

EFFECTIVE August 7, 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. 06-1394 Specific ownership tax - registration - rental fees. Authorizes companies renting class A motor vehicles to pay 2% of the rental fees in lieu of paying normal specific ownership tax.

APPROVED by Governor May 17, 2006

EFFECTIVE July 1, 2006

H.B. 06-1404 Registration - support public education license plate - appropriation. Creates the support public education special license plate for motor vehicles that do not exceed 16,000 pounds. On and after January 1, 2007, authorizes issuance of the plate to persons who pay the appropriate fees plus a one-time fee of \$25 and who have a certificate confirming a \$20 donation issued by Impact on Education, Inc. Authorizes the issuance of personalized support public education license plates. Credits the one-time fee to the

highway users tax fund.

Allows the donor to select among participating nonprofit education organizations to receive the donation. Sets standards for such nonprofit education organizations. States that all donations collected pursuant to the act shall be used to support programs that focus on student learning in Colorado public schools. Retires the plate, effective July 1, 2009, if fewer than 3,000 such plates are issued.

Appropriates \$16,080 to the department of revenue, motor vehicle division, for implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE August 7, 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. 06-1406 Electronic devices designed to cause traffic lights to change - unlawful possession, sale, and use - penalties. Makes it a class B traffic infraction with a \$50 fine to illegally possess or sell an electronic device that is designed to cause a traffic light to change.

Increases the penalty classification for illegally using an electronic device that causes a traffic light to change from a class B traffic infraction to a class A traffic infraction with a \$100 fine. Further increases the penalty classification to a class 1 misdemeanor traffic offense with a mandatory \$1,000 fine if the illegal use of the electronic device that causes the traffic light to change proximately causes bodily injury to another person.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

NATURAL RESOURCES

S.B. 06-138 Fuel products - ethanol - gasoline-ethanol blend - standard percentages - required sales - appropriations. Requires that 75% of all gasoline sold in Colorado from November through April of every year contain at least 10% denatured ethanol by volume. Requires the department to certify to the speaker of the house of representatives, the president of the senate, and the governor no later than October 15 of each year that such requirement shall not increase the retail cost of gasoline in order for the requirement to go into effect.

Establishes that every gallon of E85 fuel sold in Colorado count as 8½ gallons of E10 fuel sold. Establishes that every gallon of cellulosic ethanol sold in Colorado count as 50 gallons of E10 fuel sold.

Requires distributors and entities required to file IRS form 637 selling gasoline in Colorado to submit to the department of labor and employment a monthly statement containing the total volume of gasoline sold and indicating separately the amount of E10 fuel, E85 fuel, and cellulosic ethanol sold in Colorado.

Allows distributors and entities required to file IRS form 637 to hold, store, import, transfer, or offer for sale or use unleaded premium-grade gasoline that has an antiknock index number of 91 or greater that does not contain ethanol, to be dispensed at an airport.

Appropriates \$100,491 and 1.0 FTE to the department of labor and employment, and \$9,668 to the department of law, for the implementation of the act.

VETOED by Governor May 26, 2006

S.B. 06-140 Division of reclamation, mining, and safety. Changes the name of the division of minerals and geology to the division of reclamation, mining, and safety.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-142 Oil and gas conservation and environmental response fund - cap on unobligated portion of fund. Increases the cap on the 2-year average of the unobligated portion of the oil and gas conservation and environmental response fund from \$2 million to \$4 million.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-194 Youth hunting licenses - age of eligibility - special license for terminally ill hunters. Increases the age of eligibility for persons applying for a youth small or big game hunting license. Authorizes the wildlife commission to establish a special licensing program for hunters who are 21 years of age or younger and who suffer from a terminal illness or

life-threatening disease or injury.

APPROVED by Governor April 24, 2006

EFFECTIVE January 1, 2007

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

S.B. 06-215 Wildlife - hunting license - military personnel preference - rules. Allows the wildlife commission to adopt appropriate rules to establish a hunting license preference for active duty members of United States armed forces stationed at any military facility located in Colorado upon their return from service outside of the United States for licenses left over after completion of the division of wildlife's annual limited license draw. Authorizes the adoption of rules allowing a service member to apply for preference points for any limited license draw that occurred during the member's absence.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-236 Construction material - permits - exploration exemption. Specifies that exploration for a construction material does not include any single activity that results in the disturbance of a single block of land totaling 1,600 square feet or less of the land's surface, not to exceed 2 such disturbances per acre, so long as the cumulative total of such disturbances does not exceed 5 acres statewide in any exploration operation extending over 24 consecutive months.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1049 Landowner liability - land made available for public recreational purposes. In the statutes governing landowner liability toward persons using land made available for public recreational purposes, specifies that the definition of "land" and the exception to liability for maintaining an attractive nuisance include land subject to mining operations under federal or state law that were abandoned or left in inadequate reclamation status prior to certain dates. Clarifies that land on which a landowner has acquiesced to public use of existing trails historically used by the public for recreational purposes need not be subject a lease, easement, or other right of use to a public entity to be covered by the law. States that nothing in the law shall be deemed to create a prescriptive easement on land covered by the law. Also clarifies that the incidental use of such private property for recreational purposes shall not establish or presume facts supporting land use classification or zoning.

APPROVED by Governor March 8, 2006

EFFECTIVE March 8, 2006

H.B. 06-1204 Coal mine board of examiners - certification of persons working in coal mines - complaints - disciplinary actions - continuation of coal mine board of examiners under sunset law. Allows the coal mine board of examiners (board) to take disciplinary action, other than revocation of a certificate of competency, against persons subject to regulation by the board. Authorizes the board to issue cease-and-desist orders, letters of admonition, and confidential letters of concern.

Repeals the requirement that complaints filed with the office of active and inactive

mines against a certificate holder be sworn.

Extends the automatic termination date of the coal mine board of examiners to July 1, 2020, pursuant to the provisions of the sunset law.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

H.B. 06-1210 Colorado recreational trails committee - members - great outdoors Colorado trust fund. Increases from 8 to 9 the number of members on the Colorado recreational trails committee, with the new member appointed by the state board of the great outdoors Colorado trust fund.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 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. 06-1250 Ski safety - increase in fines for skier violations. Increases the fine from not more than \$300 to not more than \$1,000 for a skier who violates the "Ski Safety Act of 1979", including violating slope, trail, or boundary closures, riding a passenger tramway or using a ski slope or trail while the skier's ability to do so is impaired by alcohol or a controlled substance, or leaving the vicinity of a skier collision before giving contact information.

APPROVED by Governor March 27, 2006

EFFECTIVE July 1, 2006

H.B. 06-1311 Species conservation trust fund - recapitalization - appropriations. Appropriates money from the species conservation trust fund ("trust fund") for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service. For fiscal year 2005-06, transfers from the operational account of the severance tax trust fund \$2 million to the capital account of the trust fund and \$2 million to the operations and maintenance account of the trust fund. For fiscal year 2006-07, transfers from the operational account \$4.4 million to the capital account and \$4.4 million to the operations and maintenance account. Repeals obsolete provisions.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1355 Wildlife - hunting licenses - raffle or auction. Authorizes the raffle or auction of the following number of hunting licenses for either sex of the following species:

- Two licenses for rocky mountain bighorn sheep;
- Two licenses for rocky mountain goats;
- Two licenses for shiras moose;
- Four licenses for mule or white-tailed deer;
- Four licenses for rocky mountain elk; and

- Four licenses for pronghorn.

If an auction or raffle is conducted by a nonprofit organization, allows the organization to retain up to 25% of the proceeds to cover auction or raffle costs and to fund projects of its own choosing that benefit wildlife in Colorado. Requires the remaining proceeds from the auction or raffle of sheep, goat, and moose licenses to be used for the benefit of sheep, goats, and moose in Colorado. Requires the remaining proceeds from the auction or raffle of mule and white-tailed deer, elk, and pronghorn licenses to be used for the benefit of mule and white-tailed deer, elk, and pronghorn in Colorado. Allows the wildlife commission to promulgate rules to implement the act.

APPROVED by Governor May 11, 2006

EFFECTIVE August 7, 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. 06-1393 Soil conservation - districts - grant program - appropriation. Continuously appropriates \$450,000 per year from the operational account of the severance tax trust fund to the department of agriculture for the natural resources conservation matching grants program. Repeals the continuing appropriation on July 1, 2011.

APPROVED by Governor June 5, 2006

EFFECTIVE June 5, 2006

H.B. 06-1408 Mining - off-site ground water monitoring wells. Includes off-site ground water monitoring wells as land that is not considered affected land for purposes of a mining operation.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 06-121 Health care benefits decisions - appointment of surrogate decision-makers - immunity. Defines and authorizes persons to act as surrogate decision-makers for health care benefit decisions ("surrogate decision-maker") for individuals who lack the decisional capacity to make informed health care benefit decisions. Allows an attending physician or his or her designee to appoint a surrogate decision-maker if a proxy decision-maker for medical treatment or an interested party does not exist or is unavailable. Requires that the determination of a person's lack of decisional capacity be made by the attending physician and documented in the person's medical record. Further requires any appointment of a surrogate decision-maker by a physician or his or her designee to be made in writing. Grants immunity to a surrogate decision-maker acting in good faith and to parties relying in good faith on the information provided by a surrogate decision-maker.

APPROVED by Governor May 4, 2006

EFFECTIVE May 4, 2006

S.B. 06-211 Dual resident trusts - income tax calculation. Provides for the determination of tax on trust income that is subject to double taxation in both Colorado and one or more other states.

Makes the provisions applicable to income tax years commencing on or after January 1, 2006.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1137 Presentation of claims - public administrators - rule against perpetuities - total return trusts - liability of nonprobate transferees - foreign personal representatives. Amends the claims statutes for decedents' estates to clarify the manner in which claims must be presented and to require that, except for limited exceptions, normal pre-death claims must be presented within one year after the date of death. Amends the claims statutes for conservatorship estates to clarify the manner in which claims must be presented and the requirements for the content of a valid claim.

Eliminates the requirement that a public administrator live in a judicial district for 5 years prior to appointment. Permits a public administrator to either be a resident or maintain a principal place of business in the judicial district in which he or she is appointed.

Clarifies the Colorado statutory rule against perpetuities.

Makes the clarifications apply retroactively unless the person holding the interest or appointed power elects otherwise. Changes the Colorado total return trust statute to comply with recent federal internal revenue service regulations.

Extends the ability of an insolvent estate to recover assets from nonprobate transferees to pay claims and statutory allowances to the decedent's surviving spouse and children.

Adds the definition "domiciliary foreign personal representative" to the Colorado probate code and clarifies the procedure for filing documents to allow a foreign conservator

to obtain the ability to act in Colorado.

APPROVED by Governor April 6, 2006

EFFECTIVE July 1, 2006

H.B. 06-1273 Last remains - right of disposition - priority and declarations. Changes the standard for challenging the final disposition arrangements made by a decedent from whether the arrangements are unreasonable under the circumstances to whether the decedent did not provide adequate resources for the arrangement.

Applies the "Disposition of Last Remains Act" ("act") to declarations regardless of whether the declaration was executed in Colorado or by a Colorado resident. Requires a declaration to be signed and dated by the declarant.

Grants immunity from civil liability and administrative discipline to a person who relies upon a disposition that appears legal. Authorizes a third party, when presented with a declaration, to presume that it has not been revoked. Requires challenges to the validity of a declaration to be resolved in a probate court. Requires disputes among persons in classes with differing priority to be resolved in probate court. Grants a third party immunity from liability for failing to follow a declaration that is known to have been challenged.

Changes the order of priority for the vesting of the right to control final disposition by adding, at the lowest priority, any person who is willing to assume legal and financial responsibility for the decedent.

Terminates the right of a person to control final disposition if that person cannot be found or is unwilling or unable to provide for the disposition. Clarifies that this termination changes the number needed to make a majority of a class necessary to control disposition. Sets standards for the termination and passing of the right to others in the class or the next class. Grants civil immunity to a third party who provides for final disposition upon authorization from a person who claimed to have the right to control the final disposition.

Generally clarifies the standards established in the act.

APPROVED by Governor May 11, 2006

EFFECTIVE August 7, 2006

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. 06-14 Real estate - brokers and salespersons. Effective January 1, 2007:

- Requires real estate brokers and salespersons to independently obtain errors and omissions insurance if the real estate commission is unable to obtain such insurance at a reasonable annual premium.
- Requires the division of real estate within the department of regulatory agencies, when it becomes aware of facts or circumstances that fall within the jurisdiction of a criminal justice or other law enforcement authority upon investigation of the activities of real estate brokers and salespersons, to forward the information to such authorities.

APPROVED by Governor May 25, 2006

EFFECTIVE January 1, 2007

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

S.B. 06-20 Nurse licensure compact - direction to governor - multistate licensure privilege. Directs the governor to enter into a nurse licensure compact ("compact") with other states to allow licensed nurses to exercise a multistate licensure privilege in other states that have also adopted the compact ("party states"). Approves and ratifies the compact developed by the national council of state boards of nursing.

The compact:

- States that a license to practice nursing issued by a home state to a state resident will be recognized by party states. In order to obtain or retain a license, all applicable home state requirements must be met.
- Allows a party state to limit the multistate licensure privilege of any nurse to practice in such party state. Requires notification to the coordinated licensure information system of any adverse actions. Requires nurses to comply with the state laws in which they are practicing and subjects them to that state's jurisdiction. Does not limit applications for licensure in a party state, but provides that such license will not be recognized by other party states unless explicitly agreed to by that state.
- Requires a party state to ascertain whether a license applicant holds a license in another state and whether any adverse actions have been taken by another state against that applicant. Allows nurse licensure to be held in only one party state at a time. Allows issuance of a new license in another party state only with a proven change of residence.
- Requires adverse actions and investigations to be reported through the coordinated licensure information system. Grants authority to a party state to complete investigations for a nurse who changes primary state residence during an investigation. Requires the administrator of the coordinated licensure information system to notify the new home state of any adverse action. Allows a party state to take action affecting the practice within that state, but allows only a home state to take action against a license it issues. Requires a home state to consider conduct reported from another state and apply its own laws to determine appropriate action. Allows participation in an alternative program in lieu of licensure action.

- Authorizes a party state's nurse licensing board to recover costs of investigations from affected nurses, issue subpoenas for hearings and investigations, issue cease and desist orders to limit or revoke nursing licenses, and promulgate rules.
- Requires party states to participate in the creation of a coordinated database to include information on all nurse participants, including licensure information, disciplinary history, any adverse actions, and any current investigative information. Imposes certain confidentiality standards for such information.
- Designates the head of each party state's nurse licensing board or his or her designee as the administrator of the compact for his or her state. Requires each compact administrator to provide information to other party states. Authorizes the compact administrator to develop uniform rules to be adopted by other party states.
- Makes provisions for withdrawal from the compact, amendments to the compact, severability of provisions, and dispute resolution.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

S.B. 06-68 Liquor license - transfer of business ownership - criteria. Allows a county, city and county, or municipality to consider the following regulatory requirements in addition to specific statutory requirements in determining whether to permit the transfer of an alcohol beverage license when the business holding the license is sold:

- The reasonable requirements of the neighborhood and the desires of the adult inhabitants;
- The possession, by the licensee, of the changed premises by ownership, lease, rental, or other arrangement;
- Compliance with the applicable zoning laws of the municipality, city and county, or county;
- Compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university, or seminary; and
- The legislative declaration that the Colorado liquor and beer codes are an exercise of the police powers of the state for the protection of the economic and social welfare and the health, peace, and morals of the people of this state.

APPROVED by Governor May 4, 2006

EFFECTIVE May 4, 2006

S.B. 06-84 Outfitters - license - emergency situation. Allows outfitters to hire a guide who does not possess a valid first aid card or first aid instructor's card in an emergency situation, as defined by the director of the division of registrations.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-196 Nurses - appointment to the state board of nursing. Allows the governor to appoint a nurse in good standing to the state board of nursing for one term if there is not an appropriate candidate available who meets the existing requirements for appointment. At

the end of such term, allows the governor, after a good faith effort to find an appropriate applicant, to again appoint a nurse in good standing to fill a vacancy for one term.

APPROVED by Governor April 24, 2006

EFFECTIVE April 24, 2006

S.B. 06-212 Dentists - dental hygienists - definition of employment - shared use of office space and facilities. Amends the "Dental Practice Law of Colorado" to allow a dental hygienist proprietor, or a professional corporation or limited liability corporation of dental hygienists, to contract with a licensed dentist to provide dental services to patients. Specifies that the determination of what dental services are necessary and the professional responsibility for such services shall remain with the treating dentist.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-217 Distinguished foreign teaching physician - qualifications for licensure. Authorizes the state board of medical examiners (board) to issue a distinguished foreign teaching physician license to applicants in place of a temporary physician license. Removes the 5-year limit for which the license may be annually renewed. Continues to allow a qualified applicant who is not offered the rank of associate professor to be granted a temporary license. Grants rule-making authority to the board.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-224 Motor vehicle dealers and manufacturers - event data recorders. Requires motor vehicle manufacturers to disclose that a motor vehicle has an event data recorder and the type of data recorded.

Prohibits retrieval of event data from a motor vehicle unless:

- The owner has consented within the last 30 days;
- The data is retrieved to service the vehicle at the owner's request;
- The data is subject to discovery in a lawsuit;
- A court or administrative agency orders it;
- The event data recorder was installed after the vehicle was sold;
- A peace officer retrieves the data pursuant to a court order; or
- The event data recorder was installed as part of a subscription service.

Prohibits the release of event data unless the person is authorized to download the data and:

- The owner has consented within the last 30 days;
- The data is subject to discovery in a lawsuit;
- The data is released pursuant to a court order as part of an investigation;
- If the identity of the owner is not disclosed and the data is released to a motor vehicle safety and medical research entity to advance motor vehicle safety, security, or traffic management;
- The data is released to a data processor for specified purposes and the identity of the owner or driver is not disclosed; or
- The event data recorder was installed as part of a subscription service.

Requires a subscription service provider that uses an event data recorder to disclose the fact and provide instructions for disabling the device by a technician.

Punishes a violation of the act as a class 1 misdemeanor.

Applies to motor vehicles manufactured on or after May 1, 2007.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

S.B. 06-230 Prescription drugs - wholesale distribution - license requirements - criminal history record check - restrictions on transactions - pedigree requirement - penalty - appropriations. Requires a wholesaler of prescription drugs (wholesaler) that resides in this state to be licensed by the state board of pharmacy (board). Requires a wholesaler that does not reside in this state to be licensed in this state prior to engaging in the wholesale distribution of prescription drugs in this state. Authorizes the board to adopt rules to approve an accreditation body to evaluate wholesalers' operations and compliance with applicable laws.

Requires an applicant for a wholesaler license to pay a fee to the board and to submit information to the board for licensing. Requires an applicant for a wholesaler license applicant to submit information, including fingerprints, to the board. Requires the board to forward the fingerprints to the Colorado bureau of investigation (CBI) for a state and national criminal history record check.

Requires a wholesaler to update information provided to the board on an annual basis. Restricts certain transactions involving prescription drugs. Places restrictions on transactions between wholesalers and pharmacies and chain pharmacy warehouses. Requires each wholesaler to establish and maintain inventories and records regarding the distribution of prescription drugs, including a pedigree for a drug that leaves the normal distribution channel. Creates a penalty for engaging in the wholesale distribution of prescription drugs in violation of the act.

For the implementation of the act, appropriates:

- \$28,874 to the department of regulatory agencies, executive director's office;
- \$191,041 and 3.3 FTE to the department of regulatory agencies, division of registrations;
- \$28,874 and 0.2 FTE to the department of law. Specifies that such sum shall be from cash funds exempt received from the department of regulatory agencies, executive director's office, out of the appropriation made to such department by the act.
- \$31,183 and 0.3 FTE to the department of public safety for allocation to the CBI. Specifies that such sum shall be from fingerprint processing fees collected by the CBI.
- \$39,600 to the department of public safety for pass-through to the federal bureau of investigation. Specifies that such sum shall be from cash funds exempt fingerprint processing fees collected by the CBI.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

S.B. 06-239 Mortuary science - regulation - practitioner - funeral director - embalmer - cremator - appropriation. Regulates the mortuary science profession by:

- Requiring a mortuary science practitioner to be licensed, which requires a mortuary science degree, passing the national board test, and 2,000 hours of experience in the field, typically as an intern;
- Requiring a funeral director to be certified, which requires 2,000 hours of experience and 50 funerals or graveside services directed;
- Requiring an embalmer to be certified, which requires 4,000 hours of experience and embalming 50 bodies;
- Requiring a cremator to be certified, which requires 500 hours experience and cremating 100 bodies; and
- Requiring an intern to be registered, which requires a high school diploma and a supervising professional.

Applies the hours requirements to mortuary science practitioners, funeral directors, and cremators on January 1, 2008, and to embalmers on January 1, 2009.

Requires licenses, certificates, and registrations to be renewed annually. Limits the period a registrant may intern to 4 years as an embalmer and 2 years as a mortuary science practitioner, funeral director, or cremator.

Sets standards of practice for embalming and cremating.

Authorizes the executive director of the department of public health and environment ("director") to discipline licensees, certificate holders, or registrants for:

- Misstatement or omitted disclosures on an application;
- Being disciplined within the last 2 years, typically in another state;
- Negligently violating the mortuary science code;
- Failing to comply with the standards of practice; or
- A pattern of unprofessional acts.

Requires disciplinary hearings to be conducted in accordance with the "State Administrative Procedures Act". Sets the revocation period as 2 years. Authorizes temporary suspensions in lieu of revocation when a violation does not rise to revocation. Authorizes the director to investigate potential violations, administer oaths, issue subpoenas, and hear witnesses. Grants qualified immunity to witnesses and persons filing a complaint when acting in good faith. Requires an investigation if a complaint is made by a professional organization. Authorizes cease-and-desist orders.

Grants the director rule-making authority. Requires the director to seek input and advice from professional organizations when adopting rules. Requires the director to promulgate rules that ensure continuing competence of licensees and certificate holders.

Grants the director fee-setting authority. Requires fees to be in an amount to offset the direct and indirect costs of implementing the act. Creates the mortuary cash fund.

Allows the director to issue orders closing, or requiring changes in the operation of, a funeral establishment if the establishment creates an unreasonable and imminent hazard to public health. Sets standards for the order and procedures for a hearing on the order. Authorizes the director to enter a funeral establishment and to conduct random searches.

Deems a refusal of entry to the director as a health risk.

Authorizes the director to forward complaints to the district attorney, or any government law enforcement agency, for prosecution. Authorizes the director to seek injunctions and contempt orders to enforce the act.

Establishes a sunset and review date of July 1, 2010.

Appropriates \$120,550 to implement the act.

VETOED by Governor May 26, 2006

H.B. 06-1048 Unauthorized practice of profession or occupation - penalties - grounds for discipline - payment of costs for administrative proceedings. Makes the unauthorized practice of the following occupations or professions a class 2 misdemeanor for the first offense and a class 6 felony for a second or subsequent offense:

- Public accounting;
- Architecture;
- Audiology services;
- Hearing device sales;
- Barbering, hairstyling, esthetics, manicuring, or cosmetology;
- Live boxing or kickboxing;
- Pharmacy;
- Electrician;
- Professional engineering;
- Professional land surveying;
- Acupuncture;
- Podiatry;
- Chiropractic;
- Dentistry or dental hygiene;
- Physician assistant;
- Practice of medicine;
- Direct-entry midwifery;
- Practical or professional nursing;
- Nursing aide practice or medication administration;
- Nursing home administrator;
- Optometry;
- Physical therapy;
- Respiratory therapy;
- Psychiatric technician;
- Social worker, marriage and family therapist, professional counselor, or psychologist;
- Psychotherapy;
- Outfitter;
- Residential, journeyman, master, or apprentice plumber; and
- Veterinary medicine.

Decriminalizes the violation of any provision of the practice act for public accounting, boxing and kickboxing, pharmacy, professional engineering, professional land surveying, podiatry, chiropractic, dentistry or dental hygiene, the practice of medicine, and

optometry.

Eliminates the requirement that 3 types of professional licensees pay the costs incurred in bringing and conducting an administrative proceeding when the licensee is found to have violated the practice act for the profession or occupation. Specifies that fines collected by the passenger tramway safety board be deposited in the general fund of the state.

APPROVED by Governor March 27, 2006

EFFECTIVE August 7, 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. 06-1069 Corporate practice of podiatry - exemption for podiatrists practicing in health care industry. Permits employment of a podiatrist by a certified or licensed hospital, licensed skilled nursing facility, certified home health agency, licensed hospice, certified comprehensive outpatient rehabilitation facility, certified rehabilitation agency, authorized HMO, accredited educational entity, or other entity wholly owned and operated by any governmental unit or agency so long as:

- The employment relationship does not affect the podiatrist's ability to exercise independent judgment;
- The podiatrist's independent judgment is in fact unaffected;
- The policies of the employing entity contain a complaint procedure for podiatrists alleging a violation of this act;
- The podiatrist is not required to exclusively refer a patient to a particular provider or supplier; and
- The podiatrist is not required to take any other action he or she determines is not in the patient's best interest.

Applies the same provisions to professional service corporations, limited liability companies, and registered limited liability partnerships formed for the practice of podiatry.

APPROVED by Governor March 27, 2006

EFFECTIVE March 27, 2006

H.B. 06-1086 Games of chance - bingo and raffles - licenses - reports - prizes - authority of secretary of state - appropriation. Defines "equipment" to include electronic devices used as aids in the game of bingo. Gives the secretary of state's office, hereinafter referred to as the "licensing authority", administrative authority to specify the maximum value, not less than \$1,000, of prizes that may be awarded in promotional drawings at events to which admission is limited to ticket holders. Allows such drawings to be conducted by licensees other than landlord licensees.

Gives the licensing authority 45 days in which to act on a license application before the application is deemed approved. Starts the 45-day period on the day when all necessary information has been supplied so that the application is complete. Preserves the licensing authority's ability to later challenge the validity of the application on legal or constitutional grounds even if it was approved by default after 45 days.

Requires the acceptance of electronic filings as soon as possible after July 1, 2006.

Allows the licensing authority to require certain organizations to file reports and other documents electronically. Creates an implied affirmation by a person who causes the electronic filing of a document that the document is the act and deed of the person, or of the organization that the person represents, and that the facts stated in the document are true. Directs the licensing authority to recover the cost of administering the electronic filing system through a temporary fee increase or surcharge for the first 5 years of operation of the system.

Where a license is revoked due to violation of the bingo and raffles law, increases the mandatory period of ineligibility for a new license from 12 months to 5 years.

Eliminates the requirement that copies of all complaints be forwarded to the bingo-raffle advisory board.

Requires games managers to be at least 18 years of age.

If the location of games is to be changed from the licensee's address as shown on its license, requires prior, written notice to the licensing authority.

Requires a licensee to designate one or more games managers to maintain and secure the books, records, and equipment for each game.

Allows the awarding of consolation prizes and secondary jackpots in progressive bingo games. Gives the licensing authority administrative authority to specify the method of play and the amount and type of prizes awarded in progressive bingo and progressive pull tab (raffle) games. Requires the maximum jackpot specified in such rules to be at least \$15,000.

Prohibits a person from acting as a caller or assistant caller in a bingo game if the person has previously been convicted of a crime involving gambling.

Allows bingo results to be determined and verified by reference to an electronic device. Authorizes the licensing authority to establish the maximum number of bingo cards that a player may use with the aid of such device, so long as the maximum is at least 36.

In place of current provisions detailing the acceptable forms of checks and withdrawal slips, requires licensees to use generally accepted accounting principles and contemplates the use of electronic transactions. Adds advertising and legal services to the bona fide expenses that a bingo-raffle licensee may pay out of game proceeds.

Prohibits a landlord licensee, manufacturer licensee, or supplier licensee or such licensee's employees from providing accounting or bookkeeping services for a bingo-raffle licensee except in connection with data transfers required by a change in software.

Allows the licensing authority to adopt rules requiring internal financial controls.

Appropriates \$265,557 to the department of state for the implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1120 Alcohol beverages - wine - direct shipment - personal consumers - restrictions. Permits the sale and direct shipment of wine produced in-state or out-of-state to personal consumers in Colorado or outside of Colorado under certain conditions. Requires that wineries obtain winery direct shippers' permits from the state licensing authority, that shipments only be made to individuals allowed to purchase and consume alcohol beverages under Colorado law, and that applicable Colorado excise taxes be collected on such sales.

Makes the act applicable to the sale and direct shipment of wine on and after July 1, 2006.

APPROVED by Governor April 13, 2006

EFFECTIVE July 1, 2006

H.B. 06-1127 Athletic trainers - licensing requirements - discipline - mental and physical examinations - unauthorized practice - penalties - rules - advisory committee - professional liability insurance required - repeal of the regulation of athletic trainers under sunset law - appropriation. Creates the "Athletic Trainer Practice Act" (act). Requires an athletic trainer to obtain and possess a valid license issued by the Colorado state board of medical examiners (board) before engaging in the practice of athletic training or representing himself or herself as an athletic trainer. Specifies the criteria for licensure. Allows the board to issue a temporary permit to an applicant whose application presents prima facie evidence of compliance with the licensure criteria.

Establishes a maximum period for which an athletic trainer license can be valid and requires renewal of the license in accordance with a schedule developed by the board. Establishes a procedure and time limit for an athletic trainer to reinstate an expired license. Allows the board to set fees for the issuance of a new, renewed, or reinstated license.

Establishes exceptions to the applicability of the act to specified persons. Sets forth grounds for disciplinary actions by the board and the types of disciplinary actions that may be taken, including issuance of a letter of admonition, denial, refusal to renew, suspension, or revocation of a license, placement of a licensee on probation, or imposition of a fine. Specifies the procedure for investigating and disciplining a licensee and for judicial review of a disciplinary action by the board.

Allows the board under certain circumstances to order a licensee to undergo a mental or physical examination to determine whether the licensee can practice athletic training with reasonable skill and safety. Sets forth conduct or actions that constitute a violation of the act and the criminal penalties for such conduct or actions. Allows the board to also assess a fine for a violation of the act. Permits the board to pursue injunctive relief to enjoin a licensee from committing certain violations of the act.

Specifies the powers and duties of the board. Authorizes the board to promulgate rules to administer the act. Requires the board to appoint an advisory committee to assist in the performance of its duties. Requires athletic trainers to carry professional liability insurance.

Repeals the advisory committee and the regulation of athletic trainers on July 1, 2016, pursuant to the provisions of sunset law.

Appropriates \$34,158 from the division of registrations cash fund to the department

of regulatory agencies, for allocation to the executive director's office for legal services. Appropriates \$110,110 from the division of registrations cash fund and 1.2 FTE to the department of regulatory agencies for allocation to the division of registrations for the implementation of the act.

VETOED by Governor May 26, 2006

H.B. 06-1141 Real estate closings - title insurance - real estate brokers - affiliated business arrangements. Authorizes affiliated business arrangements between real estate settlement service producers or providers and title insurance companies, title insurance agents, or real estate brokers if the person referring business to the affiliated business arrangement received payment only in the form of a return on an investment and does not violate existing prohibitions on such entities. Prohibits title insurance companies, title insurance agents, and real estate brokers from requiring the use of an affiliated business arrangement or any particular settlement producer or provider as a condition of obtaining a settlement service. Specifies that a violation of the restrictions on affiliated business arrangements is an unfair method of competition and an unfair or deceptive act or practice.

Requires the disclosure of an affiliated business arrangement to the consumer in accordance with the federal "Real Estate Settlement Procedures Act". Requires title insurance companies, title insurance agents, and real estate brokers to disclose the existence of their affiliated business arrangements to the division of insurance or division of real estate in connection with an application for a new or renewed license.

Authorizes the commissioner of insurance and the real estate commission to promulgate rules to regulate affiliated business arrangements. Specifies that the commissioner of insurance and the real estate commission must consult with one another in the promulgation of these rules. Requires such rules to be at least as stringent as those promulgated pursuant to the federal "Real Estate Settlement Procedures Act". Authorizes the divisions of insurance and real estate to share information derived from investigations of affiliated business arrangements.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

H.B. 06-1161 Mortgage brokers - registration - repeal under sunset law. Creates the "Mortgage Broker Registration Act" (act).

Requires a mortgage broker to register every 3 years with the director of the division of real estate (director). Requires an applicant for registration to undergo a criminal background check, disclose relevant administrative discipline taken against the applicant, and post a bond of \$25,000. Exempts the following:

- Employees of a governmental entity;
- The owner of real property who offers credit secured by the property;
- A bank, savings and loan association, or credit union;
- An attorney in the course of practice;
- A federal housing administration approved mortgagee or an appointed federal housing administration correspondent;
- A person who funds a loan originated by a registered broker; and
- An underwriter.

Authorizes the director to investigate and to deny the registration of or discipline a registrant who has:

- Filed an application containing material misstatements;
- Been convicted within the last 5 years of a crime concerning fraud, deceit, material misrepresentation, theft, or the breach of a fiduciary duty;
- Had a license, registration, or certification related to real estate, insurance, law, or investments revoked or suspended; or
- Failed to maintain the required bond.

Authorizes the director or an administrative law judge to conduct disciplinary hearings, administer oaths, take affirmations of witnesses, and issue subpoenas. Authorizes the district court to issue an order compelling compliance with a subpoena or process. Allows the director to issue a cease and desist order. Sets standards for orders and hearings.

Requires the director to keep records of registrants and disciplinary proceedings and open them to public inspection. Instructs the director to maintain a system, such as a hotline or web site, that gives consumers a reasonably easy method for making complaints about a mortgage broker

Grants witnesses and persons filing complaints legal immunity if they act in good faith.

Allows the director to set and impose fees for registration that offset the direct and indirect costs of administering the act. Creates the mortgage broker cash fund, subject to appropriation, to administer the act. Clarifies that the fees in the fund shall only be used to administer the act and shall not revert to the general fund.

Grants the attorney general and district attorneys jurisdiction to prosecute suspected criminal violations of the act.

Declares brokering a mortgage or practicing as a mortgage broker without a registration a class 1 misdemeanor. Authorizes the director to forward information of suspected law violations to the attorney general, a district attorney, or a state or federal law enforcement agency. Authorizes injunctive actions to restrain violations.

Directs the director to make a report to the general assembly.

Repeals the requirement for the registration of mortgage brokers on July 1, 2011, pursuant to the provisions of sunset law.

APPROVED by Governor June 2, 2006

EFFECTIVE July 1, 2006

H.B. 06-1180 Dental advisory committee - children's dental assistance and fluoridation program - repeal of functions. Repeals the dental advisory committee that was authorized as part of the "Colorado Dental Program Act of 1997" to advise and assist the department of public health and environment in the administration of the children's dental assistance and fluoridation program, effective July 1, 2006, pursuant to the provisions of the sunset law.

APPROVED by Governor March 17, 2006

EFFECTIVE July 1, 2006

H.B. 06-1183 Land surveyors - monuments - establishment - restoration - evidence - liability limitation. Requires a land surveyor to describe the evidence used to restore a monument or the procedure and evidence used to establish a monument. Limits the liability of a land surveyor when specified information is provided within 90 days after completion of a survey.

APPROVED by Governor April 5, 2006

EFFECTIVE August 7, 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. 06-1196 Architects - licensure - state board of licensure for architects, professional engineers, and professional land surveyors - continuation of regulation of architects under sunset law. Combines the state board of examiners of architects with the state board of licensure for professional engineers and professional land surveyors. Names the newly combined board the state board of licensure for architects, professional engineers, and professional land surveyors ("the board"). Moves and recodifies the statutes governing architecture. Harmonizes the board's procedures concerning architecture with the procedures governing the other professions regulated by the board. Repeals a provision that requires an investigation of engineers or surveyors to be kept confidential until administrative action is taken.

Clarifies that the board may issue a cease-and-desist order to a person practicing architecture without a license. Clarifies what constitutes a record set of drawings and the proper use of an architect's stamp on such drawings.

Replaces a requirement that an entity's organizational documents contain a provision accepting professional liability with a simple imposition of such liability. Clarifies that a majority of natural persons must be architects in an architectural firm. Clarifies that the majority must be licensed architects or architects who would qualify for a license by endorsement. Repeals the prohibition against using the name of a departed partner in the name of a firm. Replaces a requirement that architects notify the board of legal or arbitration proceedings with a requirement that licensees notify the board of any legal judgments or settlements. Requires that a crime that triggers discipline must be related to the practice of architecture.

Repeals a requirement that the board provide annual notification of changes in the board's rules and licensing requirements. Removes a specific reference in the statutes to the national council of architectural registration boards.

Extends professional immunity for disaster assistance to professional land surveyors.

Extends the automatic termination date of the regulation of architects to July 1, 2013, pursuant to the provisions of sunset law.

APPROVED by Governor May 1, 2006

EFFECTIVE July 1, 2006

H.B. 06-1201 Limited gaming - revenue allocations - tourism, arts, film, job creation - appropriations. For the 2005-06 fiscal year and future fiscal years, reduces the amount of limited gaming funds that are allocated to the general fund and sets the amount of limited

gaming funds that are allocated to the following funds in the following amounts: The Colorado travel and tourism promotion fund, \$19 million; the newly-created state council on the arts cash fund, \$1.5 million; the newly-created film incentives cash fund, \$500 thousand; and the newly-created new jobs incentives cash fund, \$3 million. Requires the state treasurer to increase the allocation to the general fund and reduce the new allocations pro rata in any fiscal year in which the revenue forecast indicates that general fund revenues for that year will be insufficient to allow the maximum amount of general fund appropriations permitted by law to be made for the fiscal year. Of the 50% share of gaming fund revenues that are transferred to the general fund, transfers 13% to the local government limited gaming impact fund.

For the implementation of the act, appropriates:

- \$18,854,587 and 3.0 FTE to the office of the governor, for allocation to Colorado promotion - other program costs in the economic development programs division;
- \$1,500,000 and 2.0 FTE to the state council on the arts; and
- \$3,500,000 to the office of the governor, for allocation to the Colorado economic development commission in the office of economic development.

Makes the effectiveness of certain provisions of this act contingent upon House Bills 06-1017, 06-1362, and 06-1384 becoming or not becoming law.

APPROVED by Governor June 5, 2006

EFFECTIVE June 5, 2006

NOTE: House Bills 06-1017, 06-1362, and 06-1384 were signed by the governor June 5, 2006.

H.B. 06-1212 Pharmacists - emergency contraception - authority to prescribe. Authorizes a pharmacist to prescribe emergency contraception. Defines "emergency contraception" as any drug that prevents pregnancy after sexual intercourse, with specified exceptions.

VETOED by Governor April 13, 2006

H.B. 06-1243 Chiropractors - professional liability insurance. Requires professional liability insurance to cover all acts within the scope of chiropractic practice. Specifies that professional liability coverage shall cover acupuncture and electrotherapy only if the licensee is authorized to perform such acts. Allows the state board of chiropractic examiners to impose a fine not to exceed \$10,000 on a licensed chiropractor in lieu of suspending a license.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 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. 06-1264 Professions and occupations regulated by the division of registrations - consistent disciplinary provisions. Makes the disciplinary procedures consistent for persons registered, certified, or licensed by the division of registrations (division) within the

department of regulatory agencies. Specifically:

- Grants authority to the governing board or to the director of the division to issue a cease and desist order to a registrant, certificate holder, or licensee based on credible evidence presented in a written complaint that the person is acting in a manner that is an imminent threat to the health and safety of the public; is acting without the proper registration, certificate, or license; or has violated any applicable law or rule.
- Allows the governing board or director to issue an order to show cause as to why a final cease and desist order should not be issued.
- Requires notification to the person against whom an order to show cause has been issued to be notified by mail, in person, by electronic transmission, or as may be practicable.
- Allows a person against whom an order to show cause has been issued the right to a hearing on the matter.
- Allows the governing board or director to issue a final cease and desist order if a person does not attend the hearing or if the board or director reasonably finds that a person has acted without the proper registration, certificate, or license.
- Makes the cease and desist order final for the purposes of judicial review.
- Allows the governing board or director to enter into a stipulation with a person who, based on credible evidence presented to the board or director, has or is about to engage in an act or practice that is a violation of the laws or rules of the division.
- Allows the governing board or director to request the attorney general or the district attorney to bring about action for a temporary restraining order against a person who does not comply with a cease and desist order or a stipulation.
- Allows a person who is aggrieved by a cease and desist order to seek judicial action.

Applies the disciplinary procedures to the following occupations and professions: Accountants; architects; audiologists and hearing aid providers; barbers, cosmetologists, estheticians, and manicurists; persons licensed or regulated by the "Colorado Professional Boxing Safety Act"; pharmacists and pharmaceuticals; electricians; engineers and land surveyors; acupuncturists; podiatrists; chiropractors; dentists and dental hygienists; physicians and physician assistants; nurses; midwives; nurse aides; nursing home administrators; optometrists; physical therapists; respiratory therapists; mental health professionals; outfitters; plumbers; and veterinarians.

Repeals the requirement that the executive officer for the state board of nursing be a professional nurse. Changes the title from executive officer to executive administrator and authorizes the director of the division of registrations to appoint a person to the position.

Applies to acts or omissions on or after July 1, 2006.

APPROVED by Governor May 1, 2006

EFFECTIVE July 1, 2006

H.B. 06-1318 Marriage and family therapists - clinical practice hours required. Changes the number of hours an applicant for a marriage and family therapist license shall complete in clinical practice prior to receiving a license from 1,000 hours to 1,500 hours as

determined by the state board of marriage and family therapist examiners.

APPROVED by Governor April 18, 2006

EFFECTIVE January 1, 2007

H.B. 06-1319 Real estate appraisers - renewals. Requires that registrations, licenses, or certificates expire pursuant to a schedule established by the director of the division of real estate.

APPROVED by Governor March 17, 2006

EFFECTIVE August 7, 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. 06-1331 Landscape architects - licensing - examinations - discipline - review under sunset law - appropriations. Creates the "Landscape Architects Professional Licensing Act" (act). Requires a person to obtain a license to practice landscape architecture in Colorado, beginning January 1, 2007. Defines the practice of landscape architecture.

Expands the existing state board of licensure for architects, professional engineers, and professional land surveyors (board) to include licensed landscape architects. Grants the board additional powers and duties to regulate landscape architects.

Establishes education and experience criteria that applicants must satisfy in order to obtain a license as a landscape architect.

Directs the board to issue licenses in the following manner:

- Licensure by examination, in which a license is issued to an applicant who passes an examination administered by the board;
- Licensure by endorsement, in which a license is issued to persons who hold an equivalent license in another jurisdiction; and
- Licensure by prior practice, in which a license is issued to persons who practiced landscape architecture for a specified period before July 1, 2006.

Authorizes the board to discipline a licensee or applicant for the following:

- Fraud or a misstatement of fact made in attempting to procure a license;
- Acts or omissions that fail to meet generally accepted standards for the practice of landscape architecture and that endanger life, health, property, or the public welfare;
- Mental incompetence;
- Fraud or deceit in the practice of landscape architecture;
- Misleading another into believing a document was written or prepared by a licensed landscape architect;
- Violating or aiding in a violation of the act or a rule or order of the board;
- Conviction of a felony that concerns the practice of landscape architecture;
- Use of false, deceptive, or misleading advertising;
- Habitual or excessive use or abuse of drugs or alcohol that renders the person unfit to practice landscape architecture;
- Failure to report to the board a landscape architect known to have violated the

- act or any board order or rule;
- Offering a substantial gift to influence the use of a specific landscape architect;
- Failure of a licensee to exercise adequate professional supervision over persons practicing landscape architecture under his or her supervision;
- Performing services beyond one's competency, training, or education;
- Selling or fraudulently obtaining or procuring a license; or
- Purporting to be licensed, or using the title of licensed landscape architect, when not licensed.

Requires the board to conduct disciplinary hearings in accordance with the "State Administrative Procedure Act". Authorizes the board, when disciplining a licensee, to revoke or suspend a license, place a licensee on probation, set conditions on a license, issue a letter of admonition, or require education. Allows the recipient of a letter of admonition to request an adjudication of the issue if the letter is issued without a hearing.

Authorizes the board to impose a fine, not to exceed \$5,000, for violations and to issue a cease-and-desist order or seek injunctive relief against any person who violates or threatens to violate any provision of the act.

Punishes the unlicensed practice of landscape architecture as a class 2 misdemeanor for a first offense and as a class 6 felony for a second or subsequent offense.

Requires a licensed landscape architect to have a stamp that bears the name, date of licensing, and license number of the landscape architect, with the legend "Colorado - Licensed Landscape Architect". Sets forth criteria for maintaining the records and documents of a landscape architect.

Exempts architects, professional engineers, residential landscape designers, irrigation system designers, and landscape installation and construction workers and contractors from the act.

Clarifies that the act does not limit a municipality's or county's authority to promulgate codes necessary for the protection of their residents, limit or extend the rights of another profession or craft, or prohibit the practice of landscape architecture by an employee of the U.S. government while acting in an official capacity. Specifies that the act does not authorize a landscape architect to engage in the practice of architecture, engineering, or land surveying.

Repeals the act and the board, effective July 1, 2013, subject to review under the sunset law.

Appropriates \$26,425 to the department of regulatory agencies, executive director's office; \$115,018 to the department of regulatory agencies, division of registrations; and \$26,425 to the department of law, for the implementation of this act.

VETOED by Governor May 26, 2006

H.B. 06-1388 Motor vehicle dealers - violations - executive director of department of revenue - rules. Authorizes the executive director of the department of revenue to promulgate rules to facilitate the administration of actions or proceedings brought before the

executive director by licensees under the motor vehicle dealer law, including provisions for an investigation of an alleged violation; a hearing regarding the alleged violation; issuance of an order, including a cease and desist order; and the imposition of a fine. Authorizes the expenditure of moneys from the auto dealers license fund to pay for the administration of such actions and proceedings.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1409 Racing - greyhound racing - simulcast facilities - tracks. Authorizes a greyhound race facility to simulcast races in any week in which 5 days of races are conducted in Colorado by one or more licensees. In the definition of simulcast facility, creates a "grandfather" provision for race tracks that were operating in 2003 if 5 days of races are conducted in Colorado by one or more licensees, and allows such a "grandfathered" facility to operate one additional facility. Credits Thanksgiving day and Christmas day toward the 5-day minimum.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

PROPERTY

S.B. 06-2 Residential real property - sales disclosures - use of property as methamphetamine laboratory. Requires a seller of residential real property to disclose in writing to the buyer whether the seller knows that the property was previously used as a methamphetamine laboratory unless the property has been properly remediated to meet the standards established by rules of the state board of health. Gives the buyer of residential real property the right to test the property for the purpose of determining whether the property has ever been so used. Requires the test to be performed by a certified industrial hygienist or industrial hygienist.

Specifies that, if the test results indicate that the property has been used as a methamphetamine laboratory but has not been remediated, the buyer must notify the seller and may terminate the contract. Allows the seller 30 days to conduct a second independent test. Specifies that a positive test result triggers the remediation or demolition requirements specified under current law. If the seller does not remediate the property prior to the sale, requires the buyer to provide notice on the date of closing to the department of public health and environment and to remediate the property within 90 days after the date of closing.

Makes a seller who fails to make a required disclosure at or before the time of sale and who knew of methamphetamine production on the property liable to the buyer for costs relating to remediation of the property, costs relating to health-related injuries occurring after the sale to residents of the property caused by methamphetamine production on the property, and reasonable attorney fees for collection of costs from the seller. Requires an action to be filed within 3 years after the date on which the buyer closed the purchase of the property where the methamphetamine production occurred.

Makes the act applicable to contracts for the purchase and sale of residential real property that are offered or entered into on or January 1, 2007.

APPROVED by Governor May 1, 2006

EFFECTIVE January 1, 2007

S.B. 06-71 Real property - foreclosure - limitations. Enacts the "Colorado Foreclosure Protection Act". Prohibits certain deceptive and unconscionable business practices. Requires purchasers of residences in foreclosure and foreclosure consultants to give home owners information necessary to make informed decisions regarding the potential or actual foreclosure of the residences. Specifies minimum requirements for contracts between such parties.

APPROVED by Governor May 30, 2006

EFFECTIVE May 30, 2006

S.B. 06-89 Common interest communities - homeowners' associations - allowable regulations - dispute resolution - financial records - notices - amendment of covenants - meetings - board member conflicts of interest - insurance. Clarifies provisions of Senate Bill 05-100 regarding regulation of political signs and flags in common interest communities (CICs). Allows a CIC unit owners' association (association) to prohibit the parking of commercial vehicles other than police, fire, and paramedic vehicles on community property and to limit the parking of police, fire, and paramedic vehicles so as to preserve adequate guest parking.

Prohibits an association from requiring the use of cedar shakes or other flammable roofing materials.

Simplifies provisions allowing a court to award attorney fees and costs to the prevailing party in litigation, eliminating the requirement of a claim-by-claim analysis of which party prevailed. As of January 1, 2007, requires an association to adopt a written policy for dealing with disputes between the association and unit owners, and to make the policy available to unit owners upon request.

Modifies the requirement imposed by Senate Bill 05-100 that a financial audit or review be completed within 90 days after the close of the association's fiscal year. In place of the requirement that the association's accounting records employ generally accepted accounting principles, requires that the records be kept on a cash or tax basis and be accurate and complete. Replaces the current requirement for a biennial audit or review with an optional procedure whereby a review is only required if requested by 1/3 of the unit owners, and an audit is required only if requested by 1/3 of the unit owners and the association's budget exceeds \$250,000. Requires that a person conducting a review (as opposed to an audit, which must be conducted by a certified public accountant) be independent and qualified, and have at least a basic understanding of the principles of accounting based on education or experience.

In provisions specifying notice by mail and publication to first mortgagees regarding proposed changes to a CIC's governing declaration, clarifies that a preexisting process, under which amendments may be authorized by court order, is still available.

Allows supermajority provisions exceeding 67% for the amendment of covenants to continue to apply in phased CICs, declarant-controlled CICs, and CICs in which 67% or more of the votes are allocated to a single owner.

Clarifies provisions relating to notice of meetings and the opportunity for unit owners to offer their views on agenda items prior to action by the executive board. Modifies requirements for the taking of votes by secret ballot and the counting of ballots. Exempts associations whose board members are selected by delegates from secret-ballot requirements.

Replaces Senate Bill 05-100 provisions on board member conflicts of interest with provisions imported from the "Colorado Revised Nonprofit Corporation Act".

Enacts privacy protections with regard to the distribution of unit owners' names and addresses. As to other documents that the association must make available upon request, allows production of the documents at the next regularly scheduled meeting if the meeting occurs within 30 days after the request as an alternative to the current requirement that the documents be produced within 5 business days. Allows the association to charge, and to collect in advance, a fee for copies, not to exceed the association's actual cost per page.

Modifies the disclosure requirements for the seller of a home in a CIC. In the case of a failure to provide full disclosure, makes it an affirmative defense that the purchaser had actual or constructive knowledge of the facts and information required to be disclosed. Allows the seller to authorize the association to provide to the purchaser any association documents listed in the real estate contract upon payment of the association's cost for copies.

In provisions allowing a unit owner to file a claim against the association's property insurance policy to the same extent as a named insured, places conditions on the exercise of

that right by requiring the unit owner first to contact the association and to give the association a reasonable opportunity to respond and inspect the damage. Prohibits an insurer from considering a clarification-of-coverage inquiry by a unit owner when setting premiums to be charged to the association.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

S.B. 06-105 Buildings - elevators and escalators - regulation - repeal of regulation under sunset law. Creates the "Elevator and Escalator Safety Act" (act). Declares the regulation of mechanical conveyances to be a matter of statewide concern. Specifies the types of mechanical conveyances to which the act applies.

Requires conveyance mechanics, contractors, and inspectors to be certified and sets qualifications for certification. Imposes fees for certification. Prohibits a person from constructing, removing, or servicing a conveyance unless the person is certified. Allows persons who are qualified, though not necessarily certified, to work on conveyances in an emergency or in the case of a shortage of certified mechanics.

After a hearing upon 10 days' notice, authorizes the director of the division of oil and public safety, who is the administrator of the act ("administrator"), to impose civil penalties or suspend or revoke a certification if the certified person fraudulently obtains certification, fails to notify the administrator of a noncomplying conveyance, or otherwise violates the act. Authorizes the subject of a hearing to appeal the outcome of the hearing to the administrator.

Requires existing conveyances to be registered by July 1, 2007, and conveyances constructed or installed on or after July 1, 2007, to be registered before being placed in service. Authorizes the administrator to set registration fees to offset the cost of registration. Credits registration fees to the newly created conveyance safety fund.

Requires certificate holders to comply with the fire code adopted by the administrator. Instructs the administrator to promulgate rules for the construction, alteration, repair, service, and maintenance of conveyances.

Requires the owner of property where a new conveyance is located to obtain a certificate of operation to operate the conveyance. Sets standards, including an inspection by a certified inspector, for the issuance of a certificate of operation. Requires the administrator to promulgate rules regarding the periodic inspection of conveyances.

Clarifies that the act does not affect a conveyance owner's or operator's liability.

Establishes punishment for violations of the act. If a conveyance is deemed to be dangerous, authorizes the administrator to notify the owner or lessee and order alterations or additions found to be necessary. Allows an owner or lessee to temporarily shut down a conveyance in lieu of making such ordered changes. Requires the owner or lessee to make the conveyance safe before returning it to use.

Repeals the requirement for regulation and certification of conveyances and for the certification of conveyance mechanics, contractors, and inspectors on July 1, 2017, pursuant to the provisions of sunset law.

VETOED by Governor May 26, 2006

H.B. 06-1254 Co-ownership of real property - joint tenancy - tenancy by the entirety. Clarifies the ways that a joint tenancy in real property is created or is presumed to be created. Establishes that any conveyance to 2 or more persons that does not create or is not presumed to create an estate in joint tenancy shall be a tenancy in common. Modifies the procedures for proving the death of a joint tenant.

Prohibits a conveyance of real property from creating a tenancy by the entirety. Establishes that a conveyance executed before July 1, 2006, that purports to create a tenancy by the entirety shall be presumed to create a joint tenancy and a conveyance executed on or after July 1, 2006, shall create a joint tenancy.

APPROVED by Governor March 31, 2006

EFFECTIVE July 1, 2006

H.B. 06-1268 Abandoned graves - right of cemetery to reclaim. Allows a cemetery corporation, cemetery authority, cemetery district, or municipality that maintains a cemetery (cemetery) to reclaim title to a lot, grave space, niche, or crypt in the cemetery in which no remains have been interred, no burial memorial has been placed, and no other improvement has been made for a continuous period of at least 75 years.

Requires a cemetery seeking to reclaim title to a lot, grave space, niche, or crypt to:

- Send written notice to the owner's last-known address by first-class mail; and
- Publish a notice in a newspaper of general circulation in the area in which the cemetery is located once per week for 4 weeks.

Specifies the provisions to be included in the notice. States that if the cemetery does not receive from the owner of the lot, grave space, niche, or crypt a letter of intent to retain ownership within 60 days after the last publication of the notice, all rights and title to the lot, grave space, niche, or crypt shall transfer to the cemetery. States that the cemetery may then sell, transfer, or otherwise dispose of the lot, grave space, niche, or crypt without risk of liability to the prior owner. States that if a person submits a valid claim to a lot, grave space, niche, or crypt that the cemetery has reclaimed, the cemetery shall transfer to the person at no charge an equivalent lot, grave space, niche, or crypt to the extent possible.

Prohibits a cemetery from conveying title to the real property surveyed as a lot in a cemetery for use as a burial space. Allows a cemetery to grant interment rights to a lot, grave space, niche, or crypt in a cemetery.

APPROVED by Governor April 13, 2006

EFFECTIVE August 7, 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. 06-1387 Real estate foreclosures. Modifies the law of real estate foreclosure in the following areas:

Public trustees

Clarifies the fees that a public trustee is entitled to receive for processing a foreclosure. Allows a public trustee to collect:

- A fee of \$50 for processing an administrative withdrawal of a foreclosure;
- A fee of \$100 for processing a partial release of property from a deed of trust; and
- Reimbursement for the public trustee's expenses in processing a foreclosure.

Allows the public trustee to retain from moneys received as fees the amount necessary to pay staff wages and any benefits provided pursuant to the county's personnel policy.

Expands the types of accounts that a public trustee may establish to include:

- An automated clearing house account;
- An escrow account;
- A custodial account; and
- Accounts with a savings and loan association.

Allows a public trustee to transfer moneys electronically to the attorney for the person commencing a foreclosure (holder of an evidence of debt).

Commencement of foreclosure proceedings

Requires a holder of an evidence of debt or the holder's attorney to file the following documents with the public trustee in order to foreclose on a property:

- A signed notice of election and demand;
- The original evidence of debt, along with any indorsement or assignment, or in lieu of the original evidence of debt a corporate surety bond or a copy of the evidence of debt certified by a specified institutional holder of the evidence of debt (qualified holder);
- The original recorded deed of trust securing the evidence of debt, or in lieu of the original deed a copy of the deed certified by the county clerk and recorder or by a qualified holder;
- A notice of sale, right to cure, and right to redeem (combined notice); and
- A mailing list of persons entitled to receive the combined notice (mailing list).

Clarifies the provision under which a qualified holder that forecloses without the original evidence of debt or the original recorded deed of trust or a certified copy of the deed indemnifies persons who are liable on the debt and persons who rely on a sale if the original evidence of debt or a certified copy is subsequently presented for payment.

Allows a holder of an evidence of debt to foreclose a deed of trust against a portion of the property encumbered by the deed of trust only if the portion is encumbered as a separate parcel or lot.

Requires a notice of election and demand commencing a foreclosure to contain the following:

- The names of the original grantors of the deed of trust and the original beneficiaries or grantees;
- The name of the holder of the evidence of debt;
- The date of the deed of trust;
- Information on the recording of the deed of trust;
- The amount of the original principal balance of the secured indebtedness;
- The amount of the outstanding principal balance;

- A description of the property;
- A statement of whether the property described in the notice of election and demand is all or a portion of the property encumbered by the deed of trust;
- A statement of the violation of the covenant of the evidence of debt of deed of trust on which the foreclosure is based; and
- The name, address, and bar registration number of the attorney for the holder of the evidence of debt.

Allows a holder of an evidence of debt consisting of multiple instruments to foreclose on only some of the instruments. Allows a holder of an evidence of debt to assign or transfer the debt at any time while a foreclosure action is pending. Allows a portion of the property to be released from the deed of trust being foreclosed.

Allows the public trustee to require the holder of an evidence of debt to pay a deposit against the public trustee's fees and costs. Authorizes the public trustee to allow the holder's attorney to establish one or more accounts with the public trustee for the payment of fees and costs to the public trustee and the transfer of moneys to the holder.

Notice of foreclosure

Requires the public trustee to record a notice of election and demand received by the public trustee with the county clerk and recorder within 10 days and to retain a copy of the notice, which shall be available for public inspection.

Requires the public trustee to mail a combined notice no more than 20 days after the recording of the notice of election and demand to the following persons:

- The original grantor of the deed of trust or obligor under any other lien being foreclosed;
- Any person personally liable under the evidence of debt; and
- The occupant of the property.

Requires the public trustee to mail a combined notice between 60 and 45 days before the first scheduled date of sale to the following persons:

- The original grantor of the deed of trust or obligor under any other lien being foreclosed;
- The owner of the property as of the recording of the notice of election and demand or lis pendens;
- Any person personally liable under the evidence of debt;
- The occupant of the property; and
- Each person who appears to have a recorded interest in the property that may be extinguished by the foreclosure.

Requires a sheriff to mail a combined notice between 16 and 30 days after receiving a mailing list and a decree of foreclosure or writ of execution directing the sheriff to sell property to the following persons:

- The original grantor of the deed of trust or obligor under any other lien being foreclosed;
- The owner of the property as of the recording of the notice of election and demand or lis pendens;
- Any person personally liable under the evidence of debt;

- The occupant of the property; and
- Each person who appears to have a recorded interest in the property that may be extinguished by the foreclosure.

Specifies the content of the combined notice. Requires the public trustee or sheriff processing a foreclosure (officer) to publish the combined notice once each week for 5 consecutive weeks in a newspaper of general circulation. Directs the officer to review publications of the combined notice for accuracy.

Cure of default

Allows the following persons to cure a default for nonpayment under an evidence of debt, deed of trust, or other lien being foreclosed in specified circumstances:

- The owner of the property;
- The property owner's spouse, heir, personal representative, legal guardian, or conservator;
- An entity affiliated with the property owner;
- The owner of the property as a result of a merger or similar event occurring after the commencement of the foreclosure;
- A person entitled to the property under a court order as a result of a divorce, property settlement, quiet title action, or similar proceeding occurring after the commencement of the foreclosure;
- A person liable under the evidence of debt;
- A surety or guarantor of the evidence of debt;
- The holder of an interest junior to the lien being foreclosed or a contract vendee of the property, if the instrument evidencing the interest was recorded before the recording of the notice of election and demand or lis pendens.

If the officer receives a notice of intent to cure, requires the attorney for the holder of an evidence of debt or the holder to file with the officer a statement of the amount required to cure the default. Imposes a fine of \$150 or 1/32 of 1% of the outstanding principal balance on a holder of evidence of debt who receives a request for a cure statement more than 30 days before the date of sale but fails to file the statement within 10 days after the request.

Increases the amount of time a property owner or debtor has to cure a default by increasing the time between the commencement of a foreclosure and the initial date of the sale from 45-60 days to:

- 110-125 days for a sale of nonagricultural property by the public trustee;
- At least 110 days for a sale of nonagricultural property by the sheriff;
- 215-230 days for a sale of agricultural property by the public trustee; and
- At least 215 days for a sale of agricultural property by the sheriff.

Foreclosure sale

Modifies the required form and content of the bid. Requires the officer to make the holder's bid available to the public. Requires the holder to bid an amount that is no less than the holder's good faith estimate of the fair market value of the property, less unpaid taxes, net expenses of maintaining and selling the property, and amounts secured by senior liens, up to the amount due to the holder. Requires bidders other than the holder to tender the amount of their bid at the time of sale or at another time on the day of the sale as directed by the officer. Specifies the allowable fees and costs of the foreclosure.

Prohibits a provider of a property inspection, broker's price opinion, appraisal, insurance, repair, or maintenance service or product from paying or providing to a holder of an evidence of debt any remuneration in connection with a foreclosure in which such a service or product was used unless the total value of the remuneration is shown and credited against amounts owed to the holder in a bid, cure statement, or redemption statement.

Establishes a procedure for the officer to determine whether property is agricultural if it is not clear from the legal description.

Specifies the procedures for a public trustee to conduct a foreclosure sale. States that the proceeds from a foreclosure sale in excess of the amount of the holder's bid plus fees and costs shall be paid after the expiration of all redemption periods:

- First, to the holder of the evidence of debt to the extent of any deficiency as indicated in the holder's bid;
- Second, to each junior lienor, in order of recording priority, who filed a notice of intent to redeem or was not redeemed in full, up to the amount of the lien, plus fees and costs; and
- Third, to the owner of the property.

Directs the officer to execute and record a certificate of purchase within 5 days after the sale. Specifies the content of the certificate.

Continuance of sale

Directs the officer to continue a foreclosure sale at the request of the holder of the evidence of debt or the holder's attorney in order to correct errors in the notice of sale or for other good cause. Automatically continues a sale not held on the scheduled date from week to week until the sale is held or continued by the officer. Increases from 6 to 9 months the maximum time that a sale can be continued from the originally scheduled date, except when required during a bankruptcy proceeding.

States that a sale that is not held on the scheduled date and is not continued by the officer is continued for one-week intervals until the sale is held or continued by the officer, unless the sale is stayed by bankruptcy proceedings. States that a sale shall not be continued to a date later than 9 months after the date designated in the combined notice, except as a result of bankruptcy proceedings.

Directs the officer to continue a sale if the holder of the evidence of debt fails to file a cure statement in the required time.

Withdrawal and termination

States that the foreclosure shall be deemed withdrawn or dismissed if the cure statement is not filed by 12 noon on the 7th day before the last permitted date of sale.

Allows the holder of an evidence of debt or the holder's attorney to terminate a foreclosure by filing a written withdrawal of the notice of election and demand with the public trustee. Allows the public trustee to withdraw the notice of election and demand if no sale is held and the holder does not withdraw the notice.

Electronic documents

Allows an officer to accept any document or record related to a foreclosure in electronic format and to make any document or record available to the public in electronic

format. Directs the officer to establish and uniformly apply policies determining whether and the extent to which the officer shall accept documents or records in electronic form. Prohibits an officer from requiring the use of an electronic format for any purpose.

Redemption

Eliminates the right of the owner of foreclosed property to redeem the property after sale. Allows a lienor to redeem the property if:

- The lienor's lien is a deed of trust or other lien created or recognized by state or federal law or by judgment of a court;
- The lien is a junior lien;
- The lien was recorded before the commencement of the foreclosure and the lienor would be entitled to cure; and
- The lienor files a notice of intent to redeem, along with certain documents, within 10 days after the foreclosure sale, except in certain circumstances.

If a lienor files a notice of intent to redeem, requires the purchaser of the property at the foreclosure sale to provide a statement of the amount necessary to redeem the property. Allows the officer to calculate the amount necessary to redeem if the purchaser fails to provide the statement.

Allows the junior lienor with the most senior recorded lien to redeem the property by paying to the officer the amount for which the property was sold, plus interest, fees, and costs, between 15 and 20 business days after the sale. Gives each subsequent lienor who is entitled to redeem 5 business days to redeem the property. Authorizes the officer to accept a lesser amount with the agreement of the holder of the certificate of purchase or certificate of redemption. Directs the officer to execute and record a certificate of redemption upon receipt of a redemption payment.

Requires a lienor with a lien on less than all of the property to redeem the entire property.

Miscellaneous provisions

In an action to terminate the interest in property of a party who was omitted from the foreclosure proceeding, requires the court to give full consideration to whether the party had actual notice of the foreclosure and was given the opportunity to exercise rights to cure or redeem.

States that an officer is not liable for determining:

- The amount or reasonableness of a bid, cure amount, or redemption amount;
- The accuracy of the legal description of property in a release of a deed of trust;
- The accuracy or completeness of a mailing list submitted to the officer; or
- The legal sufficiency of the property description in a notice of election and demand.

States that a waiver of or agreement to shorten the period to exercise the right to cure a default that is made before the date of a default is void as against public policy.

Authorizes a public trustee to provide to property owners, debtors, and the general public information concerning foreclosures, including available community resources and

foreclosure prevention information, that is approved by the attorney general, a government agency, or the public trustee's attorney. Allows the public trustee to charge the property owner or debtor a fee of up to \$25 for providing such information.

States that liens for taxes due to the state, except liens on income taxes withheld, may be divested by a foreclosure and that the state shall have the same redemption rights as other lienors in the foreclosure.

In an action for possession of foreclosed property, directs the court to enter a default judgment in favor of the plaintiff if the defendant fails to file an answer to the complaint.

APPROVED by Governor June 1, 2006

EFFECTIVE June 1, 2006

H.B. 06-1411 Eminent domain - definition of "public use" - burden of proof in condemnation actions - blight. Clarifies that, without the consent of the owner of the property, private property shall not be taken or damaged by the state or any political subdivision for a public or private use without just compensation.

Excludes from the meaning of "public use" the taking of private property for transfer to a private entity for the purpose of economic development or enhancement of tax revenue. Specifies that private property may otherwise be taken solely for the purpose of furthering a public use.

Specifies that, by enacting the act, the general assembly does not intend to create a new procedural mechanism to bring about the condemnation of private property. Specifies that, by enacting the act, the general assembly intends to limit only as provided in the act, and not expand, the definition of "public use".

Specifies that nothing in the act shall affect the right of a private party to condemn property as otherwise provided by law.

Specifies that, in any condemnation action, without the consent of the owner of the property, the burden of proof is on the condemning entity to demonstrate, by a preponderance of the evidence, that the taking of private property is for a public use, unless the condemnation action involves a taking for the eradication of blight, in which case the act requires the condemning entity to demonstrate, by clear and convincing evidence, that the taking of the property is necessary for the eradication of blight.

Specifies that any condemnation action commenced by an urban renewal authority shall satisfy the requirements of the act. In the case of a conflict between the provisions of the urban renewal law and the provisions of the act, specifies that the provisions of the act shall control.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

PUBLIC UTILITIES

S.B. 06-94 Motor carriers - registration - conformance with recent federal law. Provides for the registration of interstate carriers under the federal "Unified Carrier Registration Act of 2005". Repeals existing interstate registration provisions, effective upon the repeal of corresponding federal law. Directs the public utilities commission (PUC) to notify the revisor of statutes when such repeal occurs.

Authorizes the PUC to set annual registration fees for interstate carriers to cover the direct and indirect costs of administering the interstate carrier registration system. Devotes any excess fees collected above 10% of expenditures in any fiscal year to the hazardous materials safety fund and the nuclear materials transportation fund. Establishes a civil penalty of up to \$1,100 for intentional violation of registration requirements.

Removes provisions requiring the revocation of a motor carrier registration for any violation of safety requirements. Requires the revocation of a motor carrier registration for failure to carry proper insurance or to maintain an agent for service of process in Colorado. Specifies that insurance coverage or a surety bond must be kept continuously in effect and that evidence of such coverage or bond must be maintained on file with the PUC at all times.

Allows service of a civil penalty assessment notice by any person authorized under rule 4(d) of the Colorado rules of civil procedure. Specifies the contents of the notice and provides a procedure for correction of facts stated in the notice.

Grants the PUC authority to issue cease and desist orders, as well as to assess civil penalties and suspend or revoke registrations, in response to formal complaints.

Applies civil enforcement remedies to towing carriers in addition to common carriers and contract carriers. Clarifies the definition of a towing carrier to include all those who provide towing services, whether or not they also provide storage for towed vehicles.

Clarifies that motor carrier regulation applies to all persons who provide, or offer to provide, motor carrier services.

Exempts the operators of passenger vehicles from otherwise applicable regulations when transporting firefighting crews.

APPROVED by Governor May 25, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-218 Telecommunications - disabled telephone users fund - deaf and hard of hearing cash fund - appropriations. Provides for annual appropriations by the general assembly to replenish the Colorado commission for the deaf and hard of hearing cash fund, in place of current provisions directing the state treasurer to transfer \$25,000 annually into that fund from the Colorado disabled telephone users fund. Exempts the disabled telephone users fund from limits on uncommitted reserves.

Appropriates \$25,000 to the department of human services, deaf and hard of hearing cash fund. Makes adjustments to the 2006 long appropriations bill and a letternote

corresponding to appropriations from funds administered by the Colorado public utilities commission.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1002 Office of consumer counsel - continuation. Continues the office of consumer counsel until July 1, 2015.

APPROVED by Governor March 13, 2006

EFFECTIVE March 13, 2006

H.B. 06-1016 Household movers - temporary registration. Authorizes the motor carrier services division to issue a one-time temporary household mover registration. To be eligible, requires the mover to show evidence of liability insurance; sign a statement under penalty of perjury that the mover is insured; pay a fee of \$150; and pay an identification fee of \$5 per vehicle.

APPROVED by Governor April 13, 2006

EFFECTIVE August 7, 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. 06-1147 Natural gas - energy efficiency - conservation - education programs - cost recovery - reports - repeal - appropriation. Directs the public utilities commission (PUC) to adopt rules establishing funding and cost-recovery mechanisms for distributors of natural gas to engage in energy efficiency and conservation programs, including consumer education programs. Directs distributors of natural gas to develop and implement cost-effective energy efficiency programs once such rules are adopted.

Requires periodic reports from the utilities and PUC review and approval of such programs. Specifies that this act does not extend PUC authority to nonregulated utility businesses or affiliates. Repeals the program in 2016.

Appropriates \$12,890 to the department of regulatory agencies, executive director's office; \$71,632 to the department of regulatory agencies, public utilities commission; and \$12,890 to the department of law, for the implementation of this act.

VETOED by Governor June 2, 2006

H.B. 06-1187 Utility consumers' board - sunset. Continues the utility consumers' board until July 1, 2015.

APPROVED by Governor March 27, 2006

EFFECTIVE July 1, 2006

H.B. 06-1281 Electric utilities - clean coal technology - IGCC process - demonstration projects - hearings - conditions for approval - cost recovery. Directs the public utilities commission to consider proposals by Colorado electric utilities to build one or more demonstration power plants using integrated gasification combined cycle (IGCC) electric

generation technology. Requires that each such plant:

- Use Colorado coal or other western coal;
- Demonstrate the capture and sequestration of a portion of its carbon dioxide emissions;
- Be of relatively small size (350 MW) unless a larger facility is necessary to qualify for federal funding or other financial support; and
- Be located in Colorado.

Allows public utilities to recover costs prudently incurred in connection with such projects, including costs of study and engineering, through an adjustment clause. Requires public hearings and a showing of financial costs and benefits, environmental costs and benefits, and other information as directed by the commission. Encourages the governor's office of energy management and conservation and other state agencies to assist public utilities in developing proposals and applying for any available federal or state financial assistance.

APPROVED by Governor June 1, 2006

EFFECTIVE June 1, 2006

H.B. 06-1322 Electric utilities - energy conservation - renewable energy sources - research and development - greenhouse gas market program - Colorado renewable energy authority - agriculture value-added development board - federal grants - appropriations. Transfers \$2 million per year for 3 years from the operational account of the severance tax trust fund to the Colorado renewable energy authority ("authority"). Creates a governing board for the authority consisting of the presidents of the Colorado School of Mines, Colorado State University, and the University of Colorado and the director of the federal National Renewable Energy Laboratory, plus one to three members appointed by the governor with the consent of the senate. Gives the authority the power and duty, in collaboration with a consortium consisting of the institutions represented on the board, to:

- Direct the allocation of state matching funds as necessary to qualify for federal grants to fund energy-related research;
- Promote the development and rapid transfer to the private sector of new technologies to attract and promote renewable energy businesses in Colorado;
- Develop educational and research programs for Colorado state colleges to enhance employment opportunities in high-technology fields; and
- Collect and provide renewable energy information to the public and to engineering, architectural, and design professionals.

Requires the authority to submit annual reports to the general assembly concerning its activities and expenditures. Of any moneys received by the authority under licensing agreements or other technology-transfer arrangements, reserves 50% for refunds to the operational account of the severance tax trust fund ("fund") until moneys drawn from the fund have been fully repaid, then allocates 70% of revenues to the authority for its future activities and 30% to the fund. If, by June 30, 2012, the total amount of federal grant moneys received have not equaled or exceeded the total amount of state moneys expended by the authority, directs that the unexpended and unencumbered balance of the state appropriations shall revert to the fund.

Transfers \$500,000 per year for 3 years from the fund to the agriculture value-added cash fund to promote agricultural energy-related projects and research.

Enacts the "Colorado Climate Change Markets Act", under which the department of public health and environment is directed to administer the following grants:

- \$50,000 to Colorado State University to conduct research on terrestrial carbon sequestration;
- \$50,000 to the Colorado School of Mines to conduct research on geologic carbon sequestration; and
- \$35,000 to the university of Colorado to conduct research on the emerging international and domestic markets in greenhouse gas emissions.

Requires the grant recipients listed above to report the results of their research to the agriculture committees of the senate and the house of representatives by March 15, 2007.

Appropriates \$2,000,000 to the Colorado renewable energy authority, \$500,000 to the department of agriculture, and \$135,000 to the department of public health and environment for the implementation of the act.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

H.B. 06-1325 Electricity - transmission - statewide infrastructure needs - interim study - task force - report. Creates a 15-member task force on reliable electricity infrastructure to meet during the 2006 interim and to collect information and report to the governor and the general assembly on the following topics:

- Colorado's current and projected demand for electricity through 2020;
- An inventory of Colorado's current electric transmission infrastructure, with analysis of its potential to meet the projected demand and any additions or improvements that may be required;
- The electric transmission needs related to implementation of the renewable energy initiative approved by Colorado voters in November 2004;
- The decision-making process for routing of transmission lines;
- The cost and time required to build or improve infrastructure as needed;
- Existing and anticipated future impediments to improving the state's electric transmission infrastructure;
- Policy choices to ensure reliable supply and reasonable pricing for electricity; and
- Additional transmission issues.

Authorizes, but does not require, the public utilities commission to solicit and accept gifts, grants, and donations from private sources to fund the activities of the task force. If the total amount of gifts, grants, and donations received by June 1, 2006, is not sufficient to meet the expenses of the task force, provides that the task force shall not meet or undertake any other duties under this act and directs the commission to return any amounts received, and provides for any interest earned on such amounts to revert to the general fund of the state.

APPROVED by Governor May 4, 2006

EFFECTIVE May 4, 2006

STATUTES

H.B. 06-1015 Colorado Revised Statutes - enactment of 2005 statutes. Enacts the softbound volumes of Colorado Revised Statutes 2005 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor March 6, 2006

EFFECTIVE March 6, 2006

H.B. 06-1391 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.

Makes specified provisions effective contingent on the passage of House Bills 06-1178 and 06-1302 and Senate Bills 06-042, 06-187, and 06-199.

APPROVED by Governor June 1, 2006

EFFECTIVE June 1, 2006

NOTE: House Bills 06-1178 and 06-1302 were signed by the governor May 25, 2006. Senate Bill 06-042 was signed by the governor April 24, 2006, Senate Bill 06-187 was signed by the governor May 4, 2006, and Senate Bill 06-199 was signed by the governor May 1, 2006.

TAXATION

S.B. 06-12 Income tax - voluntary contributions for family resource centers fund. Extends the period by 3 years that state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the family resource centers fund. Provides that the family resource centers association, a Colorado nonprofit organization, will receive and distribute the moneys to family resource centers statewide.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-70 Personal property tax - refund from a lessor of overpayment of moneys paid by a lessee of personal property. If a lessee of personal property is required to make payments to a lessor for personal property taxes on the leased personal property, then the lessor shall account for those payments upon the termination of the lease entered into between the lessee and lessor. The accounting is to be based on the actual property tax due in each year of the lease period. If it is determined upon this accounting that a refund is due to the lessee for overpayment of property taxes, the lessor shall refund to the lessee any payment made in excess of the total taxes levied on or before August 31 of the year in which the tax is due.

Specifies that a lessor is liable to the lessee for treble damages, attorney fees, and costs if the lessor willfully fails to make a refund.

Establishes a 3-year statute of limitations to commence an action for willful failure to make a refund.

APPROVED by Governor April 4, 2006

EFFECTIVE April 4, 2006

S.B. 06-197 Income tax - voluntary contribution to the nongame and endangered wildlife cash fund. Extends the period that state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the nongame and endangered wildlife cash fund.

APPROVED by Governor May 25, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-201 Income tax - voluntary contribution to the Colorado domestic abuse program fund. Extends the period that state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the Colorado domestic abuse program fund.

APPROVED by Governor May 25, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-229 Severance tax trust fund - operational account - national deep underground science and engineering laboratory. If the national science foundation awards a national deep underground science and engineering laboratory (DUSEL) to the Henderson mine near Empire and if there are available moneys, requires the general assembly to appropriate \$20 million from the operational account of the severance tax trust fund over a 5-year period beginning with the state fiscal year 2007-08 to pay the state's share of the costs related to the construction and operation of a DUSEL facility that will house a visitors' center, educational resources, and administrative offices related to the DUSEL.

APPROVED by Governor May 31, 2006

EFFECTIVE August 7, 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. 06-1019 Income tax - voluntary contribution for Colorado Easter Seals - appropriations. Creates the Colorado Easter Seals fund (fund) in the state treasury. For income tax years commencing on or after January 1, 2006, but before January 1, 2009, requires a voluntary contribution designation line for the fund to appear on individual income tax return forms.

Directs the department of revenue (department) to determine annually the total amount designated to the fund and to report that amount to the state treasurer and the general assembly. Directs the state treasurer to credit that amount to the fund.

Requires the general assembly to appropriate annually from the fund to the department its costs of administering moneys designated as contributions to the fund. States that all moneys remaining in the fund at the end of a fiscal year shall be transferred to Easter Seals Colorado, a Colorado nonprofit organization, for the organization to administer in furtherance of the organization's work throughout the state.

Makes an appropriation of \$350 from the fund to the department of revenue.

APPROVED by Governor May 4, 2006

EFFECTIVE August 7, 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. 06-1094 Personal property - oil and gas leaseholds or lands - notice of valuation sent to operator. Requires a county assessor to send a notice of valuation of taxable personal property on oil and gas leaseholds or lands to the operator rather than the owner if the leaseholds or lands are producing or capable of producing oil or gas. Requires the operator to accept the notice of valuation. States that the acceptance of the notice by the operator shall not be construed as an indication that the operator agrees with the amount of the actual value of the property stated in the notice or as obligating the operator to pay the tax on property in which the operator has no ownership interest. Requires the operator, upon written request of the county treasurer, to submit to the treasurer a written statement listing each person who has an ownership interest in the property. Imposes on an operator who fails to submit the statement within 30 days a penalty of \$100 or the amount of tax due on the property, whichever is less.

Makes the act applicable to notices of valuation of oil and gas leaseholds or lands for property tax years commencing on or after January 1, 2006.

APPROVED by Governor March 13, 2006

EFFECTIVE March 13, 2006

H.B. 06-1209 Income tax - voluntary contribution for Special Olympics Colorado fund. Extends the period that state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the Special Olympics Colorado fund.

APPROVED by Governor May 25, 2006

EFFECTIVE August 7, 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. 06-1275 Property tax - valuation of public utilities - wind energy facilities. Specifies that in the absence of preponderant evidence shown by the property tax administrator (administrator) that the use of the cost approach and market approach results in uniform and just and equal valuation, wind energy facilities first placed in production on or after January 1, 2006, are to be valued based only on the income approach.

Specifies that the actual value of a wind energy facility placed in production on or after January 1, 2006, is at an amount equal to a tax factor times the selling price of energy at the interconnection meter. Requires the tax factor to be established by the administrator as a number that, when applied to the selling price at the interconnection meter, results in approximately the same tax revenue over a 20-year period that would have been collected using the cost basis method of taxation for a renewable energy facility.

Requires the owner or operator of a wind energy facility to provide a copy of the facility's current purchase power agreement. Grants the administrator authority to request the current purchase power agreements from the purchaser of power. Specifies that all purchase power agreements are private documents available only to the administrator and the employees of the division of property taxation.

Specifies that no actual value is assigned to personal property used in a facility until that personal property is first put into use. Specifies that if an item of personal property is taken out of service so that no wind energy is produced from that facility for the preceding calendar year, no actual value shall be assigned to that item of more than 5% of the installed cost of the item for that assessment year.

Makes the act shall applicable to the determination of the actual value of new wind energy facilities first placed in production on or after January 1, 2006.

BECAME LAW May 9, 2006

EFFECTIVE May 9, 2006

H.B. 06-1297 Income tax - voluntary contribution for multiple sclerosis - appropriation. Creates the multiple sclerosis fund (fund) in the state treasury. For income tax years commencing on or after January 1, 2006, but before January 1, 2009, requires a voluntary contribution designation line for the fund to appear on individual income tax return forms.

Directs the department of revenue (department) to determine annually the total amount designated to the fund and to report that amount to the state treasurer and the general assembly. Directs the state treasurer to credit that amount to the fund.

Requires the general assembly to appropriate annually from the fund to the department its costs of administering moneys designated as contributions to the fund. States that all moneys remaining in the fund at the end of a fiscal year shall be transferred to the national multiple sclerosis society, Colorado chapter, a Colorado nonprofit organization, for the organization to administer in furtherance of the organization's work throughout the state.

Makes an appropriation of \$350 from the fund to the department of revenue.

APPROVED by Governor May 4, 2006

EFFECTIVE August 7, 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. 06-1354 Income tax - conservation easement. Modifies the amount of the fair market value of a conservation easement in gross donated on or after January 1, 2007, to a governmental entity or a charitable organization that may be claimed under the existing state income tax credit for conservation easements. Allows 50% of the fair market value of the conservation easement to be claimed rather than 100% of the first \$100,000 of the fair market value and 40% of all amounts of the fair market value in excess of \$100,000. Increases the maximum amount of the credit that may be claimed from \$260,000 to \$375,000. In the case of a joint tenancy or tenancy in common, specifies that the credit shall be allocated to the owners of the property.

APPROVED by Governor May 1, 2006

EFFECTIVE August 7, 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. 06-1398 Allocation of state sales and use tax revenues - clarification. Repeals and reenacts the existing statutory provision that allocates 85% of the net revenue of the state sales and use tax to the old age pension fund and governs the diversion of the remaining 15% of the net revenue of the state sales and use tax to the highway users tax fund (HUTF), the general fund, the older Coloradans cash fund, and the supplemental old age pension health and medical care fund (diversion) in order to reestablish the existing statutory allocation and diversion of the net revenue in a more consolidated and straightforward manner, eliminate obsolete provisions, and clarify the manner in which the diversion is to be administered. With respect to the administration of the diversion:

- Creates a sales and use tax holding fund (holding fund) and requires 10.355% of the net revenues of the state sales and use tax that currently are credited directly to the HUTF unless there is a forecasted shortfall in general fund revenues to be credited to the holding fund.
- Generally requires all moneys in the holding fund for state fiscal year 2006-07 to be transferred to the HUTF as follows:
 - If the revenue estimate prepared by the staff of the legislative council

in September of state fiscal year 2006-07 indicates that the amount of total general fund revenues for that state fiscal year will be sufficient to maintain the 4% statutory general fund reserve, requires the state treasurer to transfer from the holding fund to the HUTF on October 15, 2006, an amount equal to the lesser of 25% of the amount estimated in the September revenue estimate to be the portion of the diversion to be accrued and transferred to the HUTF for the entire fiscal year or the balance of the holding fund.

- If the revenue estimate prepared by the staff of the legislative council in December of state fiscal year 2006-07 indicates that the amount of total general fund revenues for that state fiscal year will be sufficient to maintain the 4% statutory general fund reserve, requires the state treasurer to transfer from the holding fund to the HUTF on February 1, 2007, an amount equal to the lesser of the amount needed to ensure that the cumulative amount transferred from the holding fund to the HUTF through February 1, 2007 equals 50% of the amount estimated in the December revenue estimate to be the portion of the diversion to be accrued and transferred to the HUTF for the entire fiscal year or the balance of the holding fund.
- If the revenue estimate prepared by the staff of the legislative council in March of state fiscal year 2006-07 indicates that the amount of total general fund revenues for that state fiscal year will be sufficient to maintain the 4% statutory general fund reserve, requires the state treasurer to transfer from the holding fund to the HUTF on April 15, 2007, an amount equal to the lesser of the amount needed to ensure that the cumulative amount transferred from the holding fund to the HUTF through April 15, 2007, equals 75% of the amount estimated in the March revenue estimate to be the portion of the diversion to be accrued and transferred to the HUTF for the entire fiscal year or the balance of the holding fund.
- Effective June 30, 2007, requires the state controller to accrue all moneys in the holding fund as of that date to the HUTF.
- Generally requires all moneys in the holding fund for state fiscal year 2007-08 or for any succeeding state fiscal year to be transferred to the HUTF as follows:
 - If the revenue estimate prepared by the staff of the legislative council in December of state fiscal year 2007-08 or in December of any succeeding state fiscal year indicates that the amount of total general fund revenues for the state fiscal year will be sufficient to maintain the 4% statutory general fund reserve, requires the state treasurer to transfer from the holding fund to the HUTF on February 1 of the fiscal year an amount equal to the lesser of 50% of the amount estimated in the December revenue estimate to be the portion of the diversion to be accrued and transferred to the HUTF for the entire fiscal year or the balance of the holding fund.
 - If the revenue estimate prepared by the staff of the legislative council in March of state fiscal year 2007-08 or in March of any succeeding state fiscal year indicates that the amount of total general fund revenues for that state fiscal year will be sufficient to maintain the 4% statutory general fund reserve, requires the state treasurer to transfer from the

holding fund to the HUTF on April 15 of the fiscal year, an amount equal to the lesser of the amount needed to ensure that the cumulative amount transferred from the holding fund to the HUTF through April 15 equals 75% of the amount estimated in the March revenue estimate to be the portion of the diversion to be accrued and transferred to the HUTF for the entire fiscal year or the balance of the holding fund.

- Effective June 30 of the 2007-08 state fiscal year, and effective June 30 of each state fiscal year thereafter, generally requires the state controller to accrue all moneys in the holding fund as of June 30 to the HUTF.
- As an exception to the June 30 accrual requirements for both the 2006-07 state fiscal year and for the 2007-08 state fiscal year and each state fiscal year thereafter, requires the state controller to reduce the amount accrued to the HUTF and accrue moneys in the holding fund to the general fund to the extent necessary to ensure that the amount of general fund revenues for the applicable state fiscal year is sufficient to maintain the 4% statutory general fund reserve.
- By requiring the reduction in the amount accrued to the HUTF only to the extent needed to maintain the reserve instead of requiring a reduction in the amount credited to the HUTF to the extent necessary to make all continuous appropriations required by a permanent statute or constitutional provision, maintain the reserve, and fund general fund expenditures up to the statutory appropriation limit as specified in current law, ensures that the portion of the diversion that is allocated through the holding fund to the HUTF will always be fully funded before any general fund surplus is allocated on a 2/3-1/3 basis to the HUTF and the capital construction fund as currently required by law.
- Requires the state treasurer to transfer 90% of the amounts accrued by the state controller on June 30 of the 2006-07 state fiscal year and on June 30 of each state fiscal year thereafter on September 20 of the next state fiscal year and to transfer the remainder of the said amounts on the date on which the state controller distributes the comprehensive annual financial report of the state for the fiscal year.
- To prevent the new procedures for administering the diversion from unnecessarily triggering statutes that require the governor to reduce general fund expenditures in response to revenue shortfalls of a specified magnitude, requires the general fund revenue estimate required by current law to be prepared by the governor with the assistance of the state controller, the office of state planning and budgeting, and the governor's revenue-estimating advisory group to include as general fund revenues any amount of net revenue credited to the holding fund that is expected at the time of the estimate to be accrued and transferred to the general fund.

APPROVED by Governor June 2, 2006

EFFECTIVE June 2, 2006

TRANSPORTATION

S.B. 06-78 Eminent domain - prohibition on use by a private toll road corporation - limit on use by the department of transportation for toll roads. Specifies that a private corporation formed for the purpose of constructing a private toll road or toll highway shall not have the power to use eminent domain to acquire rights-of-way for the toll road or toll highway. Allows such a corporation to enter into a public-private initiative with the department of transportation for the purpose of enabling the construction of a toll road or toll highway, but specifies that in such a case the power of eminent domain shall not be exercised by the corporation and may be exercised by the department only for purposes of acquiring property and rights-of-way necessary for the completion of a toll road or toll highway open to the public that is incorporated into the statewide transportation plan. Requires the department, in exercising the power of eminent domain for such a purpose, to comply with all laws and administrative rules that govern the department's use of eminent domain for state highway projects.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-93 Regional transportation district - limited parking fees and reserved parking. Permits the regional transportation district to charge a fee for a motor vehicle parked at a district parking facility if the facility has an average usage rate of 50% or more and if the vehicle is registered at an address outside the district or it is left in the parking facility for more than 24 hours. Requires a notice be posted for 6 months prior to charging the fee and for the notice to remain posted thereafter while the fee is charged. Prohibits the district from requiring a person to give any type of personal information in administering and enforcing the parking fee. Prohibits the district from providing reserved parking at a parking facility, with certain exceptions.

APPROVED by Governor March 31, 2006

EFFECTIVE August 7, 2006

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

S.B. 06-115 Private toll road corporations - recording requirements - consent requirements - permit and development fee limits. Specifies that a corporation formed for the purpose of constructing a private toll road or toll highway may not condemn real estate or right-of-way, but allows the department of transportation to do so, subject to limitations specified in current law, in connection with a toll road or toll highway project being undertaken as a public-private initiative between the department and such a corporation. Requires such a corporation to file and record with the county clerk and recorder of each county through which any portion of the proposed toll road or toll highway will pass and update as changes necessitate a map or survey of the proposed route of the toll road or toll highway and to include with the map or survey a statement of the proposed route of the toll road or toll highway, within 3 miles, and a listing of all property over or across which the proposed toll road or toll highway will be constructed.

Requires a corporation to obtain the consent of the appropriate municipal or county authorities before constructing a private toll road or toll highway through, in, upon, under, or over any street or alley of any city, incorporated town, county, or city and county. Allows a political subdivision to levy a tax, fee, or charge for any right or privilege of constructing

or operating a private toll road or toll highway subject to the limitations that any permit fees, impact fees, or other similar development charges levied be no greater than necessary to defray the costs directly incurred by the subdivision in providing services; no greater, in the case of impact fees or other development charges, than necessary to defray impacts directly related to the toll road or toll highway; and reasonably related in time to the incurrence of the impacts or costs. In any controversy concerning the appropriateness of a fee or charge, requires the political subdivision to prove that the fee or charge is no greater than necessary to defray the direct impacts or costs incurred by the political subdivision.

APPROVED by Governor April 24, 2006

EFFECTIVE August 7, 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. 06-1003 Private toll roads - development - construction - operation - imposition and enforcement of tolls - establishment of private toll road companies. Repeals and reenacts statutory provisions that govern the creation of private toll road companies (companies) and the development, construction, and operation of toll roads and toll highways (toll roads), as well as toll road and toll highway projects (projects), and imposition and enforcement of tolls by such companies to:

- Require that the filed formation document of a company specify and map a 3-mile corridor (corridor) within which a toll road or a project is to be located and to identify the general location of the termini of the toll road within the corridor;
- Grant to a company that complies with all of the repealed and reenacted statutory provisions the power to erect toll gates and set and collect tolls;
- Require the secretary of state to maintain a list of all companies and to make the list and the filed formation documents of all companies available to the public, and require a company to include the designation "PTR" in its official name in order to allow the secretary of state to efficiently compile and maintain the list;
- Prohibit a company from locating any part of its designated 3-mile corridor upon an existing toll road or public highway or within 5 miles of the route or corridor for a future toll road or project that has been designated in any previously filed formation document except as necessary to cross the toll road, project, route, or corridor;
- Give a company whose existing certificate of incorporation specifies the route of a future toll road or the location of a future project the exclusive right for a period of 90 days to file new or amended formation documents that encompass land within the specified route;
- Require a company to commence work on a toll road proposed in its filed formation document no later than 3 years after the filing of the document or one year after receiving all necessary final approvals for construction and to continue such work until at least \$500,000 have been expended or forfeit all rights acquired under its filed formation document and be administratively dissolved;
- Grant to a company that has commenced and continued work on a toll road as required the exclusive right to develop or seek approval to develop a toll road within the corridor specified in its filed formation document;
- Limit the existing power of the department of transportation (department) to

exercise the power of eminent domain for the purpose of enabling the construction of a toll road pursuant to a public-private initiative between the department and a company by prohibiting the department from exercising eminent domain to acquire a cemetery or property owned by or primarily used by a religious organization, specifying that rights-of-way acquired through the exercise of the power of eminent domain shall form a corridor no larger than that approved by all affected metropolitan planning organizations (MPOs), regional planning commissions (RPCs), and the transportation commission (commission), and prohibiting the department from selling or otherwise transferring ownership of property or rights-of-way acquired through the exercise of the power of eminent domain to a company;

- Before commencing the construction of a toll road or any other element of a project, require the review of the toll road or element company by every MPO and RPC that is located in whole or in part within the corridor designated by the company and the inclusion of the toll road or element within the applicable regional transportation plan and the comprehensive statewide transportation plan;
- Allow an MPO or RPC to include a toll road or project in a regional transportation plan only if it has performed an emissions analysis that demonstrates that regional emissions and local project emissions will continue to conform to the state implementation plan if the toll road or project is included, require the company proposing the toll road or project to pay the reasonable actual costs for the emissions analysis, and allow each MPO or RPC to condition its inclusion of a toll road or project into a regional transportation plan upon acceptable environmental mitigation activities and commitments;
- Require a company to provide to an MPO or RPC final environmental documentation, an operating plan, the technology to be utilized, an assessment of project feasibility, and an assessment of long-term project viability at least 30 days before the amendment of a regional transportation plan to include a toll road or project;
- Allow an MPO or RPC to initially amend a regional transportation plan to include only environmental and preconstruction activities, excluding right-of-way acquisition, related to a toll road or project and later amend the plan to include actual construction and right-of-way acquisition for the toll road or project after acceptable environmental mitigation activities and commitments have been met;
- Require a company, upon request from a local government located in whole or in part within the corridor designated by the company, to consult with representatives of the local government and consider available mitigation of demonstrable negative impacts on the local government or its citizens that would result from the construction, operation, or financing of a toll road or project;
- Before constructing or operating a toll road or any other element of a project, require a company to prepare at its own expense environmental documentation that complies with the environmental stewardship guide approved by the commission in May 2005 (stewardship guide) and provides specified information regarding environmental, social, and economic effects of the toll road or project, means of mitigating those effects, and financial costs of mitigation;
- Prohibit a company from beginning work on the required environmental documentation until the executive director of the department has preliminarily

approved the scope of the proposed documentation as consistent with the stewardship guide;

- Require a company to provide a copy of any draft environmental documentation it prepares to the department, the departments of public health and environment, natural resources, agriculture, and local affairs, affected MPOs and RPCs, and affected local governments, and to make the draft available to the public and allow the department and other state departments 60 days to analyze the draft and make their analyses available to the public;
- Require a company to prepare final environmental documentation that addresses comments received on any draft environmental documentation and to make the final environmental documentation available to the department and the public at least 30 days prior to any notice of a hearing scheduled by the commission;
- Allow the commission to revise the statewide transportation plan to include a toll road or project only if, after holding a public hearing, the commission determines that:
 - Statutory planning, project review, and environmental review requirements, as well as environmental standards, have been met;
 - The toll road or project is necessary to meet the transportation needs of the state, consistent with specified statutory requirements pertaining to the statewide transportation plan and the policies of the commission, consistent with a specified federal statute, and in the public interest;
 - The toll road or project sponsor has established a reserve fund, performance bond, or other appropriate mechanism to ensure full payment of the costs of environmental compliance and mitigation; and
 - The toll road or project sponsor has entered into enforceable agreements with the department, or agreements with affected local governments that are acceptable to the commission, to ensure implementation of mitigation measures;
- Allow the commission to condition its revision of the statewide transportation plan to include a toll road or project upon additional mitigation measures if the commission finds that the measures are in the best overall public interest taking into consideration:
 - The need for fast, safe, efficient transportation;
 - Public services;
 - The costs of eliminating or minimizing the adverse effects for which the mitigation measures are proposed;
 - Environmental, social, and economic values; and
 - The financial feasibility of the toll road or project;
- Require a company to comply with all department standards for state transportation projects when planning, constructing, and maintaining a toll road or any other element of a project;
- Within 90 days following its filing of a formation document, require a company to cause written notice to be sent to and recorded with the clerk and recorder of each county included in the corridor specified in the filed formation document of the intent of the corporation to construct a toll road or project within that corridor and to mail copies of the written notice to each person who owns real property within the corridor;

- Specify the information to be included in the notice;
- Require a company to file a disclaimer of interest and map of the corridor specified in its filed formation document with the clerk and recorder's office in the county of residence of each person to whom the corporation provided written notice that expressly states that the filed formation document does not effect an interest in the person's real property within the route specified in the filed formation document;
- Grant a preexisting company that has not complied with the notice requirements 90 days to file a new or amended filed formation document that includes all required information and brings it into compliance with the notice requirements;
- Prohibit the use of most real property obtained by a company within the corridor specified in its filed formation document for commercial, residential, or industrial development during the period in which the company or a subsequent purchaser of any interest in a toll road or company is developing or operating a toll road within the corridor;
- Grant a person whose property has been acquired for a toll road through the exercise of the power of eminent domain an exclusive 18-month option to repurchase the property if development or operation of the toll road ceases;
- Require a company to demonstrate to the commission, and the commission to determine, before the sale or transfer of assets or rights generating more than 20% of the revenue from a toll road that resources needed to comply with federal and state environmental standards and to implement previously identified or required mitigation measures will continue to be available for those purposes after the sale;
- Affirm that a company may enter into a public-private initiative with the department for the purpose of enabling the construction of a toll road or project;
- Require the commission to engage in limited review of a company's toll schedule at the time a toll road is submitted for inclusion in the statewide transportation plan and every 5 years thereafter if eminent domain is used by the department to acquire any part of the right-of-way of the toll road for the purpose of determining whether a reduced toll may be imposed on high occupancy vehicles and public mass transit vehicles in order to encourage the use of such vehicles on the toll road;
- Establish toll enforcement procedures that are similar to the existing toll enforcement procedures for public highway authorities and the Colorado tolling enterprise; and
- Specify that a company may not enter into a noncompete agreement with a public entity if the agreement would degrade an existing roadway or either delay or prevent the construction or upgrading of a road or highway that is included in a fiscally constrained regional or statewide transportation plan.

APPROVED by Governor June 6, 2006

EFFECTIVE June 6, 2006

H.B. 06-1039 On-premise advertising devices - comprehensive developments. Allows an on-premise advertising device located within a comprehensive development to advertise any activity conducted in the comprehensive development so long as the placement of the advertising device does not cause a reduction of federal aid highway moneys. Defines "comprehensive development" to mean a group of 2 or more lots or parcels of land used primarily for multiple separate commercial or industrial activities that:

- Is located entirely on one side of a highway;
- Consists of contiguous lots or parcels;
- Has local government approval as a development with a common identity and plan for public and private improvements;
- Has common areas; and
- Has an approved plan of common ownership related to the common areas.

Specifies that a comprehensive development includes only land that is used for a purpose reasonably related to the activities of the development other than an attempt to qualify the land for on-premise advertising.

APPROVED by Governor March 27, 2006

EFFECTIVE August 7, 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. 06-1244 Allocation of the aeronautics division's administrative costs by the transportation commission. Eliminates the requirement that the general assembly appropriate money from the aviation fund for the aeronautics division in the department of transportation, and instead continuously appropriates money from the aviation fund for such purpose. Requires the transportation commission to budget and allocate revenues from the aviation fund for administrative costs incurred by the division. Authorizes the commission to approve the administrative portion of the division's budget that is prepared by the board.

APPROVED by Governor April 24, 2006

EFFECTIVE July 1, 2006

H.B. 06-1257 Noise mitigation along state highways - advanced technology fund - application - funding by local governments - private funding - recapped tires - appropriation. Allows the Colorado commission on higher education to expend moneys in the advanced technology fund on projects involving the use of waste tires for noise mitigation along state highways as prioritized by the department of transportation (department).

Allows a homeowner, renter, or the operator of a temporary housing facility (applicant) in an area adjacent to a state highway to apply to the department for construction of specified noise mitigation measures along the highway if:

- The local government in the area has adopted an ordinance or resolution to mitigate the effects of noise in future residential or other noise-sensitive developments adjacent to state highways; and
- Members of at least 75% of the households in the area who live 0.4 miles or less from the highway sign a petition in support of the noise mitigation measures.

States that if local governments in the area have not agreed to provide at least 50% of the moneys necessary to construct the proposed noise mitigation measures, an applicant may apply for noise mitigation measures only if the area existed as a residential area before the construction or widening of the highway.

Directs the department to consider applications for noise mitigation measures received between November 1 and March 31 for construction during the following fiscal

year. Requires the department to prioritize approved measures using a formula that considers:

- The noise level in the area;
- The number of homes in the area that will benefit significantly from noise mitigation measures; and
- The length of time that an area has been eligible for noise mitigation measures.

Directs the department to construct approved noise mitigation measures for which a local government has agreed to provide at least 50% of the necessary moneys, in the order of priority set by the department, using available moneys, including moneys provided by local governments. Allows the department to use any moneys from the waste tire recycling development cash fund provided to the department by the director of the division of local government in the department of local affairs to construct noise mitigation measures using waste tires.

After the construction of noise mitigation measures for which local governments have provided at least 50% of the necessary moneys, directs the department to use any available moneys to construct other approved noise mitigation measures in the order of priority set by the department.

Allows an applicant in an area adjacent to a state highway to apply to the department for approval to construct specified noise mitigation measures along the highway to be privately funded if:

- The local government in the area has adopted an ordinance or resolution to mitigate the effects of noise in future residential or other noise-sensitive developments adjacent to state highways;
- At least 75% of the resident homeowners in the area whose homes are 0.4 miles or less from the highway sign a petition in support of the noise mitigation measures; and
- The applicant specifies the source of the moneys necessary to construct the noise mitigation measures.

Requires the department to consider an application for privately funded noise mitigation measures within 3 months. States that an applicant may construct privately funded noise mitigation measures approved by the department. Requires privately funded noise mitigation measures to:

- Comply with applicable rules and procedural directives of the department and the transportation commission;
- Meet the department's noise reduction standards;
- Be compatible with any existing noise mitigation measures in the area; and
- Comply with applicable zoning and building requirements.

States that privately funded noise mitigation measures may be constructed in the state highway right-of-way with the approval of the department or on private land. Allows the department to sell or grant an easement to any land in the right-of-way for the construction of privately funded noise mitigation measures. States that the applicant shall be responsible for the maintenance of privately funded noise mitigation measures.

Directs the transportation commission to promulgate rules to implement the act, including a list of approved noise mitigation measures.

Allows moneys appropriated to the department of local affairs from the waste tire recycling development cash fund to be spent on projects that use recapped and other previously used waste tires in addition to recycled tires.

Appropriates \$3,000 from cash funds exempt received from the department to the department of law to provide legal services related to the drafting and review of the transportation commission's proposed rules.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

UNITED STATES

H.B. 06-1025 Buckley Air Force base - concurrent legislative jurisdiction. Creates and cedes concurrent legislative jurisdiction between the state of Colorado and the United States over specified real property within the Buckley Air Force base.

APPROVED by Governor March 27, 2006

EFFECTIVE March 27, 2006

WATER AND IRRIGATION

S.B. 06-34 Colorado water resources and power development authority - board of directors - qualifications. Specifies that the board of directors of the Colorado water resources and power development authority includes one member who is experienced in public health issues related to drinking water or water quality matters. Reduces from 2 to one the number of directorships allocated to persons experienced in the planning and developing of water projects.

APPROVED by Governor March 31, 2006

EFFECTIVE March 31, 2006

S.B. 06-37 Water rights adjudication - recreational in-channel diversions. Modifies the requirements applicable to the adjudication of a recreational in-channel diversion ("RICD") by:

- Deleting 2 of the required factors and the discretionary factor with regard to which the Colorado water conservation board was required to make findings of fact;
- Deleting the requirement that the board make a recommendation regarding whether the application should be denied, granted, or granted with conditions;
- Changing the definitions of "recreational in-channel diversion" and "diversion" and adding definitions of "control structure" and "reasonable recreation experience". Limits the definition of "reasonable recreation experience" to nonmotorized boating;
- Requiring the water court to make specific findings regarding the application;
- Limiting the use of RICDs from April 1 to Labor Day unless the applicant demonstrates additional demand;
- Presuming that subsequent appropriations or changes of water rights will not materially injure the RICD if the individual effect on the RICD does not exceed .10% of the RICD's lowest decreed flow rate and the cumulative effects do not exceed 2% of the RICD's lowest decreed flow rate;
- Specifying that a RICD cannot call lawfully stored water;
- Limiting the RICD to no more than three time periods; and
- If the total volume of water decreed by the RICD exceeds 50% of the sum of the total average historical volume of water for the stream segment where the RICD is located for each day on which a claim is made, specifying that the state engineer will not administer a call for the RICD unless the call would result in at least 85% of the decreed flow rate for the applicable time period.

Applies the act only to applications for and the administration of new RICDs filed on or after May 11, 2006.

APPROVED by Governor May 11, 2006

EFFECTIVE May 11, 2006

S.B. 06-179 Water projects - funding - approval by basin roundtable. Creates the water supply reserve account ("account") in the severance tax trust fund. Transfers \$10 million from the operational account of the fund at the beginning of each fiscal year into the account. Continuously appropriates the moneys in the account to the Colorado water conservation board ("board") to make loans or grants for water activities approved by a basin roundtable, including:

- Competitive grants for environmental compliance and feasibility studies;
- Technical assistance regarding permitting, feasibility studies, and environmental compliance;
- Studies or analysis of structural, nonstructural, consumptive, and nonconsumptive water needs, projects, or activities; and
- Structural and nonstructural water projects or activities.

Requires the board to jointly establish with the interbasin compact committee criteria and guidelines for allocating moneys from the account. Reverts the unencumbered and unexpended balance of the account to the operational account on June 30, 2010.

APPROVED by Governor May 26, 2006

EFFECTIVE July 1, 2006

S.B. 06-183 Water resources research institute - severance tax trust fund - appropriation. Extends the repeal date for the water resources research institute to July 1, 2017. Authorizes the expenditure of up to \$500,000 per year from the operational account of the severance tax trust fund for the institute.

Appropriates \$500,000 to the department of higher education, for allocation to the board of governors of the Colorado state university system, for the implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

S.B. 06-193 Colorado water conservation board - study - underground storage - appropriation. Directs the Colorado water conservation board to conduct a study of the most economically and technically feasible and ecologically sound underground storage sites located in the South Platte and Arkansas river basins. Directs the board to consider an artificial recharge assessment completed in 2004 and to consider the costs and benefits, including environmental costs and benefits, of select sites within those aquifers to which the assessment assigned the highest ranking value. Authorizes the board to consult with the interbasin compact committee, state engineer, and state geologist. Requires the board to submit a report containing its conclusions to the general assembly by March 1, 2007.

Appropriates \$125,000 to the department of natural resources, for allocation to the Colorado water conservation board, for the implementation of the act. Adjusts the geological survey's appropriation in the 2006-07 general appropriations act.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

H.B. 06-1031 Southwestern water conservation district - directors - reimbursement. Increases the amount of reimbursement for nontravel expenses for directors of the southwestern water conservation district from \$25 per day to up to \$100 per day.

APPROVED by Governor March 27, 2006

EFFECTIVE August 7, 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. 06-1032 Irrigation districts - inflation adjustments - director compensation - election judges - contract ratification. Amends the 1905 irrigation district law by:

- Increasing compensation paid to members of the district board of directors from \$25 per day to up to \$100 per day;
- Increasing compensation paid to election judges from \$20 per day to up to \$100 per day; and
- Increasing the value of district contracts that must be ratified by 1/3 of the electors from \$50,000 to \$250,000 and increasing the value of district contracts that must be ratified by the electors in the manner provided for the issue of bonds from \$75,000 to \$400,000.

APPROVED by Governor March 27, 2006

EFFECTIVE March 27, 2006

H.B. 06-1124 Water rights - rotational crop management contracts - adjudication - appropriation. Allows a water judge to approve a rotational crop management contract, defined as a written contract in which the owners of irrigation water rights agree to implement a change of the rights to a new use by foregoing irrigation of a portion of the lands historically irrigated and that provides that the owners may rotate the lands that will not be irrigated as long as there is no injurious effect on other water rights. Applies the same approval criteria to rotational crop management contracts as are applied to changes of water rights and plans for augmentation, including plans of exchange. Assesses a \$1,734 application fee, an annual fee of \$617 until the water court adjudicates the right, and an annual fee of \$300 per year thereafter.

Appropriates \$13,157 to the department of natural resources, for allocation to the division of water resources, for the implementation of the act.

APPROVED by Governor May 25, 2006

EFFECTIVE May 25, 2006

H.B. 06-1293 Sand and gravel pits - well permits - fees - appropriation. Increases from \$1,343 to \$1,593 the following well permit fees for sand and gravel permits:

- Exposing ground water to the atmosphere between January 1, 1981, and July 15, 1989;
- Exposing ground water to the atmosphere on or after July 15, 1989;
- Reactivating a mining operation that ceased before January 1, 1981;
- Reviving an approved but expired substitute water supply plan;
- Submitting a proposed substitute water supply plan after the original plan was disapproved.

Increases from \$217 to \$257 the well permit fee to renew an approved substitute water supply plan. Clarifies that such fees are for sand and gravel permits

Appropriates \$9,400 to the department of natural resources, division of water resources, for the implementation of the act.

APPROVED by Governor May 26, 2006

EFFECTIVE July 1, 2006

H.B. 06-1313 Colorado water conservation board - construction fund - annual loan and grant authorizations - appropriation. Eliminates a \$2,180,000 prior water project loan and grant authorization from the Colorado water conservation board construction fund (construction fund) to the Poudre Tech Metropolitan District. Directs weather modification permit fees to the construction fund and authorizes use of the fund for weather modification purposes.

Appropriates the following amounts from the construction fund for the following projects:

- \$250,000 for satellite monitoring and data collection efforts related to in-stream flow monitoring, compact protection, decision support systems, and flood forecasting and warning projects;
- \$350,000 for renovation of existing gauging stations, replacement of outdated collection platforms, and upgrading of transmission components of the satellite monitoring system;
- \$100,000 for engineering support services necessary for the appropriation, acquisition, and protection of in-stream flow water rights;
- \$75,000 for the Colorado water conservation board to assist water conservation districts, water conservancy districts, and other water providers with the development of cloud seeding programs that provide benefits to recreation, streams, and reservoirs through snowpack enhancement;
- \$150,000 for planning and engineering studies, including implementation measures, to address technical needs for watershed restoration and flood mitigation projects throughout the state;
- \$2,000,000 for the continued development of the South Platte decision support system;
- \$500,000 for the preparation of revised and improved floodplain studies and maps for communities throughout Colorado and to participate in federally sponsored floodplain map modernization activities;
- \$100,000 to continue to collaborate with the United States bureau of reclamation on an enhanced snowpack assessment project;
- \$175,000 to continue to provide floodplain management technical services;
- \$48,000 to collaborate with the United States geological survey on a pilot study to improve predictions of snowmelt runoff and the corresponding flood potential;
- \$133,555 to participate in the Rio Grande reservoir multi-use enlargement study; and
- \$100,000 to participate in a demonstration project to evaluate the effectiveness of electronic flow measurement and ditch operation control equipment featuring innovative radio technology.

Transfers \$150,000 from the construction fund to the flood response fund. Transfers \$2,000,000 from the operational account of the severance tax trust fund to the litigation fund.

APPROVED by Governor May 17, 2006

EFFECTIVE July 1, 2006

H.B. 06-1400 Interbasin compacts - charter approval - roundtable boundaries - appropriation. Approves the interbasin compact charter. Directs the revisor of statutes to publish the charter as nonstatutory matter in the Colorado Revised Statutes. Moves water

districts 60, 61, and 63 from the Gunnison basin roundtable to the Dolores, San Miguel, and San Juan basins roundtable. Authorizes use of the operational account of the severance tax trust fund for purposes authorized by the interbasin compact law.

Appropriates \$75,837 and 0.5 FTE to the office of the governor, for allocation to the director of compact negotiations, and \$855,481 and 1.2 FTE to the department of natural resources, for allocation to the Colorado water conservation board, for the implementation of the interbasin compact law.

APPROVED by Governor May 26, 2006

EFFECTIVE May 26, 2006

PROPOSED CONSTITUTIONAL AMENDMENTS

S.C.R. 06-001 Property tax exemption for disabled veterans. For property tax years commencing on or after January 1, 2007, extends the existing property tax exemption for qualifying seniors to any United States military veteran, including any member of the Colorado national guard who has been ordered into the active military service of the United States, who has been separated from service under honorable conditions and who is 100% permanently disabled due to a service-connected disability. Requires the state to compensate local governments for property tax revenues lost as a result of the extension of the exemption.

S.C.R. 06-002 State constitution - obsolete provisions - elimination. Submits to voters of the state amendments eliminating obsolete provisions of the state constitution concerning:

- The requirement that conscientious objectors pay for their exemption from militia duty;
- References to outdated requirements related to the city and county of Denver single school district; and
- References to dates and outdated statutory provisions regarding the old age pension fund.

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