

DIGEST

SENATE AND HOUSE BILLS ENACTED
BY THE
SIXTY-EIGHTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO
(2011 - First Regular Session)

NOTE: Electronic versions of current and past Digests are available on the Official Colorado State Legislative Home Page at: www.leg.state.co.us, click on the Bill Digest link.

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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-eighth General Assembly at its First Regular Session ending May 11, 2011. The summaries include the dates upon which the Governor acted 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. 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 Tables of Enacted Bills, beginning on page xv.

4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, 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 vii.

6. To identify bills that were enacted without a safety clause, refer to page viii and ix.

7. To identify bills that were originally recommended by statutory and 2010 interim committees, refer to page ix.

8. For statistics concerning the number of bills and concurrent resolutions

introduced and passed in the 2011 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 x.

10. The general assembly adjourned sine die on the 120th legislative day, May 11, 2011. 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 Tuesday, August 9, 2011. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 10, 2011, 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 Tuesday, August 9, 2011.

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 2011.

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303-866-2045

LEGISLATIVE STATISTICAL SUMMARY

	2011		2010		2009	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	324	168	432	302	369	241
Senate Bills	273	168	217	156	297	227
Concurrent Resolutions	4	0	18	2	6	1
Bills signed by Governor	333		453		463	
Bills becoming law without Governor's signature	1		0		0	
Bills partially vetoed by the Governor	1		0		1	
Bills vetoed by the Governor	1		5		4	
Bills referred to the People	0		0		0	

BILLS VETOED BY THE GOVERNOR:

S.B. 11-213

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

S.B. 11-159

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

S.B. 11-209

BILLS ENACTED WITHOUT A SAFETY CLAUSE:*

HOUSE BILLS

H.B. 11-1002	H.B. 11-1060	H.B. 11-1111	H.B. 11-1174	H.B. 11-1210
H.B. 11-1004	H.B. 11-1071	H.B. 11-1113	H.B. 11-1176	H.B. 11-1237
H.B. 11-1010	H.B. 11-1072	H.B. 11-1115	H.B. 11-1177	H.B. 11-1239
H.B. 11-1011	H.B. 11-1073	H.B. 11-1121	H.B. 11-1178	H.B. 11-1241
H.B. 11-1013	H.B. 11-1074	H.B. 11-1122	H.B. 11-1180	H.B. 11-1277
H.B. 11-1014	H.B. 11-1077	H.B. 11-1126	H.B. 11-1183	H.B. 11-1279
H.B. 11-1026	H.B. 11-1079	H.B. 11-1144	H.B. 11-1186	H.B. 11-1283
H.B. 11-1028	H.B. 11-1083	H.B. 11-1145	H.B. 11-1192	H.B. 11-1289
H.B. 11-1030	H.B. 11-1085	H.B. 11-1151	H.B. 11-1195	H.B. 11-1298
H.B. 11-1031	H.B. 11-1087	H.B. 11-1153	H.B. 11-1196	H.B. 11-1301
H.B. 11-1032	H.B. 11-1091	H.B. 11-1157	H.B. 11-1198	H.B. 11-1303
H.B. 11-1037	H.B. 11-1097	H.B. 11-1159	H.B. 11-1200	H.B. 11-1310
H.B. 11-1040	H.B. 11-1100	H.B. 11-1160	H.B. 11-1202	H.B. 11-1313
H.B. 11-1041	H.B. 11-1105	H.B. 11-1163	H.B. 11-1203	H.B. 11-1316
H.B. 11-1050	H.B. 11-1109	H.B. 11-1166		

SENATE BILLS

S.B. 11-002	S.B. 11-039	S.B. 11-084	S.B. 11-165	S.B. 11-239
S.B. 11-007	S.B. 11-040	S.B. 11-085	S.B. 11-166	S.B. 11-240
S.B. 11-008	S.B. 11-047	S.B. 11-102	S.B. 11-178	S.B. 11-245
S.B. 11-016	S.B. 11-051	S.B. 11-104	S.B. 11-183	S.B. 11-256
S.B. 11-029	S.B. 11-066	S.B. 11-119	S.B. 11-191	S.B. 11-265
S.B. 11-031	S.B. 11-081	S.B. 11-120	S.B. 11-197	S.B. 11-272
S.B. 11-034	S.B. 11-082	S.B. 11-123	S.B. 11-204	S.B. 11-273
S.B. 11-037	S.B. 11-083	S.B. 11-125	S.B. 11-214	

* These bills become effective on August 10, 2011, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

v - vetoed

ENACTED BILLS RECOMMENDED BY STATUTORY AND 2010 INTERIM COMMITTEES:**

CAPITAL DEVELOPMENT COMMITTEE

H.B. 11-1310

LEGISLATIVE AUDIT COMMITTEE

H.B. 11-1118

S.B. 11-002

S.B. 11-082

SJR 11-041

COMMITTEE ON LEGAL SERVICES

H.B. 11-1001

S.B. 11-078

H.B. 11-1303

S.B. 11-261

SUNSET REVIEW PROCESS

S.B. 11-088

S.B. 11-103

S.B. 11-089

S.B. 11-104

S.B. 11-090

S.B. 11-105

S.B. 11-091

S.B. 11-106

S.B. 11-092

S.B. 11-108

S.B. 11-093

S.B. 11-169

S.B. 11-094

S.B. 11-177

S.B. 11-100

S.B. 11-187

S.B. 11-101

**JOINT BUDGET COMMITTEE
(other than supplementals)**

H.B. 11-1156

S.B. 11-076

H.B. 11-1161

S.B. 11-156

H.B. 11-1182

S.B. 11-157

H.B. 11-1307

S.B. 11-159

S.B. 11-160

S.B. 11-161

S.B. 11-163

S.B. 11-164

S.B. 11-228

S.B. 11-229

SJR 11-009

v - vetoed

** No interim committees met during the 2010 interim.

ACTS WITH JULY 1, 2011, AND LATER EFFECTIVE DATES:

JULY 1, 2011

HOUSE BILLS

H.B. 11-1005	H.B. 11-1148	H.B. 11-1221	H.B. 11-1234	H.B. 11-1275
H.B. 11-1043	H.B. 11-1206	H.B. 11-1230	H.B. 11-1242	H.B. 11-1288
H.B. 11-1076	H.B. 11-1211			

SENATE BILLS

S.B. 11-021	S.B. 11-089	S.B. 11-176	S.B. 11-193	S.B. 11-232
S.B. 11-025	S.B. 11-091	S.B. 11-179	S.B. 11-208*	S.B. 11-260
S.B. 11-061	S.B. 11-134	S.B. 11-187	S.B. 11-210*	S.B. 11-263
S.B. 11-086	S.B. 11-169	S.B. 11-188	S.B. 11-213-v	S.B. 11-264
S.B. 11-088	S.B. 11-175	S.B. 11-192		

* - portions only

v - vetoed

ACTS WITH JULY 1, 2011, AND LATER EFFECTIVE DATES: (cont.)

AUGUST 10, 2011**

HOUSE BILLS

H.B. 11-1002	H.B. 11-1050	H.B. 11-1109	H.B. 11-1174	H.B. 11-1237
H.B. 11-1004	H.B. 11-1060	H.B. 11-1111	H.B. 11-1176	H.B. 11-1239
H.B. 11-1010	H.B. 11-1071	H.B. 11-1115	H.B. 11-1177	H.B. 11-1241
H.B. 11-1011	H.B. 11-1072	H.B. 11-1121	H.B. 11-1178	H.B. 11-1277
H.B. 11-1013	H.B. 11-1073	H.B. 11-1126	H.B. 11-1180	H.B. 11-1278*
H.B. 11-1014	H.B. 11-1074	H.B. 11-1144	H.B. 11-1183	H.B. 11-1279
H.B. 11-1026	H.B. 11-1077	H.B. 11-1145	H.B. 11-1192	H.B. 11-1283
H.B. 11-1028	H.B. 11-1079	H.B. 11-1151	H.B. 11-1195	H.B. 11-1289
H.B. 11-1030	H.B. 11-1083	H.B. 11-1153	H.B. 11-1196	H.B. 11-1298
H.B. 11-1031	H.B. 11-1085	H.B. 11-1157	H.B. 11-1198	H.B. 11-1301
H.B. 11-1032	H.B. 11-1087	H.B. 11-1159	H.B. 11-1200	H.B. 11-1303*
H.B. 11-1037	H.B. 11-1091	H.B. 11-1160	H.B. 11-1202	H.B. 11-1310
H.B. 11-1040	H.B. 11-1097	H.B. 11-1163	H.B. 11-1203	H.B. 11-1313
H.B. 11-1041	H.B. 11-1105	H.B. 11-1166	H.B. 11-1210	H.B. 11-1316

SENATE BILLS

S.B. 11-002	S.B. 11-051	S.B. 11-102	S.B. 11-166	S.B. 11-240
S.B. 11-007	S.B. 11-066	S.B. 11-104	S.B. 11-178	S.B. 11-245
S.B. 11-016	S.B. 11-081	S.B. 11-119	S.B. 11-183	S.B. 11-256
S.B. 11-029	S.B. 11-082	S.B. 11-120	S.B. 11-197	S.B. 11-265
S.B. 11-031	S.B. 11-083	S.B. 11-123	S.B. 11-204	S.B. 11-272
S.B. 11-037	S.B. 11-084	S.B. 11-125	S.B. 11-239	S.B. 11-273
S.B. 11-039	S.B. 11-085	S.B. 11-165		

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

* - portions only

v - vetoed

ACTS WITH JULY 1, 2011, AND LATER EFFECTIVE DATES: (cont.)

SEPTEMBER 1, 2011

HOUSE BILLS
H.B. 11-1122

SENATE BILLS
S.B. 11-008

DECEMBER 31, 2011

HOUSE BILLS
H.B. 11-1113

SENATE BILLS
none

JANUARY 1, 2012

HOUSE BILLS
H.B. 11-1100
H.B. 11-1146
H.B. 11-1186
H.B. 11-1303*

SENATE BILLS
S.B. 11-034
S.B. 11-040

MARCH 1, 2012

HOUSE BILLS
none

SENATE BILLS
S.B. 11-214

APRIL 2, 2012

HOUSE BILLS
none

SENATE BILLS
S.B. 11-191

JULY 1, 2012

HOUSE BILLS
H.B. 11-1293
H.B. 11-1303*

SENATE BILLS
S.B. 11-047
S.B. 11-210*

* - portions only
v - vetoed

ACTS WITH JULY 1, 2011, AND LATER EFFECTIVE DATES: (cont.)

<u>JULY 15, 2012</u>		<u>JANUARY 1, 2014</u>	
HOUSE BILLS	SENATE BILLS	HOUSE BILLS	SENATE BILLS
none	S.B. 11-210*	H.B. 11-1081	none

<u>REFERRED MEASURES</u>	
HOUSE	SENATE
none	none

* - portions only

v - vetoed

TABLE OF ENACTED HOUSE BILLS

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1001	Gardner B., Morse	Enactment Of 2010 CRS	Approved 3/1/2011	3/1/2011	3	142
1002	Nikkel, Kopp	CDOT On-line Financial Database	Approved 6/2/2011	No Safety Clause	263	71
1004	Baumgardner, Harvey	Farm Truck Registration	Approved 5/4/2011	No Safety Clause	136	110
1005	Sonnenberg, Brophy	Reinstate Tax Exemption For Ag Products	Approved 5/23/2011	7/1/2011	194	148
1006	Coram, Schwartz	Regional Tourism Authority Boards	Approved 3/1/2011	3/1/2011	4	71
1009	Waller, Newell	Interstate Compact Parolee Residency	Approved 3/1/2011	3/1/2011	5	16
1010	Acree, Brophy	Incidental Use Of Tax-exempt Property	Approved 6/2/2011	No Safety Clause	275	148
1011	Peniston, Giron	Board Of Assessment Appeals Hearings	Approved 3/11/2011	No Safety Clause	15	71
1013	Schafer S., Bacon	Exempt Active Military Prof Regulation	Approved 4/13/2011	No Safety Clause	104	132
1014	DelGrosso, Roberts	Child Care Contrib Income Tax Credit	Approved 6/2/2011	No Safety Clause	247	149
1015	Jones, Tochtrop	Licensing Of Accountants	Approved 3/1/2011	3/1/2011	2	132
1016	Summers, Boyd	Prohibit E-cigarette Possession By Minor	Approved 3/25/2011	3/25/2011	60	22
1017	Duran, Steadman	Replace Student Faculty Auraria Board	Approved 3/17/2011	3/17/2011	26	47
1018	Tyler, King S.	Electronically Transmitted Court Docs	Approved 3/11/2011	3/11/2011	18	17
1019	Kagan, Boyd	Exempt School-based Clinics Copay	Approved 3/17/2011	3/17/2011	27	22
1021	Todd, Steadman	Colorado Channel Authority Fiscal Year	Approved 3/11/2011	3/11/2011	20	71
1022	Scott, Morse	Seller Financing Of Real Property	Approved 3/1/2011	3/1/2011	6	132
1023	Ferrandino, Carroll	Continue Foreclosure Deferment Program	Approved 3/1/2011	3/1/2011	1	138
1026	Gerou, Jahn	Storm Water Management Sys Admr	Approved 5/9/2011	No Safety Clause	159	84
1027	Looper, Newell	Dept Defense Child Care Pilot Program	Approved 3/17/2011	3/17/2011	28	108
1028	Liston, Johnston	Alzheimer's Assn Tax Checkoff	Approved 3/11/2011	No Safety Clause	16	149
1030	Gardner B., Boyd	Procurement Set Aside Program	Approved 3/21/2011	No Safety Clause	34	72
1031	Miklosi, Foster	Creative Districts	Approved 3/22/2011	No Safety Clause	49	60
1032	Lee, Newell	Restorative Justice	Approved 6/7/2011	No Safety Clause	296	22
1033	Williams A., Jahn	Repeal Reqmnt File Unused Ins Info	Approved 4/8/2011	4/8/2011	93	102
1035	Court, Carroll	Blue Book Information Statement	Approved 3/17/2011	3/17/2011	25	52
1036	Gardner D., King S.	Blue Alert For Injured Peace Officers	Approved 3/17/2011	3/17/2011	24	72
1037	Ryden, Carroll	Military Family Checkoff Extension	Approved 3/1/2011	No Safety Clause	7	150
1040	Brown, Tochtrop	Extend State Conservation Bd Term Length	Approved 3/22/2011	No Safety Clause	47	2
1041	Riesberg, Harvey	Update Colo Ins Guaranty Assn Statute	Approved 3/11/2011	No Safety Clause	14	103
1042	Levy, Nicholson	Class Of Res Land When Res Imp Removed	Approved 5/4/2011	5/4/2011	138	150

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1043	Massey, Steadman	Medical Marijuana	Approved 6/2/2011	7/1/2011	266	23
1045	Kefalas, Newell	CO Innovation Investment Tax Credit	Approved 5/23/2011	5/23/2011	209	150
1050	Soper, Tochtrop	Boiler Inspection Regulation	Approved 3/9/2011	No Safety Clause	8	105
1051	Swerdfeger, King S.	DNA Expungement Clarification	Approved 3/11/2011	3/11/2011	17	25
1053	Solano, Steadman	Incarceration For Truancy And Contempt	Approved 3/25/2011	3/25/2011	58	38
1060	Todd, Renfroe	Governor Appointment Terms To UNC Board	Approved 3/18/2011	No Safety Clause	31	47
1064	Waller, Steadman	Parole Presumption Certain Drug Offender	Approved 5/27/2011	5/27/2011	234	25
1069	Massey, Aguilar	Physical Activity Expectation In Schools	Approved 4/20/2011	4/20/2011	117	38
1071	Hamner, Bacon	Roundup River Ranch Tax Checkoff	Approved 6/6/2011	No Safety Clause	294	151
1072	McNulty, Morse	Designated Rep Of Initiative Proponents	Approved 6/2/2011	No Safety Clause	255	53
1073	Barker, Morse	Peace Officer Status US Marshals	Approved 3/18/2011	No Safety Clause	32	25
1074	Gerou, Jahn	School Of Mines Funding Of Financial Aid	Approved 3/25/2011	No Safety Clause	61	47
1076	Riesberg, Roberts	Time Payment Fees Judicial Matters	Approved 5/19/2011	7/1/2011	178	17
1077	Peniston, Spence	Education Of Gifted Children	Approved 3/18/2011	No Safety Clause	30	38
1079	Casso, Jahn	Reduce Youth Homelessness	Approved 3/31/2011	No Safety Clause	83	98
1080	Todd, King S.	Address Confidentiality Program	Approved 6/2/2011	6/2/2011	256	72
1081	Brown, Schwartz	LPG Vehicles Included For Incentives	Approved 6/2/2011	1/1/2014	262	152
1083	Swerdfeger, Giron	Hydroelectricity & Pumped Hydro	Approved 3/29/2011	No Safety Clause	68	140
1085	Schafer S., Jahn	Community Corrections Referral By DOC	Approved 3/22/2011	No Safety Clause	48	16
1087	Vigil, Giron	Pest Control Reimbursement	Approved 3/11/2011	No Safety Clause	19	58
1089	Conti, King K.	Charter Schools Grant Applications	Approved 3/25/2011	3/25/2011	55	38
1091	Liston, Morse	Sales Tax Exemption For Med Equipment	Approved 5/27/2011	No Safety Clause	235	152
1093	Bradford, Cadman	Special Mobile Machinery Ownership Tax	Approved 6/2/2011	6/2/2011	258	110
1095	Nikkel, Lundberg	Protect Security SOS Web Site	Approved 5/27/2011	5/27/2011	220	73
1097	Barker, Guzman	Goodwill Industries Tax Checkoff	Approved 5/4/2011	No Safety Clause	140	152
1100	Looper, Morse	Military Experience License Certificate	Approved 5/9/2011	No Safety Clause 1/1/2012	161	73
1101	Swalm, Morse	Exempt FQHCs State Licensure	Approved 4/8/2011	4/8/2011	94	85
1102	Summers, Newell	Portability Child Care Background Checks	Approved 3/18/2011	3/18/2011	29	99
1105	Acree, White	Hospital Worker Assault Protection	Approved 6/2/2011	No Safety Clause	250	26
1109	Liston, Giron	Telecom Equip Local Sales Tax Exemption	Approved 5/27/2011	No Safety Clause	221	61
1110	Acree, Harvey	Resid Nonprofit Corp Meetings Refunds	Approved 3/11/2011	3/11/2011	22	13
1111	Sonnenberg, Jahn	Dept Of Ag Livestock Confidential Data	Approved 4/6/2011	No Safety Clause	88	2

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1113	Holbert, Foster	Impact Fees Transparency	Approved 3/11/2011	No Safety Clause 12/31/2011	23	61
1115	Priola, Tochtrop	Public Entity Construction Retainage	Approved 5/26/2011	No Safety Clause	211	73
1117	McCann, King S.	Subpoena ALJ Campaign Finance	Approved 3/21/2011	3/21/2011	35	17
1118	Kerr J., Carroll	Public Hwy Authority Performance Audits	Approved 3/31/2011	3/31/2011	84	55
1121	Ramirez, King K.	Bar Felons From School Employment	Approved 5/27/2011	No Safety Clause	242	39
1122	Schafer S., Jahn	Mod Home Rule Charter Reqmnts	Approved 3/25/2011	No Safety Clause 9/1/2011	63	62
1124	Williams A., Carroll	Conflicts Of Interest HOA Exec Bd Member	Approved 4/13/2011	4/13/2011	105	138
1126	Duran, Hudak	Improving Parent Involvement In Schools	Approved 4/20/2011	No Safety Clause	118	40
1130	Priola, Heath	Commodity Metals Transactions Violations	Approved 4/13/2011	4/13/2011	106	26
1138	Gardner B., Morse	Sex Offender Management Board	Approved 5/27/2011	5/27/2011	236	27
1144	Solano, Tochtrop	Fetal Alcohol Spectrum Disorders	Approved 3/25/2011	No Safety Clause	65	96
1145	McCann, Tochtrop	Availability Background Check Child Care	Approved 5/9/2011	No Safety Clause	163	99
1146	Massey, Steadman	Def Ag Land For Prop Tax	Approved 5/9/2011	1/1/2012	166	153
1148	Labuda, Boyd	Disclosure Health Worker Employment Info	Approved 3/21/2011	7/1/2011	36	106
1151	Hamner, Nicholson	Cruelty To Service Animals	Approved 3/30/2011	No Safety Clause	81	28
1153	Hullinghorst, Newell	Juror Service Courts	Approved 3/29/2011	No Safety Clause	70	17
1155	McNulty, Shaffer B.	Lt Gov As Head Of Principal Department	Approved 4/6/2011	4/6/2011	90	74
1156	Becker, Hodge	Extend Repeal Date Cons Dist Grant Fund	Approved 5/4/2011	5/4/2011	134	153
1157	Casso, White	Diesel Inspection Program Exemption	Approved 6/2/2011	No Safety Clause	259	111
1159	Coram, Schwartz	License Grain Protein Analyzers	Approved 4/8/2011	No Safety Clause	95	2
1160	Gerou, Jahn	Gov Energy Ofc Green Bldg Incent Prog	Approved 5/4/2011	No Safety Clause	141	74
1161	Gerou, Hodge	Auth HUTF Use For Div Of Motor Vehicles	Approved 3/25/2011	3/25/2011	64	111
1163	Vaad, Tochtrop	CDOT Super-load Highway Permits	Approved 5/27/2011	No Safety Clause	237	111
1164	Priola, Boyd	CU Hospital Authority Board Director	Approved 4/20/2011	4/20/2011	116	47
1166	Murray, Aguilar	Type 1 Diabetes Special License Plate	Approved 6/2/2011	No Safety Clause	276	112
1167	Ferrandino, Nicholson	Sealing Drug Conviction Records	Approved 3/29/2011	3/29/2011	69	75
1169	Levy, Heath	Higher Ed Campus Safety Info Sharing	Approved 4/20/2011	4/20/2011	119	48
1174	Vaad, Renfroe	Manufactured Home Cert Of Destruction	Approved 4/6/2011	No Safety Clause	91	138
1176	Ramirez, Renfroe	Crude Oil Hazardous Substance Transport	Approved 3/25/2011	No Safety Clause	56	112
1177	Sonnenberg, Schwartz	Healthy Rivers Fund Tax Donation	Approved 3/22/2011	No Safety Clause	50	154
1178	Looper, Williams S.	Mortuary Science Regulation	Approved 4/6/2011	No Safety Clause	89	132

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1180	Levy, Guzman	Criminal Sentencing To Reduce Recidivism	Approved 4/8/2011	No Safety Clause	96	28
1181	Kefalas, Newell	Human Service Child Fatality Review Team	Approved 4/20/2011	4/20/2011	120	86
1182	Ferrandino, Hodge	CO State Title & Regis System Fees	Approved 4/22/2011	4/22/2011	124	159
1183	Bradford, Spence	Death Certificate Indicate If Pregnant	Approved 3/31/2011	No Safety Clause	85	86
1185	Ramirez, Mitchell	Motor Vehicle Time Limit Release Lien	Approved 4/20/2011	4/20/2011	122	112
1186	Ryden, Guzman	Provider Reimbursement For Acupuncture	Approved 4/8/2011	No Safety Clause 1/1/2012	97	103
1187	Sonnenberg, Brophy	Northeastern Jr College Club Employees	Approved 3/24/2011	3/24/2011	53	48
1188	Liston, Newell	Motor & Powersports Vehicle Franchises	Approved 5/13/2011	5/13/2011	175	133
1189	Fields, King K.	Bail Bond Conditions For 3rd DUI	Approved 4/8/2011	4/8/2011	99	29
1192	Coram, Brophy	Longer Vehicle Combinations Highways	Approved 4/13/2011	No Safety Clause	111	112
1193	Labuda, Boyd	Family Advocacy Juvenile Mental Health	Approved 3/29/2011	3/29/2011	71	96
1195	Gardner B., Newell	Private Investigators Voluntary License	Approved 6/10/2011	No Safety Clause	312	133
1196	Summers, Foster	Flexibility In Funding Family Services	Approved 5/9/2011	No Safety Clause	160	99
1198	Kerr J., Schwartz	PUC Recodify Motor Carrier Statutes	Approved 4/22/2011	No Safety Clause	127	141
1199	Gardner B., Bacon	Limit Gov Fee Install Solar Energy Panel	Approved 6/10/2011	6/10/2011	311	58
1200	Barker, Roberts	Substance Abuse Assessment At Intake	Approved 5/5/2011	No Safety Clause	158	29
1201	Hamner, Nicholson	Streamlining Educator Licensing	Approved 5/4/2011	5/4/2011	139	40
1202	Labuda, Tochtrop	Approp For Change Order Prior To Work	Approved 3/21/2011	No Safety Clause	37	75
1203	Lee, Nicholson	Private Custodian Seal Criminal Records	Approved 3/29/2011	No Safety Clause	72	18
1206	Gardner B., Bacon	Uniform Debt-management Services Act	Approved 4/13/2011	7/1/2011	113	134
1209	Jones, Heath	OED Small Business Navigator	Approved 5/9/2011	5/9/2011	168	76
1210	Hamner, Nicholson	Require CDOT I-70 Mtn Corridor Recomms	Approved 3/30/2011	No Safety Clause	82	159
1211	Pace, Tochtrop	Restrict Travel State-chartered Entities	Approved 5/27/2011	7/1/2011	214	76
1212	Tyler, Spence	Lean Gov Principle & Performance Budgets	Approved 5/13/2011	5/13/2011	174	77
1216	Riesberg, Aguilar	Disability Benefit License Plate Numbers	Approved 4/26/2011	4/26/2011	131	77
1218	Baumgardner, White	Cnty Creation Of Fed Mineral Lease Dist	Approved 5/9/2011	5/9/2011	169	59
1219	Levy, Newell	Uniform Military And Overseas Voters Act	Approved 5/13/2011	5/13/2011	176	53
1221	Fields, Spence	Legal Remedies For Consumer Credit Laws	Approved 4/20/2011	7/1/2011	121	11
1226	Conti, Spence	Disab Veterans Prop Tax Exemp App Info	Approved 3/29/2011	3/29/2011	73	154
1230	Duran, Boyd	Consolidate Housing Assist Into DOLA	Approved 5/9/2011	7/1/2011	170	78
1234	Vaad, Spence	Taxicab Vehicle License Plates	Approved 5/4/2011	7/1/2011	142	113
1236	Todd, Williams S.	Group Special License Plates	Approved 4/8/2011	4/8/2011	98	113

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1237	Swerdfeger, Bacon	National Guard Quarters & Billeting Fund	Approved 5/27/2011	No Safety Clause	223	108
1239	Nikkel, Roberts	New Crime Fiscal Note Analysis	Approved 3/29/2011	No Safety Clause	74	56
1241	DelGrosso, Lundberg	Charitable Use Property Tax Exemption	Approved 6/2/2011	No Safety Clause	248	154
1242	Ferrandino, Nicholson	Medicaid Provider Integration Of Service	Approved 6/2/2011	7/1/2011	271	95
1250	Acree, Renfroe	No Medical Marijuana Ingestible Products	Approved 6/2/2011	6/2/2011	272	29
1251	Conti, Tochtrop	Window Tinting Public Safety Vehicles	Approved 5/4/2011	5/4/2011	143	113
1254	Priola, Steadman	Bullying In Schools	Approved 5/13/2011	5/13/2011	173	41
1258	Baumgardner, Newell	Forensic Autopsy Requirements	Approved 5/4/2011	5/4/2011	137	30
1260	DelGrosso, Jahn	Tax Installment Payment Due Date	Approved 3/25/2011	3/25/2011	59	155
1262	Becker, Johnston	Elec Util PUC Transparency In Bidding	Approved 3/29/2011	3/29/2011	75	141
1265	Stephens, Johnston	Sales & Use Tax Refund Claims	Approved 5/27/2011	5/27/2011	228	155
1267	McCann, Mitchell	Expand Cases Protection Orders	Approved 6/2/2011	6/2/2011	273	30
1268	Levy, Nicholson	DUI Penalties Revisions	Approved 6/2/2011	6/2/2011	267	113
1274	Sonnenberg, Schwartz	Water Conservation Bd Construction Fund	Approved 5/9/2011	5/9/2011	167	160
1275	Priola, Williams S.	Idling Commercial Diesel Vehicles	Approved 5/27/2011	7/1/2011	215	114
1277	Massey, Bacon	Statutory Changes To K-12 Education	Approved 6/9/2011	No Safety Clause	306	42
1278	Gardner B., Morse	Sex Offender Registration Changes	Approved 5/27/2011	Portions on 5/27/2011 and 8/10/2011	224	30
1279	Sonnenberg, Hodge	Overweight Vehicle Permits	Approved 5/19/2011	No Safety Clause	179	114
1281	Joshi, Boyd	Hlth Care Professional Loan Forgiveness	Approved 5/19/2011	5/19/2011	180	86
1283	Gerou, Steadman	Extend Bioscience Grant Program	Approved 5/9/2011	No Safety Clause	162	80
1286	Sonnenberg, Schwartz	Clarify St Engr Nontributary Rule Auth	Approved 5/4/2011	5/4/2011	135	160
1288	Liston, Morse	Unemployment Insurance Solvency Reform	Approved 5/26/2011	7/1/2011	212	106
1289	Sonnenberg, Hodge	Water Supply Structure Historic Register	Approved 5/9/2011	No Safety Clause	165	80
1291	McNulty, Morse	Approve Regional Haze Air Quality Plan	Approved 5/4/2011	5/4/2011	144	87
1293	Stephens, Jahn	Repeal HB 10-1192 Related To Software	Approved 6/7/2011	7/1/2012	299	155
1295	Acree, Newell	Multiple Sclerosis Tax Checkoff	Approved 5/27/2011	5/27/2011	245	155
1296	Kagan, Steadman	Continue State Sales Tax On Cigarettes	Approved 5/19/2011	5/19/2011	181	156
1297	Murray, Cadman	Statewide Internet Portal Authority	Approved 6/2/2011	6/2/2011	269	81
1298	Tyler, Spence	Craig Hospital Special License Plate	Approved 6/2/2011	No Safety Clause	251	114
1300	Looper, Grantham	Conserv Easement Tax Credit Dispute Res	Approved 5/19/2011	5/19/2011	193	156
1301	Waller, Schwartz	Higher Ed Inst Efficiency	Approved 6/7/2011	No Safety Clause	297	48

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1303	Gardner B., Brophy	Revisor's Bill	Approved 6/2/2011	No Safety Clause Portions on 8/10/2011, 1/1/2012, and 7/1/2012	264	142
1305	DelGrosso, Johnston	Residential Valuation Assessment Ratio	Approved 5/27/2011	5/27/2011	222	158
1307	Becker, Steadman	Recovery Audits	Approved 6/2/2011	6/2/2011	270	81
1310	Sonnenberg, Bacon	Funding For Capitol Dome Restoration	Approved 5/27/2011	No Safety Clause	225	56
1311	Swerdfeger, Giron	Increase No Of Regional Tourism Projects	Approved 6/10/2011	6/10/2011	309	82
1313	Massey, Jahn	Extend Clerk And Recorder Surcharge	Approved 5/27/2011	No Safety Clause	226	59
1315	Gardner B., Carroll	IEC Membership Reqts	Approved 5/19/2011	5/19/2011	191	82
1316	Priola, Johnston	Special License Plates Avalanche Nuggets	Approved 5/19/2011	No Safety Clause	192	115
1317	Gerou, Foster	Intergovt Coop Wildland Fire Mitig	Approved 5/27/2011	5/27/2011	229	61
1323	Massey, Boyd	Exempt Rural Health Clinics CDPHE Lic	Approved 6/2/2011	6/2/2011	265	87
1324	Acree, Brophy	Resid Nonprofit Refund Prospective Only	Approved 6/2/2011	6/2/2011	268	14

TABLE OF ENACTED SENATE BILLS

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
002	Carroll, Kerr J.	Low-income Telephone Assistance Prog	Approved 3/21/2011	No Safety Clause	38	140
007	Grantham, Becker	Place Of Trial Failure To Register	Approved 4/13/2011	No Safety Clause	107	19
008	Boyd, Gerou	Aligning Children's Medicaid Eligibility	Approved 4/8/2011	No Safety Clause 9/1/2011	100	88
010	Tochtrop, Priola	Unemployment Benefits During Training	Approved 3/29/2011	3/29/2011	76	104
012	Brophy, Massey	Student Possession Prescription Drugs	Approved 3/25/2011	3/25/2011	62	32
016	Grantham, Barker	Probate Exempt Prop & Family Allowance	Approved 3/29/2011	No Safety Clause	77	118
019	King K., Stephens	Small Employer Health Ins Payments	Approved 3/29/2011	3/29/2011	78	101
020	Morse, Stephens	Attorney General POST Certification	Approved 3/21/2011	3/21/2011	39	19
021	Nicholson, Looper	Term Limits Water Facility Operators Bd	Approved 3/25/2011	7/1/2011	66	83
024	King K., Looper	Veterans State Parks Admission	Approved 3/29/2011	3/29/2011	79	116
025	Carroll, Ferrandino	Colorado Taxpayer Empowerment Act 2011	Approved 4/8/2011	7/1/2011	103	63
028	Schwartz, Coram	Add Judge Seventh Judicial District	Approved 3/11/2011	3/11/2011	21	17
029	Hudak, Summers	State Land Board Annual Reports	Approved 3/22/2011	No Safety Clause	51	63
031	Cadman, Looper	Collector's Motor Vehicles	Approved 3/31/2011	No Safety Clause	86	109
034	Nicholson, Summers	Required Reporting Of Abuse & Neglect	Approved 4/22/2011	No Safety Clause 1/1/2012	125	9
037	Heath, Kerr J.	World War II Special License Plate	Approved 4/22/2011	No Safety Clause	126	109
039	Tochtrop, Massey	Self-storage Prop Lien Sale By Owner	Approved 4/6/2011	No Safety Clause	92	136
040	Spence, Summers	Coach Youth Sports Concussions Ed	Approved 3/29/2011	No Safety Clause 1/1/2012	67	83
045	Johnston, Levy	Streamline Elec Powerline Siting	Approved 6/3/2011	6/3/2011	288	140
047	Heath, Gerou	Bioscience & Clean Tech Reinvestment	Approved 5/26/2011	No Safety Clause 7/1/2012	213	143
050	Roberts, Gerou	Value Of Condemned Conservation Easement	Approved 6/8/2011	6/8/2011	304	136
051	Giron, Swerdfeger	Gaming & Lottery Intercepts State Debt	Approved 6/2/2011	No Safety Clause	286	63
052	Heath, Massey	Goals For Higher Ed System	Approved 5/27/2011	5/27/2011	232	44
057	Harvey, McNulty	Metro Dist Mail Elections	Approved 4/20/2011	4/20/2011	123	51
060	Boyd, Gardner B.	3.2 Beer For On-premises Consumption	Approved 5/13/2011	5/13/2011	171	122
061	Spence, Ferrandino	Special Ed Appeal Process	Approved 3/21/2011	7/1/2011	40	32

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
062	Cadman, Murray	OIT Statutory Clean-up	Approved 4/22/2011	4/22/2011	128	64
066	Jahn, Gardner B.	Special Event Permit Alcohol Beverage	Approved 5/23/2011	No Safety Clause	206	122
076	Steadman, Becker	PERA Contribution Rates	Approved 5/23/2011	5/23/2011	204	64
078	Morse, Gardner B.	Rule Review Bill	Approved 5/13/2011	5/13/2011	177	1
081	White, McCann	9Health Fair Tax Checkoff Extension	Approved 4/13/2011	No Safety Clause	108	143
082	King S., Acree	OSA Security Audits IT Systems	Approved 4/13/2011	No Safety Clause	109	55
083	Roberts, Barker	Probate Code Omnibus	Approved 4/8/2011	No Safety Clause	101	118
084	Boyd, Summers	Employment At Long-term Care Facilities	Approved 4/13/2011	No Safety Clause	112	83
085	Shaffer B., McCann	Prostitution Offender Program Courts	Approved 6/2/2011	No Safety Clause	257	19
086	Foster, Murray	Appeal Periods & Local Sales Use Tax	Approved 3/22/2011	7/1/2011	52	143
087	Boyd, Fields	Medical Exemption Tiered Rate Plan	Approved 3/29/2011	3/29/2011	80	140
088	Carroll, Acree	Sunset Review Direct-entry Midwives	Approved 6/2/2011	7/1/2011	283	122
089	Jahn, Beezley	Sunset DOR Letter Rulings	Approved 6/2/2011	7/1/2011	260	65
090	Schwartz, Baumgardner	Sunset Weather Modification Act Of 1972	Approved 6/8/2011	6/8/2011	301	65
091	Brophy, McKinley	Sunset Board Veterinary Medicine	Approved 5/23/2011	7/1/2011	207	123
092	Giron, Hamner	Sunset Vessel Registration Program	Approved 5/19/2011	5/19/2011	182	65
093	King S., Vaad	Sunset Drunk Driving Task Force	Approved 3/21/2011	3/21/2011	41	109
094	Boyd, Summers	Sunset Continue Optometric Board	Approved 4/22/2011	4/22/2011	129	125
096	Steadman, McCann	Habitual Offender Drug Convictions	Approved 3/25/2011	3/25/2011	57	20
100	Hudak, Murray	Sunset Council On Higher Ed	Approved 3/31/2011	3/31/2011	87	45
101	Spence, Swalm	Sunset Fixed Tuition & Fee Rate Program	Approved 3/21/2011	3/21/2011	42	45
102	Williams S., Todd	Mental Health Tax Checkoff	Approved 5/27/2011	No Safety Clause	238	144
103	Lundberg, Scott	Sunset Repeal Benefit Design Adv Comm	Approved 3/21/2011	3/21/2011	43	101
104	Roberts, Holbert	Sunset Community Acct'lity Prog Adv Bd	Approved 3/21/2011	No Safety Clause	44	15
105	Guzman, Levy	Sunset Medicaid In-home Support Services	Approved 6/2/2011	6/2/2011	277	88
106	Spence, Ferrandino	Sunset Science Tech Ed Advisory Bd	Approved 3/21/2011	3/21/2011	45	32
108	Jahn, Szabo	Sunset ID Theft Fraud Unit	Approved 6/2/2011	6/2/2011	252	66
109	Shaffer B., Solano	Public Education Fund Tax Checkoff	Approved 6/2/2011	6/2/2011	284	144
110	Nicholson, Coram	County Open Burning Slash Permit Program	Approved 4/13/2011	4/13/2011	110	58
111	King K., Massey	Educational Success Task Force	Approved 5/23/2011	5/23/2011	202	32
115	Carroll, Miklosi	Auditor Auth To Audit State Gov Entities	Approved 4/13/2011	4/13/2011	114	66
119	Guzman, Pabon	Appeal Valuation Commercial Real Prop	Approved 4/26/2011	No Safety Clause	130	145
120	Newell, Kefalas	Protections For Youth In Foster Care	Approved 4/8/2011	No Safety Clause	102	9

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123	Foster, Summers	Technical Changes Child Support Process	Approved 3/21/2011	No Safety Clause	46	9
124	Hodge, Gerou	Transfers Of County TANF Reserves	Approved 5/19/2011	5/19/2011	183	97
125	White, Sonnenberg	Nursing Home Fees & Order Of Payments	Approved 5/23/2011	No Safety Clause	208	88
128	Newell, McCann	Child-only Health Insurance Plans	Approved 4/29/2011	4/29/2011	133	101
133	Hudak, Nikkel	Discipline In Public Schools	Approved 5/23/2011	5/23/2011	210	20
134	Kopp, Murray	Prohibit Synthetic Cannabinoids Salvia	Approved 6/2/2011	7/1/2011	261	20
135	Hodge, Gerou	Suppl Approp Dept Of Agriculture	Approved 3/9/2011	3/9/2011	314	3
136	Hodge, Gerou	Suppl Approp Dept Of Corrections	Approved 3/18/2011	3/18/2011	315	3
137	Hodge, Gerou	Suppl Approp Dept Of Education	Approved 3/18/2011	3/18/2011	316	3
138	Hodge, Gerou	Suppl Approp Dept Of Gov, Lt Gov, & OSPB	Approved 3/9/2011	3/9/2011	317	3
139	Hodge, Gerou	Suppl Approp Dept Of Health Care Pol & Fin	Approved 3/9/2011	3/9/2011	318	3
140	Hodge, Gerou	Suppl Approp Dept Of Higher Ed	Approved 3/9/2011	3/9/2011	319	4
141	Hodge, Gerou	Suppl Approp Dept Of Human Services	Approved 3/18/2011	3/18/2011	320	4
142	Hodge, Gerou	Suppl Approp Judicial Department	Approved 3/18/2011	3/18/2011	321	4
143	Hodge, Gerou	Suppl Approp Dept Of Labor & Employment	Approved 3/9/2011	3/9/2011	322	4
144	Hodge, Gerou	Suppl Approp Dept Of Law	Approved 3/18/2011	3/18/2011	323	4
145	Hodge, Gerou	Suppl Approp Dept Of Local Affairs	Approved 3/9/2011	3/9/2011	324	5
146	Hodge, Gerou	Suppl Approp Dept Of Military Affairs	Approved 3/9/2011	3/9/2011	325	5
147	Hodge, Gerou	Suppl Approp Dept Of Natural Resources	Approved 3/9/2011	3/9/2011	326	5
148	Hodge, Gerou	Suppl Approp Dept Of Personnel	Approved 3/9/2011	3/9/2011	327	5
149	Hodge, Gerou	Suppl Approp Dept Of Pub Health & Envir	Approved 3/9/2011	3/9/2011	328	5
150	Hodge, Gerou	Suppl Approp Dept Of Public Safety	Approved 3/9/2011	3/9/2011	329	5
151	Hodge, Gerou	Suppl Approp Dept Of Reg Agencies	Approved 3/9/2011	3/9/2011	330	6
152	Hodge, Gerou	Suppl Approp Dept Of Revenue	Approved 3/9/2011	3/9/2011	331	6
153	Hodge, Gerou	Suppl Approp Dept Of State	Approved 3/9/2011	3/9/2011	332	6
154	Hodge, Gerou	Suppl Approp Treasury Dept	Approved 3/9/2011	3/9/2011	333	6
155	Hodge, Gerou	Suppl Approp Capital Construction	Approved 3/9/2011	3/9/2011	334	6
156	Lambert, Becker	FY 10-11 General Fund Reserve Reduction	Approved 3/9/2011	3/9/2011	9	66
157	Steadman, Ferrandino	Modifications To School Finance Act	Approved 3/9/2011	3/9/2011	10	33
159	Steadman, Ferrandino	Distrib Of State Share Of Ltd Gaming Rev	Became Law 3/25/2011	3/25/2011	54	66
160	Steadman, Gerou	Clarify Total Film Incentives Issued	Approved 3/9/2011	3/9/2011	11	67
161	Lambert, Becker	CDPHE Laboratory Cash Fund	Approved 3/9/2011	3/9/2011	12	84

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163	Lambert, Gerou	Repeal Alternative Fuels Rebate Program	Approved 3/9/2011	3/9/2011	13	146
164	Hodge, Gerou	Cash Fund Transfers For FY 2010-11	Approved 3/18/2011	3/18/2011	33	67
165	Guzman, Kerr A.	CO Uniform Estate Tax Apportionment Act	Approved 5/19/2011	No Safety Clause	184	120
166	Johnston, Wilson	Uniform Disclaimer Property Interest Act	Approved 5/23/2011	No Safety Clause	203	120
169	Boyd, Summers	Sunset Continue Physical Therapy Board	Approved 5/13/2011	7/1/2011	172	126
173	King S., Gardner B.	Interoperable Communications In Schools	Approved 6/10/2011	6/10/2011	310	34
175	Carroll, Levy	Uniform Trust Code Insurable Interests	Approved 4/13/2011	7/1/2011	115	120
176	Carroll, Levy	Solitary Confinement Specific Population	Approved 6/3/2011	7/1/2011	289	15
177	Nicholson, Coram	Sunset Teen Pregnancy & Dropout Program	Approved 6/8/2011	6/8/2011	303	89
178	Newell, Sonnenberg	Manner Of Local Sales Tax Exemption	Approved 5/27/2011	No Safety Clause	216	60
179	Carroll, Miklosi	Worker Identification Off-site Work	Approved 5/19/2011	7/1/2011	185	104
180	Tochtrop, Looper	Taxicab Passenger Pickup	Approved 6/2/2011	6/2/2011	249	140
182	Carroll, Liston	Insurable Interest Life Insurance	Approved 5/27/2011	5/27/2011	227	101
183	Aguilar, Gardner B.	State Boards & Persons With Disabilities	Approved 4/26/2011	No Safety Clause	132	97
184	Steadman, Ferrandino	Tax Reporting	Approved 6/3/2011	6/3/2011	290	147
187	Newell, Fields	Sunset Review Mental Hlth Professionals	Approved 6/2/2011	7/1/2011	285	127
188	Bacon, Casso	Charter Sch Moral Obligation Oversight	Approved 5/19/2011	7/1/2011	186	34
189	Heath, Murray	Election Dates To Comply With MOVE Act	Approved 5/27/2011	5/27/2011	243	51
191	Bacon, Gardner B.	Uniform Limited Cooperative Assn Act	Approved 5/23/2011	No Safety Clause 4/2/2012	197	12
192	Aguilar, Massey	Continue Prescrip Drug Monitor Program	Approved 5/27/2011	7/1/2011	230	129
193	Aguilar, Gardner B.	Disclosure Caregiver Employment Info	Approved 6/2/2011	7/1/2011	280	105
195	Brophy, Sonnenberg	Parking For Persons With Disabilities	Approved 5/23/2011	5/23/2011	195	109
197	Boyd, Acree	Girl Scouts Centennial License Plate	Approved 6/3/2011	No Safety Clause	291	109
198	Morse, Stephens	FY 2011-12 Legislative Appropriations	Approved 4/6/2011	4/6/2011	313	7
199	Tochtrop, Riesberg	Workers' Compensation	Approved 5/23/2011	5/23/2011	196	105
200	Boyd, Stephens	Health Benefit Exchange	Approved 6/1/2011	6/1/2011	246	102
201	Roberts, Barker	Elements Of Criminal Impersonation	Approved 5/27/2011	5/27/2011	217	21
203	Schwartz, Sonnenberg	Species Conservation Trust Fund	Approved 5/27/2011	5/27/2011	231	116
204	Giron, Swerdfeger	University Role And Mission	Approved 6/10/2011	No Safety Clause	308	45
206	Boyd, Bradford	Mortgage Loan Licensing Exemptions	Approved 6/2/2011	6/2/2011	253	130

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208	Schwartz, Sonnenberg	Merge DNR Entities Wildlife Parks & Rec	Approved 6/6/2011	Portions on 6/6/2011 and 7/1/2011	293	116
209	Hodge, Gerou	Long Appropriations Bill	Approved in part and vetoed in part 5/6/2011	Portions on 5/6/11 and on veto override on 5/11/2011	335	7
210	Hodge, Ferrandino	Phase Out Supplemental OAP Health Fund	Approved 5/19/2011	Portions on 7/1/2011, 7/1/2012, and 7/15/2012	187	90
211	Hodge, Ferrandino	Tobacco Revenues Offset Medical Services	Approved 5/5/2011	6/3/2011	145	90
212	Hodge, Gerou	Use Provider Fee Offset GF Medicaid	Approved 5/5/2011	5/5/2011	146	91
213	Hodge, Gerou	CHP+ Assess Monthly Enrollment Fee	Vetoed 5/31/2011			92
214	Hodge, Becker	Decommission Fort Lyon Prison	Approved 5/5/2011	No Safety Clause 3/1/2012	147	15
215	Hodge, Becker	2011 Nursing Facility Rate Reduction	Approved 5/5/2011	5/5/2011	148	92
216	Hodge, Ferrandino	Children's Basic Health Gen Fund Approp	Approved 5/5/2011	5/5/2011	149	92
217	Hodge, Ferrandino	Reduction Juvenile Detention Bed Cap	Approved 5/5/2011	5/5/2011	150	10
218	Hodge, Ferrandino	Cash Fund Transfers To State Ed Fund	Approved 5/5/2011	5/5/2011	151	68
219	Hodge, Ferrandino	2011 Transfers For Health Care Services	Approved 5/19/2011	6/3/2011	188	93
221	Hodge, Becker	Old Hire FPPA Plans State Contributions	Approved 5/5/2011	5/5/2011	152	60
222	Hodge, Gerou	Capital Construction Transfers	Approved 5/5/2011	5/5/2011	153	68
223	Hodge, Gerou	Sales Tax Vendor Fee	Approved 5/5/2011	5/5/2011	154	147
224	Hodge, Ferrandino	Susp Nurse Home Visit Prog Fund Increase	Approved 5/5/2011	5/5/2011	155	68
225	Hodge, Gerou	Innov Health Prog Grant Fund Transfers	Approved 5/19/2011	5/19/2011	189	69
226	Hodge, Gerou	General Fund Transfers	Approved 5/19/2011	5/19/2011	190	69
227	Hudak, Vaad	Repeal Exception To Child Restraint Law	Approved 6/7/2011	6/7/2011	295	110
228	Steadman, Gerou	County Tax Base Relief Formula	Approved 5/5/2011	5/5/2011	156	97
229	Steadman, Ferrandino	Expenses School Counselor Grant Program	Approved 5/5/2011	5/5/2011	157	35
230	Bacon, Massey	Financing Of Public Schools	Approved 6/9/2011	6/9/2011	305	35
231	Steadman, Nikkel	Colorado Channel Authority Operation	Approved 5/9/2011	5/9/2011	164	69

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
232	Jahn, Gardner B.	Add To Crimes Against Children Surcharge	Approved 5/23/2011	7/1/2011	199	21
234	Jahn, Massey	Resid Real Prop Transfer Fee Covenants	Approved 5/23/2011	5/23/2011	198	136
235	Giron, Pace	Third Party Air Quality Modelers	Approved 6/9/2011	6/9/2011	307	84
238	Nicholson, Coram	Extend Wildfire Preparedness Funding	Approved 6/8/2011	6/8/2011	300	117
239	Newell, Swerdfeger	Repeal Report Reqmnt Re Municipal Info	Approved 5/27/2011	No Safety Clause	218	70
240	Hudak, Murray	Sunset Review Private Occupational Sch	Approved 6/2/2011	No Safety Clause	281	130
241	King S., Gardner B.	Parole Board Changes	Approved 5/23/2011	5/23/2011	200	15
242	Aguilar, Miklosi	Volunteer Retired Nurse License	Approved 5/27/2011	5/27/2011	244	131
243	Guzman, Pabon	Repeal Document Forgery Civil Penalty	Approved 6/2/2011	6/2/2011	282	105
245	Bacon, Murray	Higher Ed Educator Preparation Programs	Approved 5/23/2011	No Safety Clause	201	45
247	Hudak, Kerr J.	Early Childhood Council Advisory Team	Approved 5/27/2011	5/27/2011	239	98
250	Boyd, Ferrandino	Pregnant Women Medicaid Eligibility	Approved 5/27/2011	5/27/2011	219	94
251	Nicholson, Looper	Division Of Fire Safety Duties	Approved 5/27/2011	6/30/2011	240	70
254	Steadman, Pace	Community Corrections Release Options	Approved 6/2/2011	6/2/2011	274	21
256	Guzman, Ferrandino	Penalties For Graffiti	Approved 6/2/2011	No Safety Clause	254	21
260	Morse, Lee	Allen Rose Tow-truck Safety Act	Approved 6/7/2011	7/1/2011	298	110
261	Roberts, Gardner B.	Publication Of Colorado Revised Statutes	Approved 5/23/2011	5/23/2011	205	142
263	Tochtrop, Becker	Clarify Med Products Sales Tax Exemption	Approved 6/2/2011	7/1/2011	278	148
264	Newell, Gardner B.	Clarify Lis Pendens & Liens	Approved 6/2/2011	7/1/2011	279	138
265	Johnston, Duran	Name Change Mesa State College	Approved 6/6/2011	No Safety Clause	292	46
266	Bacon, Ramirez	Background Check School Contractors	Approved 5/27/2011	5/27/2011	241	37
267	Schwartz, Coram	Forest Health Act Of 2011	Approved 6/8/2011	6/8/2011	302	46
272	Hodge, Summers	Adult Stem Cells Cure Fund Tax Checkoff	Approved 6/2/2011	No Safety Clause	287	84
273	Steadman, Massey	Alcohol Beverage Festival Area	Approved 5/27/2011	No Safety Clause	233	131

ADMINISTRATIVE RULE REVIEW

S.B. 11-78 Continuation of 2010 rules of executive agencies. Based on the findings and recommendations of the committee on legal services, the rules and regulations of state agencies that were adopted or amended on or after November 1, 2009, and before November 1, 2010, are extended; except that certain rules and regulations specifically listed in the act shall expire as scheduled on May 15, 2011.

APPROVED by Governor May 13, 2011

EFFECTIVE May 13, 2011

AGRICULTURE

H.B. 11-1040 State conservation board - members - length of terms. The length of terms served by members of the state conservation board in the department of agriculture is increased from 3 years to 4 years.

APPROVED by Governor March 22, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1111 Livestock producers - confidential commercial data - restrictions - dissemination. Certain confidential commercial data collected by the department of agriculture on livestock producers may not be merged or shared with any other state, federal, or foreign government, industry partner, or other database that modifies the provisions with respect to how this confidential commercial data may be disseminated.

APPROVED by Governor April 6, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1159 Grain protein analyzers - commercial use - license required - fee - appropriation. The act requires the commissioner of agriculture to license a grain protein analyzer before the analyzer is operated for commercial use. The act also authorizes the state agricultural commission to charge a fee for licensing grain protein analyzers, and exempts grain protein analyzers from the requirement that a certificate of conformance for the analyzer be issued prior to commercial or law enforcement use.

The 2011 long bill appropriation to the department of agriculture is increased by \$600.

APPROVED by Governor April 8, 2011

EFFECTIVE August 10, 2011

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

APPROPRIATIONS

S.B. 11-135 Supplemental appropriation - department of agriculture. The 2010 general appropriation act is amended to decrease the total appropriation to the department of agriculture. The general fund, cash funds, and federal funds portions of the appropriation are decreased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-136 Supplemental appropriation - department of corrections. The 2010 general appropriation act is amended to increase the total appropriation made to the department of corrections. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

The appropriation made in House Bill 10-1360, concerning changes to certain parole-related statutes to reduce the number of parolees who return to the department, are adjusted.

APPROVED by Governor March 18, 2011

EFFECTIVE March 18, 2011

S.B. 11-137 Supplemental appropriation - department of education. The 2010 general appropriation act is amended to increase the total amount appropriated to the department of education. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

APPROVED by Governor March 18, 2011

EFFECTIVE March 18, 2011

S.B. 11-138 Supplemental appropriation - offices of the governor, Lt governor, and state planning and budgeting. The 2010 general appropriation act is amended to increase the total appropriation made to the offices of the governor, Lt. governor, and state planning and budgeting. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-139 Supplemental appropriation - department of health care policy and financing. The 2010 general appropriation act is amended to decrease the total appropriation made to the department of health care policy and financing. The general fund, reappropriated funds, and federal funds portions of the appropriation are decreased and the cash fund portion is increased.

All restrictions on funds for medicaid mental health community programs for the 2010-11 fiscal year are released.

All restrictions on funds for medicare modernization act of 2003 state contribution payment for the 2010-11 fiscal year are released.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-140 Supplemental appropriation - department of higher education. The 2010 general appropriation act is amended to increase the total appropriation made to the department of higher education. The general fund and cash funds portions of the appropriation are increased.

The 2009 general appropriations act to increase the appropriation for stipends in the college opportunity fund program due to the increase in full-time equivalent students.

The adjustments made to the 2010 general appropriation act by House Bill 10-1383, concerning funding for student financial aid for higher education, is amended to clarify that the reduction made is for need-based grants.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-141 Supplemental appropriation - department of human services. The 2010 general appropriation act is amended to decrease the total appropriation made to the department of human services. The general fund, reappropriated funds, and federal funds portions of the appropriation are decreased and the cash funds portion is increased.

APPROVED by Governor March 18, 2011

EFFECTIVE March 18, 2011

S.B. 11-142 Supplemental appropriation - judicial department. The 2010 general appropriation act is amended to decrease the total appropriation are made to the judicial department. The general fund and cash funds portions of the appropriation are decreased and the reappropriated funds portion is increased.

Further modifies the adjustment made to the 2010 general appropriation act by House Bill 10-1352, concerning changes to crimes involving controlled substances.

Further modifies the adjustment made to the 2010 general appropriation act by House Bill 10-1404, concerning the administration of the independent ethics commission.

APPROVED by Governor March 18, 2011

EFFECTIVE March 18, 2011

S.B. 11-143 Supplemental appropriation - department of labor and employment. The 2010 general appropriation act is amended to increase the total appropriation made to the department of labor and employment. The cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-144 Supplemental appropriation - department of law. The 2010 general appropriation act is amended to increase the total appropriation made to the department of law. The general fund portion of the appropriation is decreased and the cash funds, reappropriated funds, and federal funds are increased.

APPROVED by Governor March 18, 2011

EFFECTIVE March 18, 2011

S.B. 11-145 Supplemental appropriation - department of local affairs. The 2010 general appropriation act is amended to decrease the total appropriation made to the department of local affairs. The general fund portion of the appropriation is decreased.

The appropriation made in House Bill 10-1176, concerning recovery audits for government overpayments of tax dollars, is modified.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-146 Supplemental appropriation - department of military and veterans affairs. The 2010 general appropriation act is amended decrease the total appropriation made to the department of military and veterans affairs. The general fund portion of the appropriation is decreased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-147 Supplemental appropriation - department of natural resources. The 2010 general appropriation act is amended to decrease the total appropriation made to the department of natural resources. The general fund and cash funds portions of the appropriation are decreased and the federal funds portion is increased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-148 Supplemental appropriation - department of personnel and administration. The 2010 general appropriation act is amended to decrease the total appropriation made to the department of personnel and administration. The general fund and reappropriated funds portions of the appropriation are decreased and the cash funds portion is increased.

The appropriation made in House Bill 10-1176, concerning recovery audits for governments overpayments of tax dollars, is amended.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-149 Supplemental appropriation - department of public health and environment. The 2010 general appropriation act is amended to increase the total appropriation made to the department of public health and environment. The general fund and the federal funds portions of the appropriation are decreased and the cash funds and the reappropriated funds portions are increased.

The appropriation made by House Bill 11-1018, concerning increased authority to regulate waste tires, is amended.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-150 Supplemental appropriation - department of public safety. The 2010 general appropriation act is amended to decrease the total appropriation made to the department of

public safety. The general fund and federal funds portions of the appropriation are decreased and the cash funds and reappropriated funds are increased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-151 Supplemental appropriation - department of regulatory agencies. The 2010 general appropriation act is amended to decrease the total appropriation made to the department of regulatory agencies. The cash funds portion of the appropriation is decreased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-152 Supplemental appropriation - department of revenue. The 2010 general appropriation act is amended to increase the total appropriation made to the department of revenue. The general fund portion of the appropriation is decreased and the cash funds portion is increased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-153 Supplemental appropriation - department of state. The 2010 general appropriation act is amended to increase the total appropriation made to the department of state. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-154 Supplemental appropriation - department of the treasury. The 2010 general appropriation act is amended to decrease the total appropriation made to the department of the treasury. The general fund portion of the appropriation is decreased and the cash funds portion is increased.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-155 Supplemental appropriation - capital construction. The capital construction portion of the 2006 long bill is amended to decrease the total amount appropriated to the department of higher education. The amount appropriated to the Colorado state university, for allocation to the veterinary teaching hospital, food animal care facility construction is decreased and the amount appropriated to the Colorado school of mines, for allocation to the Marquez hall petroleum engineering building, is increased.

The capital construction portion of the 2007 long bill is amended to decrease the total amount appropriated to the department of higher education. The amount appropriated to the Colorado state university at Fort Collins, for allocation to the alumni and welcome center building is decreased. The amount appropriated to the university of Colorado at Boulder, for allocation to the Ekeley sciences middle wing renovation is decreased.

The capital construction portion of the 2008 long bill is amended to decrease the total amount appropriated to the department of higher education. The amount appropriated to the Colorado state university at Fort Collins for various additions and renovations are decreased

and the amount allocated for the student recreation center renovation is increased. The amount appropriated to the Colorado state university at Pueblo for the Occhiato university center renovation is decreased. The amount appropriated to the university of Colorado at Boulder for the Ekeley sciences middle wind renovation is decreased. The amount appropriated to the university of Colorado at Denver for the oral facial health addition is increased.

The capital construction portion of the 2009 long bill is amended to decrease the total amount appropriated to the departments of corrections, higher education, and public health and environment. The amount appropriated to the department of corrections, for the lease purchase of Colorado state penitentiary II is increased. The amount appropriated to the department of higher education: For Metropolitan state college in Denver, Hotel learning center, is increased; the Colorado state university at Fort Collins, Biology building, Eddy building, and the institute for teaching and learning are decreased; University of Colorado at Boulder, systems biotechnology building is increased.

The capital construction portion of the 2010 long bill is amended to increase the total amount appropriated to the department of personnel and administration. An amount appropriated to the department of higher education, university of Colorado at Denver, for the lease purchase of academic facilities at Fitzsimons is shifted from the cash funds column to the capital construction fund column. The amount appropriated to the department of personnel for emergency controlled maintenance is decreased. A new line is added for the state capitol dome renovation.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-198 Legislative appropriation - appropriation to youth advisory council cash fund. The act appropriates \$33,590,665 for matters related to the legislative department for the 2011-12 fiscal year. In addition, \$3,816 is appropriated from the methamphetamine abuse prevention, intervention, and treatment cash fund to the legislative department for expenses related to the participation of legislative members in the state methamphetamine task force during the 2011-12 fiscal year. The act appropriates \$8,472 to the youth advisory council cash fund.

APPROVED by Governor April 6, 2011

EFFECTIVE April 6, 2011

S.B. 11-209 General appropriation - long bill. For the fiscal year beginning July 1, 2011, the act provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions. The grand total for the operating budget is set at \$19,826,749,430 of which \$6,761,809,141 from the general fund portion of the appropriation, \$825,592,199 from the general fund exempt portion, \$5,752,176,015 from cash funds portion, \$1,465,241,564 from reappropriated funds portion, and \$5,021,930,511 from federal funds portion.

For the fiscal year beginning July 1, 2011, the act provides for the payment of capital construction projects. The grand total for capital construction projects is \$162,505,347 with \$48,891,749 from the capital construction fund portion of the appropriation, \$78,377,617 from the cash funds portion, and \$35,235,981 from the federal funds portion.

The 2010, 2009, 2008 general appropriation acts are amended to make additional

changes to those general appropriations, including the head notes for the fiscal year beginning July 1, 2010, which are amended to increase the total amount of the state emergency reserve.

The appropriation made in House Bill 09-1293, concerning a hospital provider fee is adjusted to decrease the amount appropriated to the department of health care policy and financing for the indigent care program for the children's basic health plan. The appropriation made in House Bill 10-1378, moneys appropriated in the 2010-11 fiscal year for health clinics, is adjusted to decrease the amount appropriated to the department of health care policy and financing to the indigent care program for the community health clinics.

APPROVED by Governor May 6, 2011

EFFECTIVE May 6, 2011

PORTIONS VETOED EFFECTIVE May 6, 2011

NOTE: The House and Senate successfully overrode the Governor's partial veto on May 11, 2011.

CHILDREN AND DOMESTIC MATTERS

S.B. 11-34 Child abuse and neglect - mandatory reporters - W.I.C. educators. The act adds educators who provide services through a federal special supplemental nutrition program for women, infants, and children (W.I.C. educators) to the list of persons required to report child abuse or neglect.

APPROVED by Governor April 22, 2011

EFFECTIVE January 1, 2012

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

S.B. 11-120 Children - youth in foster care. The act sets forth a legislative declaration concerning a bill of rights for youth in foster care, excluding those in the custody of the division of youth corrections or a state mental hospital (youth).

The court shall ensure that youth who are 16 to 18 years of age are provided assistance in obtaining a free credit report for the youth. If there is evidence of identity theft, the person assisting the youth shall inform the court and refer the matter to a governmental or nonprofit entity on a referral list developed by the department of human services (department) for remedial action.

The department is required to promulgate rules concerning policies for allowing youth 12 years of age and older greater access to extracurricular activities, including the waiver of certain fingerprint-based criminal history records checks.

APPROVED by Governor April 8, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-123 Child support enforcement. The act:

- Clarifies that if a father's paternity has been determined pursuant to the law of another state, the father's nonparentage claim must be pursued in the other state. Neither a court nor a delegate child support enforcement unit will order paternity testing for that father, however, a court may stay the proceedings so that the father can pursue his claim in the other state.
- Requires parties in dissolution proceedings and other proceedings involving children to provide social security numbers for themselves and for the children at the commencement of the proceeding;
- Requires certain employer income-withholding payments to be processed through the Colorado family support registry and references those orders in the statute concerning the family support registry;
- Clarifies the terminology for costs that are reimbursed through the assignment of child support rights in foster care cases and removes obsolete language relating to the criteria for the assignment of child support rights to conform with current federal law;
- Adds a reference to temporary assistance to needy families in the definition of child support debt as a type of public assistance that a family may be receiving;

- Clarifies in the notice of financial responsibility for child support that an objection to paternity that was determined pursuant to the law of another state must be resolved in the other state; and
- Clarifies that a delegate child support enforcement unit may enter temporary orders relating to child support if paternity has been determined pursuant to the law of another state.

APPROVED by Governor March 21, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-217 Juvenile detention bed cap. Beginning with fiscal year 2011-12, the juvenile detention bed cap is reduced from 479 beds to 422 beds.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

CONSUMER AND COMMERCIAL TRANSACTIONS

H.B. 11-1221 Consumer credit code - legal remedies - penalties. The act adds legal remedies to the consumer credit laws that are enforced by the administrator of the "Uniform Consumer Credit Code". The act allows:

- The administrator to assess a penalty of up to \$1,000 for each violation of the "Refund Anticipation Loans Act";
- The administrator to assess a penalty of up to \$1,000 for each violation of the "Colorado Rental Purchase Agreement Act";
- The court to assess a penalty of up to \$1,000 for each violation of the "Uniform Consumer Credit Code" and transfers the money to the general fund;
- The district court for the city and county of Denver to order restitution for consumers or creditors for violations of the "Colorado Fair Debt Collection Practices Act", to impose civil penalties per violation, and to award reasonable costs and attorney fees to the administrator if the administrator prevails in an action brought under the "Colorado Fair Debt Collection Practices Act";
- Restitution and penalties for violations of the "Colorado Credit Services Organization Act".

APPROVED by Governor April 20, 2011

EFFECTIVE July 1, 2011

CORPORATIONS AND ASSOCIATIONS

S.B. 11-191 Form of entity - limited cooperative association - adoption of Colorado Uniform Limited Cooperative Association Act - appropriation. The act enacts the "Colorado Uniform Limited Cooperative Association Act" (act), with modifications. The act creates the option of a statutorily defined entity that combines traditional cooperative values with modern financing mechanisms by providing two distinct categories of members: Patron members and investor members. A "cooperative" is defined as an unincorporated association (a "limited cooperative association") of individuals or businesses that unite to meet their mutual interests by creating and using a jointly owned enterprise. The act contemplates the formation of various types of limited cooperative associations, including marketing, advertising, bargaining, processing, purchasing, real estate, and worker-owned cooperatives. A limited cooperative association under the act can be organized to pursue any lawful purpose.

The act establishes:

- Operating definitions and an outline of the nature and powers of limited cooperative associations. The act also deals with the effect of bylaws, required record retention, service of process, and business dealings between members and the limited cooperative association.
- Requirements for records filed with the secretary of state and procedures for signing and filing the records;
- A statutory formation process for limited cooperative associations, including the required contents of articles and bylaws, and the initial organizing directors;
- Qualifications for membership in a limited cooperative association, the rights and powers that come with belonging to the organization, and the requirements for annual members meetings and special members meetings;
- Patron and investor members and creates their interests as personal property interests, consisting of governance rights, financial rights, and the possible right or obligation to do business with the association;
- Authorization of marketing contracts between the limited cooperative association and third parties;
- The directors of the limited cooperative association, their qualifications, and their authority and powers;
- Designation of the governing law for indemnification of individuals who incur liability on behalf of the association and a grant of authority to the association to purchase insurance on these parties' behalf;
- Unless otherwise provided by the association's bylaws, a statutory recognition that member contributions to a limited cooperative association may consist of tangible or intangible personal property or any other benefit to the association, including money, labor, services, promissory notes, agreements to contribute, and contracts to be performed;
- The right of a member to dissociate and the consequences of dissociation, and dissolution of the limited cooperative association itself, including judicial, voluntary, and administrative dissolution;
- The statutory right of a member to maintain a derivative action to enforce an association's right where the association fails or refuses to enforce that right;
- Permission for foreign cooperatives to apply for and receive a certificate of authority to transact business in Colorado;

- A statutory process and required filings for conversion of a limited cooperative association to another entity or vice versa, and the effect of conversion on the rights, duties, liabilities, immunities, and debts of the converting entity;
- A statutory process and required filings for merging of a limited cooperative association into another entity or vice versa, and the effect of merger on the rights, duties, liabilities, immunities, and debts of the merging entity;
- A statutory process and required filings for dissolving a limited cooperative association; and
- Member-approved and nonmember-approved disposition of the association's assets.

The act appropriates \$20,128 from the department of state cash fund to the department of state for implementation of the act.

APPROVED by Governor May 23, 2011

EFFECTIVE April 2, 2012

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

H.B. 11-1110 Nonprofit corporations - residential nonprofits - governance - open meetings - notice - entrance fees - refund upon termination of membership. Current laws governing common interest communities give homeowners the right to attend meetings of the executive board, to receive notice of such meetings, and to have a reasonable opportunity to speak concerning matters that the board will take action on. However, these provisions do not currently apply to nonprofit corporations that operate residential housing developments, including retirement communities, in which membership is offered to persons who reside in the development.

The act adopts provisions similar to the open meeting and notice provisions governing common interest communities. It requires all residential members of a residential nonprofit corporation to be given notice of board of directors meetings, to attend, and to have a reasonable opportunity to speak concerning matters that the board will take action on. The act allows the board to go into executive session to discuss specific topics such as personnel matters, pending litigation, and matters involving the personal privacy of individuals. The board is prohibited from making changes to the articles of incorporation or bylaws in an executive session.

The act also requires a residential nonprofit corporation to refund the entrance fee to a residential member or his or her estate within 90 days after the member ceases to be a residential member, and absolves the member and his or her heirs of liability for periodic payments after 30 days if the termination of the membership was due to the member's death or other reasons beyond his or her control.

Excluded from the definition of a "residential nonprofit corporation" subject to the act are:

- A unit owners' association or other entity subject to the existing statutes governing common interest communities; and
- A nursing care facility, assisted living residence, life care institution, or

continuing care retirement community that is subject to licensure or other regulation by a state agency.

APPROVED by Governor March 11, 2011

EFFECTIVE March 11, 2011

H.B. 11-1324 Nonprofit corporations - residential members - entrance fee refund requirement - applicability. Recent legislation requires a residential nonprofit corporation to refund the entrance fee of a residential member to the member or his or her heirs within 90 days after the member's resignation, termination, expulsion, or suspension from the corporation or the transfer of the residential membership. The act applies this provision only to contracts entered into on or after the effective date of that legislation, which was March 11, 2011, but reinstates the applicability of the provision to all contracts, including those entered into before that date, as of April 1, 2012.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

CORRECTIONS

S.B. 11-104 Community accountability program advisory board - repeal. Pursuant to the recommendations of the department of regulatory agencies, the act repeals the community accountability program advisory board.

APPROVED by Governor March 21, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-176 Security-threat groups - earned time for inmates in administrative segregation. The warden of each correctional facility in the state is given authority to take such measures as are necessary to restrict the confinement of any person who is an active participant of any security-threat group. The act also allows an inmate housed in administrative segregation the opportunity to accrue earned time to be deducted from his or her sentence.

APPROVED by Governor June 3, 2011

EFFECTIVE June 3, 2011

S.B. 11-214 Correctional facilities - decommission - Fort Lyon correctional facility. The act decommissions the Fort Lyon correctional facility in the department of corrections.

APPROVED by Governor May 5, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-241 Parole - parole board member qualifications - training requirements - administrative hearing officers and release hearing officers qualifications and training - special needs parole eligibility - parole presumption inmates with ICE detainees. The act states that 2 members of the state board of parole (board) must have law enforcement experience and one member must have offender supervision experience. The other 4 members must have relevant experience. Each member shall have, at a minimum, 5 years experience in his or her field. The board members must complete at least 20 hours of continuing education each year. The chair of the board must develop a manual for the board members, release hearing officers, and administrative hearing officers by December 31, 2012. The board is permitted to hold parole release reviews without the presence of the inmate at a hearing if the inmate meets certain criteria.

The parole board contracts with administrative hearing officers and release hearing officers to assist with the work of the board. An administrative hearing officer must be an attorney with 5 years of relevant experience. An administrative hearing officer must complete yearly continuing education requirements and comply with all data and information collection requirements of the board. A release hearing officer must have at least 3 years of relevant experience. A hearing release officer must complete yearly continuing education requirements and comply with all data and information collection requirements of the board.

The act clarifies that the failure of a parole board member, administrative hearing

officer, or release hearing office to comply with the training and data collection requirements does not create an appellate right for an inmate.

The act expands the eligibility of inmates who are eligible for special needs parole and requires the department of corrections to identify who is eligible for such parole. The department shall make a recommendation as to whether to release the inmate and must develop a special needs parole plan for the inmate.

The act creates presumptions in favor of parole for nonviolent offenders with immigration detainees.

The act states that it is contingent on House Bill 11-1064 becoming law.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

NOTE: House Bill 11-1064 was signed by the governor May 27, 2011.

H.B. 11-1009 Interstate compacts and agreements - compact for the supervision of adult offenders. The act clarifies provisions concerning the crime of unauthorized residency by an adult criminal offender so as to recognize the 2000 enactment of the "Interstate Compact for Adult Offender Supervision", part 28 of article 60 of title 24, Colorado Revised Statutes. The "Uniform Act for Out-of-state Parolee Supervision", part 3 of article 60 of title 24, Colorado Revised Statutes, is repealed.

APPROVED by Governor March 1, 2011

EFFECTIVE March 1, 2011

H.B. 11-1085 Community corrections - timeline for referral of certain offenders. The act clarifies the existing statutory language for the requirements for the executive director of the department of correction's (executive director's) initial referral of an offender to community corrections prior to the offender's parole eligibility date.

For an offender who is serving a sentence for a class 1 or class 2 felony crime of violence, excluding escape, if the offender has been denied parole for 3 or more years, the executive director may not refer that offender for placement in community corrections until 6 months prior to the offender's second or any subsequent parole hearing date.

APPROVED by Governor March 22, 2011

EFFECTIVE August 10, 2011

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

COURTS

S.B. 11-28 Judicial districts - number of judges for the first and seventh judicial districts. The act changes the number of judges for the first judicial district from 15 to 14 and the number of judges for the seventh judicial district from 4 to 5.

APPROVED by Governor March 11, 2011

EFFECTIVE March 11, 2011

H.B. 11-1018 Authentication of court documents - electronic seal. The act permits a seal of a court or public officer to be electronically attached to or logically associated with an electronic record or document.

The act requires an arrest warrant or search warrant affidavit that is submitted electronically and that includes an electronic signature to be marked as an "original". An arrest or search warrant issued by a judge or magistrate that includes an electronic signature shall also be marked as "original". The issuing judge or magistrate shall facilitate the filing of the warrant and affidavit with the clerk of court in a format that cannot be altered and shall forward a copy containing the electronic signatures to the affiant.

APPROVED by Governor March 11, 2011

EFFECTIVE March 11, 2011

H.B. 11-1076 Judicial fees - time payment fees - all criminal and traffic cases - annual reimposition. The act clarifies that the time payment fee and late fees in judicial actions apply to all criminal cases and traffic infractions. The time payment fee is reimposed annually if all costs, fees, and fines have not been paid in full.

APPROVED by Governor May 19, 2011

EFFECTIVE July 1, 2011

H.B. 11-1117 Elections - election campaign regulations - subpoenas issued by administrative law judges in campaign finance proceedings. If a witness or party fails to comply with an administrative subpoena issued to address an alleged campaign finance reporting violation, the act allows the agency or party that requested or issued the administrative subpoena to petition a district court to order compliance with the administrative subpoena. The witness or party may appear before the district court and show why he or she should not be ordered to comply with the administrative subpoena. If the witness or party fails to appear at the show cause hearing, the district court may issue a warrant for the subpoenaed witness's or party's arrest or impose other sanctions. If the subpoenaed witness or party does not show good cause why he or she should not be ordered to comply with the administrative subpoena, the district court shall order compliance with the administrative subpoena and may impose remedial and punitive fines.

APPROVED by Governor March 21, 2011

EFFECTIVE March 21, 2011

H.B. 11-1153 Judgments and executions - juries and jurors - clarification of juror service. The act defines "juror service" as the period of time during which a person is committed to serving upon a jury, from the time the person reports and checks in on his or her designated reporting date through and until he or she is released by the court or by the jury commissioner.

Each summons to juror service shall include instructions to the juror for retrieving juror service acknowledgment information.

In setting the date to which a trial juror's service is postponed, the jury commissioner shall notify the juror by telephone or in writing of the new date.

The act eliminates statutory language concerning juror service certificates and replaces it with language concerning juror service acknowledgment information. A jury commissioner shall retain juror service acknowledgment information and make it available electronically via the internet for 12 months after jurors have completed juror service. If a juror requests juror service acknowledgment information relating to his or her juror service at any time during the 12-month period, the jury commissioner shall provide the information within 60 days after the request.

Trial juror payments for each juror's service shall be processed by the state by check or electronic funds transfer within 10 days after the conclusion of the juror's service. The state shall process grand juror payments at least on a monthly basis.

APPROVED by Governor March 29, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1203 Criminal record sealing - private custodian seal records. Under current law, if a court orders a criminal record sealed, each custodian of the record must seal the record. The act expands the concept of custodian to include a private entity that has custody of the information and provides that information to others as a part of its business. When a court orders a record sealed, the petitioner shall provide a copy of that order and an electronic notification of the order to any private custodian of the record. When the private custodian receives a copy of the order for sealing, it shall remove each record it has that is subject to the sealing order.

APPROVED by Governor March 29, 2011

EFFECTIVE August 10, 2011

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

CRIMINAL LAW AND PROCEDURE

S.B. 11-7 Failure to register as a sex offender - place of trial. Under current law, the crime of failure to register as a sex offender may be tried in the county in which the offender was released from incarceration for the offense that required registration. The act repeals that option for the place of trial. The act also adds the county in which the offender completed his or her last registration as an additional place for trial.

APPROVED by Governor April 13, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-20 Peace officers - attorney general - department of law employees. The act states that certain assistant attorneys general and employees of the department of law are peace officers whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the peace officers standards and training board.

APPROVED by Governor March 21, 2011

EFFECTIVE March 21, 2011

S.B. 11-85 Offenses relating to morals - prostitution - prostitution offender program authorized. The act authorizes one or more municipal courts to create and administer a program for certain persons who are charged with certain prostitution-related offenses (program). The program shall permit enrollment only by a person who either: (1) has agreed to a deferred sentencing arrangement and has no prior conviction for a prostitution-related offense or for any one of certain offenses involving children or family relations; or (2) has at least one prior conviction for a prostitution-related offense and has been sentenced to complete the program as part of the penalty for a subsequent conviction for one of certain prostitution-related offenses. Each person who enrolls in the program may be required to pay an administration fee, which fee the municipal court or courts shall use to pay the costs of administering the program. To the extent practicable, the program shall be available to offenders, courts, and prosecutors of other jurisdictions. The program shall be administered by the municipal court or courts with assistance from one or more municipal prosecutor's offices, one or more district attorney's offices, one or more state or local law enforcement agencies, and one or more nonprofit corporations that have a stated mission to reduce human trafficking or prostitution.

Enrollment in the program shall be offered to each offender at the sole discretion of the prosecuting attorney in the offender's case.

The act creates the prostitution enforcement resources grant program (grant program) and the prostitution enforcement cash fund (cash fund). A municipal law enforcement agency may apply for a grant to fund efforts to combat prostitution-related offenses. The division of criminal justice within the department of public safety (department) shall administer the grant program and submit annually to the judiciary committees of the senate and house of representatives information regarding the administration of the grant program in the preceding year. The executive director of the department shall promulgate rules for the administration of the grant program. The grant program is repealed, effective July 1, 2018.

A person who is convicted of soliciting for prostitution or patronizing a prostitute may be required to pay a fine of not more than five thousand dollars in addition to any other penalty imposed by the court. A person who is convicted of pandering shall be required to pay a fine of not less than five thousand dollars and not more than ten thousand dollars in addition to any other penalty imposed by the court. The state treasurer shall transfer the moneys collected as fines to the cash fund.

If one or more municipal courts creates and administers a program, the municipal court shall prepare and submit a report to the judiciary committees of the house of representatives and senate concerning the effectiveness of the program. The municipal court shall submit the report not less than 2 years nor more than 3 years after the creation of the program. The report shall include information concerning the cost of the program, the extent to which the cost is mitigated by the imposition of the administration fees, and the effectiveness of the program in reducing recidivism among offenders of the prostitution-related crimes.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-96 Habitual offender sentencing - felony drug possession. A person convicted of a class 6 felony drug possession charge will not be sentenced under the habitual offender statute.

APPROVED by Governor March 25, 2011

EFFECTIVE March 25, 2011

S.B. 11-133 School discipline - interim study. The act creates a legislative task force that consists of 6 legislative members and up to 10 additional members who have knowledge and experience in the areas of school discipline and juvenile justice and who represent various constituencies. The task force will study and assess current school discipline practices and statutes concerning zero-tolerance practices in schools; the use of law enforcement sanctions for school-based behaviors in elementary and secondary public schools; and the interaction of school discipline practices with the juvenile justice system. The task force will hold at least 4 public meetings during the 2011 legislative interim. The task force will also review available, nonidentifying data collected by the department of education, school districts, or law enforcement agencies and may solicit information from national policy and research organizations. The task force will report its findings and recommendations for legislation to the legislative council by November 15, 2011. The task force is repealed, effective July 1, 2012.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

S.B. 11-134 Uniform controlled substances act - offenses and penalties - unlawful use, possession, distribution, manufacturing, dispensing, sale, or cultivation of synthetic cannabinoids or salvia divinorum. The act defines "salvia divinorum" and "synthetic cannabinoids" and adds salvia divinorum and synthetic cannabinoids to the statutory definition of "controlled substances" for purposes of the "Uniform Controlled Substances

Act of 1992". The act prohibits and creates a misdemeanor for the use or possession of any amount of salvia divinorum or synthetic cannabinoids. The act prohibits and creates felony offenses for the distribution, manufacturing, dispensing, sale, or cultivation of synthetic cannabinoids or salvia divinorum.

Synthetic cannabinoids shall not be considered medical marijuana under Colorado law.

APPROVED by Governor June 2, 2011

EFFECTIVE July 1, 2011

S.B. 11-201 Offenses involving fraud - criminal impersonation. The act clarifies some of the elements of the offense of criminal impersonation. The use of false or fictitious personal identifying information shall constitute the assumption of a false or fictitious identity or capacity for the purpose of charging the offense of criminal impersonation.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

S.B. 11-232 Surcharges imposed upon conviction of a crime - child abuse investigation surcharge fund - addition of new crimes triggering surcharge. The act adds the crimes of sexual assault on a client by a psychotherapist, invasion of privacy for sexual gratification, and coercion of involuntary servitude, when the victim in any of the listed crimes is a child, to the list of crimes for which a court may impose a surcharge upon conviction for the benefit of the child abuse investigation surcharge fund.

APPROVED by Governor May 23, 2011

EFFECTIVE July 1, 2011

S.B. 11-254 Community corrections - time credits nonresidential programs - early termination criteria - early termination hearing. The act permits time credit for nonresidential community corrections programs.

The act creates criteria for when a person sentenced to a community corrections sentence may be considered for early termination of his or her sentence. When the person meets the criteria, his or her probation officer must submit a petition for early termination to the court and notify the district attorney and defendant. The court then decides the petition based on the statutory criteria.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

S.B. 11-256 Offenses against property - defacing property - graffiti. The act allows an offender to be charged with defacing property based upon the aggregate cost of the damage that he or she causes over multiple criminal episodes.

The department of transportation is authorized to enter into a memorandum of understanding with a city, county, city and county, or other municipality to allow the city, county, city and county, or other municipality to remove graffiti from a departmental facility at the expense of the city, county, city and county, or other municipality.

The act specifies that certain provisions are contingent on whether or not House Bill 11-1032 is enacted and becomes law.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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 11-1032 was signed by the governor June 7, 2011.

H.B. 11-1016 Furnishing cigarettes or tobacco products to minors. For the purpose of existing provisions addressing the furnishing of cigarettes or tobacco products to minors, the use of cigarettes or tobacco products by a minor, and the use of cigarettes or tobacco products on school property, the act expands the definition of "tobacco product" to include any product that contains nicotine or tobacco and any electronic device that can be used to deliver nicotine to the person inhaling from the device.

The act eliminates the repeal date of the statutes concerning the regulation of tobacco sales to minors.

APPROVED by Governor March 25, 2011

EFFECTIVE March 25, 2011

H.B. 11-1019 Abuse of health insurance crime - exempt school-based health centers. The act exempts school-based health centers who knowingly waive any required deductible or copayment for health care services from the crime of abuse of health insurance.

APPROVED by Governor March 17, 2011

EFFECTIVE March 17, 2011

H.B. 11-1032 Restorative justice - advisements - victim-offender conferences pilot program - restorative justice sentencing option - school use of restorative justice practices- victim advisement of restorative justice. If a defendant appears personally for arraignment, the court may inform the defendant of the possibility of restorative justice as a part of the sentence.

The act authorizes the department of corrections and the division of youth corrections to establish a pilot program to arrange victim-offender conferences if requested by the victim, agreed to by the offender, and the department determines it is safe.

The act adds restorative justice to the options a court has when it imposes an alternative sentence if the defendant is suitable for restorative justice. A suitable defendant maybe required to participate in a restorative justice victim-offender conference as a part of a probation sentence.

Formerly, juvenile diversion programs could, but were not required to, include restorative justice practices; now the programs must include restorative justice. Under former law, juvenile advisements could, but were not required to, include information about restorative justice; now the court must make those advisements. Prior to charging a juvenile for the first time, if the juvenile would be subject to misdemeanor or petty offenses, the district attorney shall assess whether the juvenile is suitable for restorative justice. If the district attorney determines the juvenile is suitable, the district attorney may offer the

juvenile the opportunity to participate in restorative justice rather than charging the juvenile. Prior to sentencing, the court shall order the juvenile to participate in an evaluation to determine whether the juvenile would be suitable for participation in restorative justice victim-offender conferences that would be a part of the juvenile's sentence unless the juvenile was adjudicated for an offense that would make him or her ineligible for restorative justice.

The act encourages each school district in the state and the state charter school institute to implement restorative justice practices that each school in the district or each institute charter school can use in its disciplinary program.

The district attorney must inform the victim about the availability of restorative justice practices and the possibility of a victim-offender conference.

APPROVED by Governor June 7, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1043 Medical marijuana - moratorium extension - residency requirements - laboratory testing and research - seizure provisions - medical marijuana-infused product plant limits - donations and below cost sales - medical marijuana sale provisions - medical records protections - appropriation. The act clarifies a number of provisions in the "Colorado Medical Marijuana Code". The act extends the moratorium for new businesses to apply for a license until July 1, 2012. The act narrows the application of the residency requirements to owners only, as defined by rule of the department of revenue (department). The medical marijuana licensing authority may deny a license for good cause. Manufacturing and cultivation felony drug convictions are licensing disqualifiers.

The act clarifies that a medical marijuana center or a medical marijuana infused-products manufacturer may provide a sample of its product to a laboratory that has an occupational license from the medical marijuana licensing authority for testing. The authority can promulgate rules for the testing and research. A licensed testing laboratory may not have any financial interest in a medical marijuana center or medical marijuana-infused product manufacturer.

The act creates provisions for the seizure of medical marijuana in the event that a licensee has its license revoked or otherwise stops operating a medical marijuana business. When the medical marijuana is seized, there is no obligation by the seizing agency to care for the medical marijuana. The medical marijuana may be destroyed under certain circumstances.

A medical marijuana infused-products manufacturer is limited to having no more than 500 marijuana plants on site unless the manufacturer is granted a waiver. If a medical marijuana center licensee or medical marijuana infused-product manufacturer has multiple center or manufacturing licenses, it can grow all of its medical marijuana at one combined cultivation site.

A primary caregiver who cultivates medical marijuana for his or her patients must register the cultivation site and all patient identification numbers with the medical marijuana state licensing authority and comply with all local laws, regulations, and codes. The

information regarding primary caregiver cultivation locations are confidential, except that a local government or law enforcement agency can make an address specific request to verify the legality of a cultivation operation.

The act allows a center to sell at a reduced cost or donate medical marijuana to indigent patients. A medical marijuana center is authorized to sell immature plants in addition to medical marijuana and medical marijuana infused-products. A medical marijuana center may sell up to 6 immature plants to a patient.

The act allows the division that regulates medical marijuana to grant a waiver to a center under catastrophic circumstances or in the case of a new business to allow a medical marijuana center to purchase more than 30% of its medical marijuana from another center.

The department would be permitted to issue a medical marijuana license to person who has a felony possession or use drug conviction that would not be a felony in Colorado at the time the person applies for licensure.

The act changes the 2-year residency requirement so that it applies only to those applicants who are going to be owners of a medical marijuana business.

The act repeals the provisions that made the location of optional premises cultivation operations confidential.

The act clarifies that if a patient has applied for, but has not yet received, a registry identification card, then the patient may present the application and a photo identification at the time of purchase in lieu of the registration card. The employee at the center must call the department of public health and environment to determine whether the application has been denied. The sale may not be completed if the application is denied. A patient may only present a new application, not a renewal application, to complete a purchase.

A medical marijuana center may use an automated machine located in a restricted access area to complete transactions.

The act states that the labeling of medical marijuana-infused products is a matter of statewide concern.

A physician who holds a valid license to practice medicine in Colorado that does not contain a restriction or condition that prohibits the recommendation of medical marijuana or, for a license issued prior to July 1, 2011, holds a valid, unrestricted and unconditioned license, may provide medical marijuana recommendations.

The act changes the standard for indigency from a level determined by rule to one hundred eighty-five percent of the federal poverty line for the purpose of registering a medical marijuana patient.

The act states that land that is used for the cultivation of medical marijuana cannot be classified as agricultural land for tax purposes.

The first \$1 million in sale tax revenue goes to the circle program at the Colorado mental health institute at Pueblo.

The act clarifies that medical marijuana medical records are medical records for the

purposes of the theft of medical records statute. An owner, officer, or employee of a licensed medical marijuana business, or an employee of the state medical marijuana licensing authority, a local medical marijuana licensing authority, or the department of public health and environment who releases the medical record of a patient commits a class 1 misdemeanor. The state licensing authority may adopt rules regarding licensing action against a licensed business that releases patient information.

The act appropriates one million dollars and 14.5 FTE to the circle program at the Colorado mental health institute by reducing that amount from the department of human services for drug abuse and mental health treatment.

The act appropriates \$7,696 to the department of revenue information technology division and the office of state, planning, and budgeting information office of information technology.

APPROVED by Governor June 2, 2011

EFFECTIVE July 1, 2011

H.B. 11-1051 DNA samples - taken at arrest - expungement no felony conviction. Current law provides that the DNA records based on a sample taken at arrest are expunged if the person is convicted of an offense that is not a felony under the Colorado Criminal Code. The act clarifies that the records are expunged if the person is not convicted of any felony, not just a felony under the Colorado Criminal Code.

APPROVED by Governor March 11, 2011

EFFECTIVE March 11, 2011

H.B. 11-1064 Parole eligibility - presumption for parole - offenders who committed certain drug use or possession offenses - appropriation. The act creates a pilot program establishing a presumption in favor of granting parole for an inmate who is parole-eligible and serving a sentence for a drug use or drug possession crime that was committed prior to August 11, 2011. The inmate must meet other criteria related to previous criminal behavior and institutional behavior to be eligible for the presumption. Once the inmate is eligible for the presumption, he or she must have a parole hearing within 90 days. The chair of the parole board shall provide an annual report to the judiciary committees regarding the presumption.

The act decreases the appropriation to the department of corrections, management, external capacity subprogram, for payments to house state prisoners by \$45,243.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

H.B. 11-1073 Peace officer designation - deputy or special deputy United States marshals. The act designates deputy or special deputy United States marshals as peace officers whose authority is limited pursuant to the statute.

APPROVED by Governor March 18, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1105 Misdemeanor assaults against emergency medical care providers - mandatory jail sentence - restorative justice. If a person is convicted of third degree assault and the victim is a peace officer, emergency medical technician, or firefighter, the court must impose a mandatory jail term that exceeds the maximum, but is no more than twice the maximum for a class 1 misdemeanor. The act adds emergency medical care providers to the category of victims that trigger the enhanced sentencing. After sentencing and before the defendant discharges his or her sentence, the victim is permitted to request that the defendant participate in restorative justice with the victim. If the defendant is suitable for restorative justice, the entity responsible for supervision of the defendant shall arrange the restorative justice practices requested by the victim.

It is third degree assault to throw various bodily fluids at a peace officer, emergency medical technician, or firefighter. The act adds emergency medical care providers to that list.

An "emergency medical care provider" is defined as a doctor, intern, nurse, nurse's aid, physician's assistant, ambulance attendant or operator, air ambulance pilot, paramedic, or any other member of a hospital or health care facility staff or security force who is involved in providing emergency medical care at a hospital or health care facility, or in an air ambulance or ambulance.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1130 Commodity metals - transactions - identification of seller - method of payment - purchaser record retention - scrap theft alert system - commodity metals theft task force. Commodity metals are defined in current law as metals containing brass, copper, and other valuable materials and having a market value of at least 50 cents per pound. Sales of commodity metals are subject to record-keeping requirements and other limitations.

The act modifies the law regulating purchases of commodity metals as follows:

- Eliminates the ability of a seller of commodity metals to verify his or her identity using a nonpicture identification document;
- Requires a buyer of commodity metals to use the scrap theft alert system (system), train employees in using theft alerts generated by the system, and maintain documentation related to such use and training;
- Allows a buyer of commodity metals to pay with cash for any transaction that does not exceed \$300, and, for transactions over \$300, requires a buyer to use a check unless the seller is paid by a process in which a picture is taken of the seller;
- Requires every commodity metals buyer to make a photographic or video record of each seller and the commodity metals that he or she sells, and extends the required period of retention of such records from 90 to 180 days;
- Makes conforming amendments to repeal the requirement that purchasers hold the commodity metals they buy for 5 working days and to repeal the definition of "working day";
- Applies the law regulating scrap metal to sales of less than 25 pounds by repealing an exception;

- Clarifies that the regulation of commodity metal does not apply to precious metal;
- Creates the commodity metals theft task force (task force), describes the composition and duties of the task force, and schedules the sunset review of the task force for July 1, 2016; and
- Declares the theft of commodity metals to be a matter of statewide concern and encourages law enforcement entities and commercial stakeholders in the state to report commodity metals thefts to the system.

APPROVED by Governor April 13, 2011

EFFECTIVE April 13, 2011

H.B. 11-1138 Sex offender management board - department of public safety - duties - report - appropriation. The act extends the repeal of the sex offender management board (board) for 5 years to September 1, 2015, revises the board's duties, and requires the department of regulatory agencies (DORA) to conduct a sunset review of the board prior to the new termination date.

The act:

- Amends statutory language to refer to juvenile offenders as "juveniles who have committed sexual offenses" rather than labeling juveniles as sex offenders;
- Reorganizes and revises provisions relating to board members, including the appointment of board members, the term of the appointment, and the election of board officers;
- Recreates and reenacts the provisions relating to the board's creation and duties;
- Requires the board to prescribe a standardized procedure for the evaluation and identification of adult sex offenders based upon existing research demonstrating that sexually offending behavior is often repetitive and that there is no way to ensure that adult sex offenders with the propensity to commit sexual offenses will not reoffend;
- Requires the board to develop a procedure for evaluating and identifying reliably lower-risk sex offenders;
- Adds family counseling and shared living arrangements to the continuum of treatment programs that may be used for adult sex offenders and juveniles who have committed sexual offenses;
- Clarifies that, to the extent possible, treatment programs may be accessed by all offenders, including those adult and juvenile offenders with mental illness and co-occurring disorders;
- Clarifies that the board's duty to research and analyze the effectiveness of evaluation, identification, and treatment policies and procedures for adult sex offenders;
- Requires the board to complete a review and analysis of factors that contribute to reoffense, the use of cognitive behavioral therapy to prevent reoffense, the use of polygraphs in treatment, and the containment model and its effective application and to prepare and present a report to the judiciary committees of the general assembly, on or before December 1, 2011, concerning the board's research and analysis;
- Authorizes the board, if sufficient moneys become available, to request that approved providers submit data and information to the board necessary to the

- evaluation of the effectiveness of mandated treatment and services;
- Grants the board specific authority to develop an application and review process for the approval of persons to be placed on a list of persons who may provide sex offender evaluation, treatment, and polygraph services pursuant to statute, as well as a renewal process for those persons;
- Establishes a formal process to review complaints and grievances against providers who provide services pursuant to the article;
- Requires the board to refer all complaints or grievances against providers to the appropriate professional licensing board within DORA, which licensing board shall investigate the complaints and grievances and shall provide the board with the results of the investigation and advise the board of any disciplinary action the licensing board takes with respect to a professional license;
- Clarifies that the board may take any disciplinary action permitted by law against the individual or entity, including but not limited to removing the individual from the list;
- Requires the board to review and investigate complaints or grievances against individuals providing polygraph services pursuant to the article; and
- Requires the board to report annually to the judiciary committees of the general assembly regarding information pertaining to the treatment of sex offenders, and the report may include the board's recommendations for legislation related to treatment of sex offenders.

For the 2011-12 state fiscal year, the act appropriates the following moneys for the implementation of the act:

- \$318,565 from the general fund to the department of public safety, division of criminal justice, sex offender supervision; and
- \$152,536 from the sex offender surcharge fund to the department of public safety, division of criminal justice, sex offender surcharge fund program.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

H.B. 11-1151 Cruelty to animals - service animals. The act specifically defines cruelty to a service animal and requires that, in addition to any other penalty imposed, a person who is convicted of aggravated cruelty to a service animal shall make restitution for any veterinary bills and, if necessary, replacement costs of the service animal that are a result of the cruelty incident.

APPROVED by Governor March 30, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1180 Imposition of sentence - presentence or probation investigation. Current law describes 4 purposes of the Colorado Criminal Code. The act adds a fifth purpose: To help courts select for each convicted offender a sentence, sentence length, and level of supervision that addresses the offender's individual characteristics and reduces the potential that the offender will engage in criminal conduct after completing his or her sentence.

The act requires each presentence report submitted by a probation officer to a court to include the results of an actuarial risk-needs assessment of the offender's criminological risks and needs. Each presentence report shall also provide the court with sufficient information to consider whether the offender is a suitable candidate for a sentencing option that does not involve incarceration or a combination of sentencing options that does not involve incarceration; provide the court with sufficient information to consider the appropriate conditions to impose if a defendant is sentenced to probation; describe the projected costs, if known, that are associated with each sentencing option that is available to the court; and set forth the statutory purposes with respect to criminal sentencing.

Before granting probation to an offender, the court shall consider the statutory purposes of sentencing.

APPROVED by Governor April 8, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1189 Bond conditions - driving under the influence - second charge. If a person is arrested for driving under the influence or driving while ability impaired and has been convicted of either offense previously, the court shall order the defendant to abstain from the use of alcohol or abstain from the illegal use of drugs and order monitoring of the abstinence. A defendant may file a motion with the court for relief from the imposed conditions. The court must conduct a hearing to determine whether the conditions are in the interest of justice and serve the public safety. When the court considers whether or not to grant relief, it must consider whether the defendant has voluntarily enrolled in and is participating in a substance abuse treatment program.

APPROVED by Governor April 8, 2011

EFFECTIVE April 8, 2011

H.B. 11-1200 Substance abuse assessment - performed at intake option. The probation department shall perform a substance abuse assessment at intake if the presentence report was waived.

APPROVED by Governor May 5, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1250 Medical marijuana-infused products - rules - packaging requirements. The medical marijuana licensing authority may adopt rules that prohibit the sale of medical marijuana-infused products unless the product is packaged so that it is difficult for a child to open or so that the packaging is labeled "Medicinal product - keep out of reach of children".

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

H.B. 11-1258 Forensic autopsies - when performed - who can perform. A coroner would be required to perform a forensic autopsy or have a forensic autopsy performed in the following circumstances:

- The district attorney requests a forensic autopsy;
- In accordance with circumstances in the most recent version of the "forensic autopsy performance standards" adopted by the national association of medical examiners;
- When the death is apparently nonnatural and occurs in a facility or during services regulated by the department of human services; and
- When the death is the result of an automobile accident and a hospital physician has not documented the extent of the injuries.

A forensic autopsy required by the act must be performed by a board-certified forensic pathologist. A forensic pathologist practicing in Colorado who has not been board-certified as of the effective date of the act is grandfathered in to perform a forensic autopsy. A forensic pathologist who has completed a fellowship may perform a forensic autopsy for up to 4 years from the date of completion of the fellowship before completing board certification. A pathology resident or forensic pathology fellow may perform a forensic autopsy under the direct supervision of a board-certified forensic pathologist.

APPROVED by Governor May 4, 2011

EFFECTIVE May 4, 2011

H.B. 11-1267 Protection orders - applicable crimes - witnesses. A court is allowed to issue protection orders in domestic violence cases with the added restrictions against the defendant concerning the presence at particular locations, contact with victims, possession of firearms, possession of alcohol, or any other restriction that the court deems appropriate to protect the safety of the alleged victim or witness. The act expands the types of criminal cases for which a court can impose these added restrictions to most of the crimes that are subject to the victims' rights act. The act also permits the orders to be entered to protect a witness in those cases. The act clarifies that the order must be for the protection of the victim or witness.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

H.B. 11-1278 Sex offender registration - out of state SVP designation - registration offenses - registration procedure and fees - discontinue registration after completing a deferred judgment - place of trial - use of intensive supervised probation or parole - affirmative defense. Previously, a person could be designated as a sexually violent predator in Colorado based on such a finding or its equivalent in another jurisdiction. The act defines "equivalent" and provides notice and the right to appeal when a person is designated as a sexually violent predator in Colorado based on such a finding or its equivalent in another jurisdiction.

If a defendant is convicted of second degree kidnapping and the person kidnapped is a victim of sexual assault, the defendant is now required to register as a sex offender.

If a defendant is convicted in a tribal or territorial jurisdiction of a sex offense requiring sex offender registration, the defendant is now required to register as a sex offender.

The sheriff of a county jail must submit sex offender re-registration information for a person who is required to register and is held in jail for more than 5 days or is sentenced to jail for any offense.

Previously, the date of a person's registration after initial registration was his or her birthday. The act provides a 5-day grace period for the registration date.

Prior to this act, when a person required to register as a sex offender moved into a different jurisdiction, the offender had to cancel registration with the law enforcement agency in his or her former home and register with the law enforcement agency in his or her new home. The act requires the law enforcement agency in the new home to notify the law enforcement agency in the former home regarding the cancellation of the registration.

Formerly, a law enforcement agency could charge a fee to sex offenders for registration services. The act caps the fee at \$75 for an initial registration and at \$25 for any subsequent annual and quarterly registration in the same jurisdiction, and the fee cannot be charged when an offender updates his or her registration information. If the offender is unable to pay the fee at the time of registration, the fee debt may be sent to civil collections.

Prior to the passage of this act, an adult sex offender who successfully completed a deferred sentence for an offense requiring sex offender registration or a juvenile who discharged his or her sentence for certain offenses requiring sex offender registration could petition to discontinue registration. The act requires the court to consider whether to discontinue the registration requirement when it dismisses the charges in a deferred sentence case or when it discharges a juvenile's sentence. In the case of a juvenile on parole, the department of human services may petition on behalf of the juvenile to discontinue registration before the juvenile's parole is discharged.

The act adds the county in which the offender was released from incarceration for commission of the offense requiring registration as a proper venue for a failure to register as a sex offender charge.

Under the former law, a person convicted of failure to register as a sex offender who is on probation or parole was subject to intensive supervised probation or parole. The act makes the use of intensive supervised probation or parole discretionary with the court or parole board.

The act creates an affirmative defense to a failure to register charge if uncontrollable circumstances prevented timely registration and the defendant registered as soon as the uncontrollable circumstances ceased to exist. If a defendant plans to use the affirmative defense, he or she must notify the district attorney of that intent at least 30 days prior to trial.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

NOTE: The act specifies that certain provisions of the act shall take effect on the same date as Senate Bill 11-007. Senate Bill 11-007 was signed by the governor April 13, 2011.

EDUCATION - PUBLIC SCHOOLS

S.B. 11-12 Policy for student possession and administration of prescription medication. The act eliminates statutory language requiring a student to have a treatment plan before he or she may possess or self-administer medication to treat his or her asthma, food or other allergy, anaphylaxis, or other related, life-threatening condition.

A school district board of education (district board) may adopt and implement a policy whereby a student may possess and self-administer on school grounds, upon a school bus, or at any school-sponsored event any medication that is prescribed by a licensed health care practitioner to be used by the student (prescribed medication). The policy of the district board may restrict a student from possessing and self-administering a prescribed medication, but the policy shall include a process by which the administrators of a student's school make a determination that a student's possession or self-administration of a prescription medication poses a significant risk of harm to the student or to other students. The policy shall also ensure that if a student has medication prescribed for a life-threatening condition, a sufficient supply of the medication is provided to the school by the student's parent or legal guardian, stored safely at the school, and kept readily available to be administered to the student in a timely fashion in the event of a health emergency.

APPROVED by Governor March 25, 2011

EFFECTIVE March 25, 2011

S.B. 11-61 Children with disabilities - appeal process. Prior to passage of this act, if a parent of a child with a disability disagreed with the administrative unit or state-operated program concerning the determination of the child's disability or some other aspect of providing services, the parent was required to go through a two-step appeal process that included a review by a hearing officer at the local level and a subsequent opportunity to appeal to the commissioner of education.

The act changes the appeal process to a single due process hearing at the state level that complies with the federal "Individuals with Disabilities Education Act" and the regulations implementing the federal act. The parent, the administrative unit, or the state program may file a request for a due process hearing simultaneously with the opposing party and the commissioner of education and the department of education shall provide the hearing in compliance with the federal law.

APPROVED by Governor March 21, 2011

EFFECTIVE July 1, 2011

S.B. 11-106 Science and technology education center grants advisory board - repeal. The science and technology education center grants advisory board is repealed.

APPROVED by Governor March 21, 2011

EFFECTIVE March 21, 2011

S.B. 11-111 Educational success task force - intervention education services - remedial education - study. The act creates the educational success task force (task force). The task force will include legislative members appointed by leadership in the senate and the house of representatives and members from the education sector appointed jointly by the state board of education (state board) and the Colorado commission on higher education (commission). The task force members appointed by the state board and the commission

will consist of experts in education, especially in intervention strategies and remedial education, parents, teachers, and other representatives of school districts, public schools, and institutions of higher education.

The task force will review the junctures within a student's academic career at which intervention education services are critical to the student's success; best practices and strategies for providing intervention education services at the elementary and secondary education levels and remedial education at the postsecondary level; the use of the individual career and academic plans; alternative strategies to social promotion; and potential changes to rules, guidelines, and statutes to improve the use of intervention education services at the elementary and secondary levels and remedial education at the postsecondary level. In fulfilling its duties, the task force will work with the education leadership council created by the governor and may respond to the council's requests for information, findings, and reports on topics that are complementary to those assigned to the task force.

The task force will submit a first report of its findings and recommendations to the state board and the commission by July 1, 2012, and may submit a second report prior to July 1, 2013. The state board and the commission will publish the reports on their respective web sites and publicize the reports to the school districts, public schools, and institutions of higher education in the state. The task force will report to the education committees of the senate and house of representatives prior to January 31 in both the 2012 and the 2013 regular legislative sessions. In addition, the task force may recommend legislation to the legislative council for consideration as interim committee bills.

The task force is repealed, effective July 1, 2013.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

S.B. 11-157 Funding for preschool through twelfth grade - supplemental kindergarten enrollment - mid-year adjustments to budget stabilization factor - refinance with federal moneys - appropriation - budget balancing act. The "Public School Finance Act of 1994" (act) is changed as follows:

- For the 2010-11 budget year and each budget year thereafter, the amount of supplemental kindergarten enrollment funding for each school district is equal to 8% of a full-day pupil multiplied by the number of students who are enrolled in kindergarten in the district for the applicable budget year.
- The application of a state budget stabilization factor that reduces total program funding for all school districts and institute charter schools for the 2010-11 and 2011-12 budget years and that requires the department of education and the staff of the legislative council to recalculate the factor mid-year based on actual pupil enrollment and local tax revenues is clarified by stating the general assembly's intent to maintain total program funding at the level established for the applicable budget year after such recalculations are made.
- For the 2010-11 budget year, 2 sources of federal moneys totaling approximately \$216 million have been made available to school districts and are being allocated to districts by the department of education based on the school finance formula specified in the act. The state's share of total program funding for the 2010-11 budget year is reduced by such amount, which will reduce districts' per pupil revenues distributed through the act. The general assembly's intent is that various distributions and allocations that are tied to

per pupil revenues, as well as the calculation of the buyout of categorical programs for affected districts, be calculated as if the state's share of total program funding was not reduced. Districts are held harmless in making such calculations due to the availability of the federal moneys.

The appropriations to both the department of education and the department of higher education for the 2010-11 fiscal year are adjusted to reflect the availability of federal moneys.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-173 School response framework - interoperable communications. The act adds additional public safety agencies and entities to the community partners defined in the school response framework and clarifies that a school district's school safety, readiness, and incident management plan includes interoperable communications. The schools will test the emergency communications equipment and its interoperability with state and local emergency personnel.

The division of fire safety (division) in the department of public safety (department), as part of its regular school fire safety inspections, will inquire concerning any all-hazard drills conducted by a school, the school's communications interoperability with state and local emergency personnel, and the school's implementation of the national incident management system (NIMS). The division may also provide information to schools as part of its regular correspondence with schools concerning emergency response and interoperable communications. The division shall collaborate with the governor's office of information technology, the school safety resource center in the department, and other government entities and community partners to provide information to schools.

The governor's office of information technology will provide information and expertise, along with training and other tools, to the extent possible, to the division for dissemination to schools and to other agencies and public or private and nongovernmental organizations.

The school safety resource center in the department will provide to the division information and resources as determined by the school safety resource center relating to school safety and emergency response planning and training to be disseminated by the division to schools.

APPROVED by Governor June 10, 2011

EFFECTIVE June 10, 2011

S.B. 11-188 Charter schools - financing capital construction for qualified charter schools - increased state oversight. The charter school capital construction moral obligation program (moral obligation program), which allows qualified charter schools to finance capital construction with revenues from bonds issued on their behalf (bonds) by the Colorado educational and cultural facilities authority (CECFA) and to obtain such financing on favorable terms by providing a source of state moneys that can be used to make bond payments if the qualified charter school fails to make such payments, is changed as follows:

- If the state treasurer expends certain moneys from the state charter school interest savings account (account) to make bond payments because a qualified

charter school fails to make the payments, the state treasurer is authorized to withhold charter school per pupil facilities aid moneys that are appropriated annually through the "Public School Finance Act of 1994" to the extent necessary to restore the balance of the account to the account balance prior to the state treasurer's expenditure of moneys from the account.

- Upon the expenditure of moneys from the account or the state charter school debt reserve fund (state fund) by the state treasurer, the state treasurer may file a lien on behalf of the state on the property securing the bonds for which the qualified charter school debt reserve fund is expended. In the event that the state sells the property, the state treasurer is required to deposit any net proceeds from the sale into the state fund and into the account after the state treasurer's costs have been reimbursed.
- CECFA is required to publicly disclose the application requirements, the application and processing timeline, and all issuer fees and expenses that will apply to the transaction of issuing bonds on behalf of a qualified charter school. In addition, CECFA may not charge a trailer fee to a qualified charter school once the bonds have been issued.
- A qualified charter school that has financed capital construction with qualified charter school bonds shall confirm a stand-alone credit assessment or rating of at least investment grade by a nationally recognized rating agency on its outstanding qualified charter school bonds at the time of the issuance of any new charter school bonds.
- If a chartering local board of education or the state charter school institute, as applicable, determines that the charter of a qualified charter school that has financed capital construction with qualified charter school bonds will be revoked or not renewed, the chartering local board of education or the state charter school institute, as applicable, shall notify the state treasurer and the commissioner of education immediately upon such determination. Upon receipt of such notice, the commissioner of education shall suspend the revocation or nonrenewal. The revocation or nonrenewal is suspended for up to 120 days from the date that the commissioner received the notice or, in the event that the revocation or nonrenewal is appealed to the state board of education, 60 days after the state board takes initial action regarding the matter, whichever is later. During the suspension, the state treasurer, the commissioner of education, the charter school, and CECFA shall work with the chartering local board of education or the state charter school institute, as applicable, to determine whether an alternative to the revocation or nonrenewal of the charter exists.

APPROVED by Governor May 19, 2011

EFFECTIVE July 1, 2011

S.B. 11-229 School counselor corps grant program. The act increases the statutory cap on administrative expenses for the school counselor corps grant program from 2% to 3%.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

S.B. 11-230 School finance - base per pupil funding - district total program funding amount - negative factor reduction - general fund surplus transfer to state public school fund - determination of bonded indebtedness debt limit - state trust lands - public school energy efficiency fund - appropriation. Funding for public schools from kindergarten through the

12th grade, as determined by the "Public School Finance Act of 1994" (Act), is modified for the 2011-12 budget year and, in some circumstances, for budget years thereafter, as follows:

Statewide base per pupil funding. For the 2011-12 budget year, the statewide base per pupil funding is increased to \$5,634.77, to account for a 1.9% inflation rate.

Negative factor. The total program funding amount for all school districts and the funding for institute charter schools (total program funding) that is currently reflected in law for the 2011-12 budget year is decreased by \$227,500,000. The name of the factor that results from the calculation used to accomplish the reduction in total program funding is changed from the budget stabilization factor to the negative factor. In addition, the negative factor is extended to each budget year following the 2011-12 budget year without specifying the amount of total program funding for any budget year after the 2011-12 budget year.

Transfer to state public school fund. On the date on which the state controller publishes the comprehensive annual financial report of the state for the fiscal year 2010-11, the state treasurer shall transfer an amount equal to the additional estimated revenue to the state public school fund; except that the transfer shall not exceed \$67.5 million. The additional estimated revenue is the amount by which the June 2011 estimate of general fund revenue prepared by the office of state planning and budgeting for the 2010-11 fiscal year exceeds the March 2011 estimate of general fund revenue prepared by the office of state planning and budgeting for the 2010-11 fiscal year.

The general assembly intends that the general fund surplus that is transferred to the state public school fund be available for appropriation during the 2011-12 budget year through the supplemental process, to be distributed in accordance with the school finance formula to account for mid-year changes in pupil enrollment and the at-risk population and changes in assessed valuations the specific ownership tax from the prior year.

In addition to the changes to the act, other provisions related to funding for public schools are changed as follows:

Determination of debt limit for bonded indebtedness. For bonded indebtedness issued after June 1, 2011, the assessed valuation used to determine a district's limit of bonded indebtedness is the assessed valuation certified on the December 10 prior to the date on which the bonds are issued.

State trust lands. For the 2011-12 and 2012-13 state fiscal years, the following moneys not otherwise allocated from the following sources are transferred to the state public school fund instead of the permanent school fund:

- Interest or income earned on the investment of the moneys in the permanent school fund;
- Proceeds received by the state for the sale of timber on public school lands, rental payments for the use and occupation of the surface of said lands, and rentals or lease payments for minerals on said lands; and
- Royalties and other payments for the depletion or extraction of a natural resource on public school lands.

Public school energy efficiency fund - interest differential. A previously expired requirement that the legislative council staff calculate the additional interest earned on severance taxes paid monthly instead of quarterly is extended to September 1, 2015. The

added interest, up to \$1,500,000, is transferred to the public school energy efficiency fund.

Appropriation. For the 2011-12 fiscal year, the appropriations made in the annual general appropriation act to the department of education are adjusted as follows:

- The appropriation for management and administration, for state charter school institute administration, oversight, and management, is decreased by \$481. Said sum shall be from reappropriated funds transferred from the assistance to public schools, public school finance, state share of districts' total program funding line item appropriation.
- The general fund appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is decreased by \$284,810,465.
- The cash funds appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by \$36,000,000. Said sum shall be from the state public school fund.
- The cash funds appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by \$22,379,885. Said sum shall be from the state education fund.
- The cash funds appropriation for assistance to public schools, public school finance, for hold-harmless full-day kindergarten funding, is decreased by \$329,897. Said sum shall be from the state education fund.
- The cash funds appropriation for assistance to public schools, grant programs, distributions, and other assistance, for facility school funding, is decreased by \$653,000. Said sum shall be from the state education fund.
- The general fund appropriation for the school for the deaf and the blind, for personal services, is increased by \$57,335.
- The appropriation for the school for the deaf and the blind, for personal services, is decreased by \$57,335. Said sum shall be from reappropriated funds transferred from the assistance to public schools, grant programs, distributions, and other assistance, facility school funding line item appropriation.
- The general fund appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is decreased by \$175,946,870.
- The cash funds appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by \$175,946,870. Said sum shall be from the state education fund.

In addition, a footnote in the 2011-12 general appropriation act is adjusted to reduce the amount of funding that the department of education may use to fund students in the accelerating students through concurrent enrollment (ASCENT) program to \$4,443,980.

APPROVED by Governor June 9, 2011

EFFECTIVE June 9, 2011

S.B. 11-266 School districts - background checks required for entities that contract with school districts for direct services. The act requires entities that contract with a school district for services performed for a public school to include a provision requiring background checks for those employees who provide direct services to students, including but not limited to transportation, instruction, or food services. The background check shall be required only for those persons who have regular, but not incidental, contact with

students at least once a month, excluding faculty members from institutions of higher education who contract to teach for the school district and have otherwise undergone a background check.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

H.B. 11-1053 School districts - school attendance law - judicial proceedings to compel attendance. The initiation of court proceedings against a truant minor to compel compliance with the compulsory attendance statute shall be initiated by a school district as a last-resort approach, to be used only after the school district has attempted other options for addressing truancy that employ best practices and research-based strategies to minimize the need for court action and the risk of detention orders against a child or parent.

APPROVED by Governor March 25, 2011

EFFECTIVE March 25, 2011

H.B. 11-1069 Physical activity - policy - minimum requirements. The act directs each school district board of education to adopt a policy that incorporates a minimum number of minutes of physical activity each month, or each day if the school meets less than 5 days per week, into each elementary school student's schedule. The state charter school institute must ensure that each institute charter school, working with its school accountability committee, adopts and implements a physical activity policy that complies with the minimum requirements for a school district policy. If a school currently provides more than the minimum required minutes of physical activity, it cannot reduce the number of minutes except for budgetary reasons. A school cannot substitute noninstructional physical activity for standards-based physical education instruction.

The state board of education is encouraged to include in the school performance report information concerning each school district's and each public school's incorporation of physical activity into the school day.

APPROVED by Governor April 20, 2011

EFFECTIVE April 20, 2011

H.B. 11-1077 Exceptional Children's Educational Act. The act separates the "Exceptional Children's Educational Act" into 2 parts: One concerning children with disabilities and another concerning gifted children. Language related only to gifted children is relocated to the second part.

APPROVED by Governor March 18, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1089 Charter schools - grant applications. Under current law, the state charter school institute (institute) may act as the local education agency for a district charter school or institute charter school in applying for a grant program created by a federal statute other

than the "Individuals with Disabilities Education Act" or the "Elementary and Secondary Education Act of 1965". The act removes the exception for the "Elementary and Secondary Education Act of 1965" and authorizes the institute to act as the local education agency for a charter school applying for a grant under any federal or state statute or program, except the "Individuals with Disabilities Education Act".

If a charter school applies for a grant, using the institute as local education agency and fiscal agent, the charter school will provide to its authorizing school district:

- A copy of the grant application;
- Notice that the charter school did or did not receive the grant; and
- If it receives the grant, a summary of the grant requirements and how the charter school is using the grant moneys and periodic reports on the charter school's progress in meeting the goals of the grant.

If a charter school intends to apply for a grant that its authorizing school district is also intending to apply for, the charter school must seek to collaborate with the school district so that they may jointly apply for the grant. If the charter school and the school district find they cannot agree to collaborate, the charter school may apply independently or in collaboration with other school districts.

APPROVED by Governor March 25, 2011

EFFECTIVE March 25, 2011

H.B. 11-1121 School district employees - licensed and nonlicensed - disqualification from employment for certain felony convictions - Safer Schools Act of 2011 - appropriation. Enacting the Safer Schools Act of 2011, the act prohibits, with certain exceptions, a school district, charter school, or institute charter school (school district), from employing a person in a nonlicensed position if that person has been convicted of certain enumerated felonies, including but not limited to drug and domestic violence felonies. For a felony drug conviction, the disqualification applies for 5 years only, and the person must have committed the drug felony on or after August 25, 2012. With respect to a domestic violence felony, the disqualification applies for 5 years only, provided the person has completed any court-ordered domestic violence training. Notwithstanding the automatic 5-year disqualification from employment in nonlicensed positions for persons with felony drug or domestic violence convictions, the act allows a person to seek reconsideration of the denial of employment from the school district. The school district may hire the person after assessing the current safety risk, using enumerated factors, of employing the person in the position sought.

The automatic disqualification from employment applies to a person whose fingerprint-based background check is completed on or after the effective date of the act and does not require a school district to conduct a second or subsequent background check.

Additionally, the act prohibits the state board of education from granting or renewing a teacher's license, endorsement, or authorization for any person who has committed a drug felony on or after August 25, 2012, for a period of 5 years following the commission of the offense.

The act appropriates \$83,383 to the department of education from the education licensure cash fund and reappropriates \$11,005 to the department of law for the provision

of legal services for the department of education.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1126 Parent involvement - policy - school plans - notice - public meetings. The act encourages each school district board of education (district board) to adopt a parent involvement policy that applies to each of the public schools of the school district. The policy may take into account best practices and strategies and the national standards for family-school partnerships. The district board is encouraged to work with the parent members of the district accountability committee in creating, adopting, and implementing the policy.

If a school of the school district is required to adopt an improvement, priority improvement, or turnaround plan, the school district must notify parents of the requirement to adopt the plan and the timeline for developing and adopting the plan. Prior to finally adopting the plan, the principal or the district board must hold a public hearing to review the plan and the school's progress in improving its performance over the previous school year. Each district board may solicit and accept public or private gifts, grants, or donations to implement the parent involvement programs created by the policy.

The state charter school institute (institute) is encouraged to adopt a comparable parent involvement policy for institute charter schools and is required to comply with the notice and public hearing requirements for institute charter schools that implement improvement, priority improvement, or turnaround plans. The institute may solicit, accept, and expend public or private gifts, grants, or donations to implement the parent involvement programs created by the policy.

APPROVED by Governor April 20, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1201 Educator licenses - renewal - continuous appropriation of fees - proof of lawful presence. To renew a professional educator license, a licensee must show that he or she completed certain professional development activities. In the process of renewing the license, the department of education (department) checks to ensure that the licensee actually completed the activities and that he or she meets the statutory and regulatory requirements for professional development activities. The act creates an affidavit of completion of ongoing professional development activities that a licensee seeking renewal will submit with the renewal application. In the affidavit, the licensee affirms under oath that he or she completed the specified activities within the required time frame and that, to the best of the licensee's knowledge, the activities meet the statutory and regulatory requirements. The department is not required to verify the information in the affidavit.

Under current law, the department collects a fee from each person who seeks issuance or renewal of an educator license or endorsement. The money received as fees is annually appropriated to the department to offset the costs of issuing and renewing licenses and

endorsements. Under the act, the money received as fees is continuously appropriated to the department for the next 3 fiscal years. During that time, the department will report annually to the education committees and the joint budget committee concerning its progress in reducing the time for issuing and renewing educator licenses. Any persons the department hires during these 3 years to assist in reducing the backlog of educator licenses must be independent contractors, and the contracts cannot extend beyond June 30, 2014.

The act exempts the renewal of educator licenses from the list of benefits for which a person must demonstrate lawful presence in the state.

APPROVED by Governor May 4, 2011

EFFECTIVE May 4, 2011

H.B. 11-1254 School district boards - safe school plan - conduct and discipline code - bullying prevention and education grant program - bullying. The act creates the school bullying prevention and education grant program (program) in the department of education (department) to allow a public school, a facility school, or a collaborative group of public schools or facility schools to apply for grants to fund programs to reduce the frequency of bullying incidents. The department shall solicit and review applications from public schools and facility schools for grants. Applying certain minimum criteria, the department may award grants for periods of one to three years. The department shall submit annually to the state board of education (state board) and to the education committees of the senate and house of representatives, or any successor committees, a list of grant recipients, the amount awarded to each grant recipient, the average amount of each grant, the number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient, and the source and amount of each gift, grant, and donation received by the department for the implementation of the program. In selecting grant recipients, the department, to the extent possible, shall ensure that grants are awarded to public schools and facility schools in a variety of geographic areas of the state. Each grant recipient shall report to the department concerning the effectiveness of the programs that are funded by grants from the program.

The state board shall promulgate rules for the administration of the program.

Each applicant for a grant from the program is required to annually survey each student enrolled in the applicant public school or receiving services from the applicant facility school concerning the student's impressions of the severity of bullying in his or her school. The administration of the student surveys shall comply with rules promulgated by the state board. Each applicant school is also required to designate a team of persons who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school.

The school bullying prevention and education cash fund (cash fund) is established in the state treasury. The department may seek, accept, and expend gifts, grants, and donations from public and private sources to fund the program.

The department shall not be required to implement the program until such time as sufficient moneys are transferred or appropriated to the cash fund.

The act requires district charter schools and institute charter schools to adopt and implement policies concerning bullying prevention and education.

The act requires the dress code policy of each school district board of education (local board) to encourage school pride and unity and promote uniformity of dress.

No person shall take any retaliatory action against a student who reports in good faith an incident of bullying, and each school district shall include in its policies appropriate consequences for such action.

APPROVED by Governor May 13, 2011

EFFECTIVE May 13, 2011

H.B. 11-1277 School mandates - alternative education campuses - academic growth and performance data - school turnaround plans - special education - reporting requirements for on-line programs - charter school consortiums - school food authorities. If a bill is introduced before the general assembly that imposes upon a school district or a local board any new mandate, each school district, local board, or board of cooperative services that is affected by the new mandate shall have 7 days after the date of such bill's introduction to prepare and submit to the director of research of the office of legislative council (director) or his or her designee a brief summary of the fiscal impact of the new mandate upon the budget of the school district, local board, or board of cooperative services. The director or his or her designee shall include with his or her analysis each brief summary that is timely received.

The definition of "high-risk student" for purposes of alternative education campuses is defined to include those students who are over traditional school age or lack adequate credit hours for his or her age. The act also removes references to specific dates for the application process for a school to apply to be designated as an alternative education campus.

School districts are allowed more timely access to school and student academic growth and performance data.

Statutory language concerning school turnaround plans is amended, including removing the requirement that the state review panel review restructuring options and district and school turnaround plans.

A provision is added allowing school districts with fewer than 1,000 students to submit a single plan that satisfies both district and school plan requirements. A school district with more than 1,000 but fewer than 1,200 may, upon request and at department's discretion, submit a single plan.

The calculation for enrollment stability at a public school is repealed.

The method for identifying a school for receipt of the governor's distinguished improvement award is amended to include schools that demonstrate growth across multiple years.

Multiple changes are made to the "Exceptional Children's Educational Act" to conform to changes in local and federal regulations and practices.

The act also addresses accreditation, certification, and reporting requirements for on-line programs.

The school counselor corps reporting deadline is changed from April to May.

The staff of the legislative council is directed to request from the department of education information on the fiscal impact of proposed legislation on the local school districts.

Language is added to grant the state board of education the authority to promulgate rules allowing a single charter school or consortium of charter schools to apply for grants and programs. Language is also added to allow a charter school collaborative to act as a school food authority.

APPROVED by Governor June 9, 2011

EFFECTIVE August 10, 2011

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

EDUCATION - POSTSECONDARY

S.B. 11-52 Statewide master plan - systemwide goals - institutional performance contracts - performance-based funding - appropriation. The act includes a legislative declaration concerning the areas of focus for the statewide system of higher education and the intent of the general assembly to provide rewards for institutions of higher education that make progress in these areas.

The act extends to September 1, 2012, the deadline for the Colorado commission on higher education (commission) to develop and submit to the governor and the general assembly the new master plan for the state system of higher education. The act adds consideration of the importance of private and proprietary institutions with regard to higher education in the state to the existing list of issues to be considered in the master plan. The act also adds to the list of minimum goals to be addressed in the master plan, increasing the overall number of degrees and certificates issued and addressing opportunities for students with disabilities to participate in postsecondary education.

When the commission finishes the draft master plan, the governing boards (governing board) of each institution of higher education (institution) will have 30 days, rather than 14, to review it and suggest revisions. The commission is required to discuss and consider any suggested revisions it receives.

The commission will implement the master plan by renegotiating with the governing boards the performance contract for each institution of higher education (institution) to include goals and expectations that are individualized for the institution. The renegotiated contracts must be completed by December 1, 2012. The commission will work with the department of higher education (department), the governing boards, and the institutions to collect state and national data to inform the master plan.

By December 1, 2013, the commission will create a performance-based funding plan (funding plan) by which to appropriate to each governing board, including those of the junior colleges and area vocational schools, a portion of the performance funding amount for the applicable state fiscal year based on the demonstrated success of the institutions controlled by the governing board in meeting the goals and expectations outlined in their performance contracts. The funding plan must specifically address how it will affect the college opportunity fund stipends and the fee-for-service contracts and must ensure that the performance funding is based solely on performance and not on an institution's other funding sources. The commission will recommend to the education committees of the general assembly the necessary statutory changes to implement the funding plan.

After the 2015-16 state fiscal year, in each year in which the general assembly appropriates at least \$706 million in general fund moneys to the state system of higher education, the general assembly will appropriate 25% of the amount by which the general fund appropriation exceeds \$650 million to the governing boards based on the performance of the governing boards' respective institutions in meeting their goals and expectations. The commission will recommend to the joint budget committee the portion of performance-based funding that each governing board should receive.

Beginning with the new performance contracts, the department will negotiate performance contracts with the junior colleges and the area vocational schools to serve as a basis for performance funding.

The act repeals the "Higher Education Quality Assurance Act".

For the 2011-12 fiscal year, the act adjusts the annual appropriations act by transferring from the line item for financial aid, need-based grants, to the line item for the department, \$251,769 and 2.0 FTE.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

S.B. 11-100 Council of higher education representatives - continuation under the sunset law - membership. Pursuant to the recommendations of the department of regulatory agencies, the act extends the repeal requirement of the council of higher education representatives (council) from July 1, 2011, to July 1, 2016. The act updates the statute to reflect the current role of student representatives on the council.

APPROVED by Governor March 31, 2011

EFFECTIVE March 31, 2011

S.B. 11-101 Fixed tuition and fee rate program - continuation under sunset process. Pursuant to the recommendations of the department of regulatory agencies, the act continues the fixed tuition and fee rate program without a future sunset review date.

APPROVED by Governor March 21, 2011

EFFECTIVE March 21, 2011

S.B. 11-204 University role and mission - CSU-Pueblo graduate programs - CU-Colorado Springs. The act allows Colorado state university - Pueblo to offer selected graduate programs.

The act clarifies the role and mission of the Colorado Springs campus of the University of Colorado.

APPROVED by Governor June 10, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-245 Colorado commission on higher education - educator preparation programs - authorization policies. The act clarifies language and requirements concerning educator preparation programs (programs), including the initial process for authorization, reauthorization, reporting, and data collection. The Colorado commission on higher education is required to review the current system and policies surrounding programs and make recommendations, on or before December 30, 2013, for a new system to review, evaluate, and assist programs in meeting statutory requirements.

APPROVED by Governor May 23, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-265 Mesa state college - Colorado Mesa university. The act changes the name of Mesa state college to Colorado Mesa university.

APPROVED by Governor June 6, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-267 Forest health - biomass use work group - state forest management - public utilities commission report. The act creates the "Forest Health Act of 2011" and the Colorado forest biomass use work group. The work group is directed to prioritize its efforts to address critical forested areas of the state, including the wildland-urban interface, electric utility infrastructure, transportation corridors, and water supply and quality. The purpose of the work group is to:

- Identify:
 - Barriers to the creation of a sustainable, market-based model for active forest management and ecosystem health for Colorado's forests;
 - Ways to support Colorado's forest products industry through effective forest management;
 - Ways to promote the use of biomass to reduce the risk of severe insect and disease outbreaks and catastrophic wildfires;
 - The air quality benefits of using the cogeneration of heat and electricity from biomass as a fuel mitigation strategy; and
 - Currently available and potential public and private sources of funding for the development of biomass markets;
- Recommend ways to maximize the Colorado state forest service's effectiveness with regard to:
 - The service acting as an information resource for persons seeking to utilize woody biomass for energy development and the service's participation in the development of federal forest policies; and
 - The use of:
 - Stewardship contracts to achieve land management goals for the national forests and the public lands that support the forest products industry and meet local and rural community needs without competing with the private forest management industry; and
 - Colorado's good neighbor authority under federal law, including pursuant to stewardship contracts; and
 - Promoting projects to facilitate the cogeneration of heat and electricity at publicly owned facilities from the combustion of biomass harvested from a forest in Colorado that is located within a reasonable radius of the facilities; and
- Create an initial report by November 1, 2011, and submit a final report to the general assembly by January 1, 2012, that summarizes the work and findings of the work group and includes specific legislative recommendations for the private sector, regulators, the Colorado state forest service, and the general assembly.

The state board of land commissioners, when it contracts with the Colorado state forest service, must direct the service to use the appropriate methods necessary to ensure

proper management of state trust lands whenever it contracts for the disposition from state lands of timber that has been infested with bark beetles or is harvested from a forest whose health is otherwise in decline or from which the board anticipates declining revenues due to forest health factors.

The public utilities commission is requested to explore all aspects of biomass heat, electric, and gas energy production and to assist the work group.

APPROVED by Governor June 8, 2011

EFFECTIVE June 8, 2011

H.B. 11-1017 Auraria higher education center - Auraria board. The act states that, in the event of the death, resignation, or inability or refusal to act of any elected member of the student advisory committee or the faculty advisory committee of the board of directors of the Auraria higher education center, the student governing body or faculty governing body, respectively, of the institution with the vacancy shall appoint a full-time student or faculty member from that institution to fill the vacancy for the remainder of the term.

APPROVED by Governor March 17, 2011

EFFECTIVE March 17, 2011

H.B. 11-1060 University of northern Colorado - board of trustees - term lengths. The act sets forth the term lengths for appointments made by the governor to the board of trustees of the University of Northern Colorado for those terms expiring in 2011 and 2013.

APPROVED by Governor March 18, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1074 Colorado school of mines - financial aid - fee-for-service funding. Beginning in the 2011-12 fiscal year, the Colorado school of mines will use a portion of its fee-for-service funding to provide merit-based scholarships, need-based financial aid, and graduate fellowships to assist students with in-state classification to attend the institution. By the 2020-21 fiscal year, the Colorado school of mines will use all of its fee-for-service funding for such financial assistance unless the average discounted tuition rate for in-state students is greater than 30%. Beginning in the 2020-21 fiscal year, the Colorado school of mines may use any amount of fee-for-service funding that is not used to maintain the average discounted tuition rate at 30% for other operational expenses. The Colorado school of mines' calculation for the average discounted tuition rate is clarified to reflect that the calculation is based on in-state students.

APPROVED by Governor March 25, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1164 University of Colorado hospital authority board - presiding officer. The act changes who serves as the presiding officer of the board of directors of the university of Colorado hospital authority from the chancellor of the university of Colorado health sciences

center to a university of Colorado hospital authority director designated by the president of the university of Colorado.

APPROVED by Governor April 20, 2011

EFFECTIVE April 20, 2011

H.B. 11-1169 Higher education campus information sharing - risk incidents - immunity. A Colorado state institution of higher education police department ("police department") may share unredacted information regarding incidents that may pose risks to the campus community with certain designated institution administrators and a campus behavioral intervention task force; except that, if the incident is a sexual assault or attempted sexual assault, the police department must redact the victim's identity unless the victim agrees in writing otherwise. A police department may provide information necessary for protection to person on campus who is the subject of a threat of physical violence. Information related to sexual assaults, emergency mental health hold, and protective custody for detoxification may only be disseminated as is necessary. A faculty member, staff member, or student of the campus providing information in good faith to a campus behavioral intervention task force is immune from civil liability. The immunity provided in the act does not nullify or rescind any statutory duty of confidentiality by a licensed professional or victim's advocate or any statutory duty to warn and protect.

APPROVED by Governor April 20, 2011

EFFECTIVE April 20, 2011

H.B. 11-1187 Northeastern junior college - golf club employees - exempt from state personnel system. The act exempts from the state personnel system employment positions for the operation of the public golfing club owned and operated by Northeastern junior college.

APPROVED by Governor March 24, 2011

EFFECTIVE March 24, 2011

H.B. 11-1301 Institutional operations - tuition guarantee contracts - student fees - information security programs - purchasing - personnel services and benefits - capital construction. The act address provisions that directly impact students enrolled at state institutions of higher education (institutions):

- Under laws existing prior to passage of the act, an institution may enter into a contract with a student that guarantees the tuition and fee rate that the student will pay for the full time he or she is enrolled in the institution. The act limits the contracts to addressing only tuition and clarifies that the contracts will take into account the factors addressed in an institution's financial accountability plan.
- The act directs the governing boards of institutions, rather than the Colorado commission on higher education (commission), to adopt fee policies for their respective institutions and specify the minimum requirements for the policies. The commission will still adopt some policies pertaining to the use of student fees and will annually report to the education committees concerning the governing boards' fee policies and the collection and use of student fees. Fees collected by the institutions will not be subject to appropriation.

The act also addresses administrative provisions that increase the institutions'

operational flexibility:

- An institution may create a nonprofit entity if the institution's governing board finds that creating the nonprofit entity would be in the institution's best interests, and the institution need not obtain the commission's approval.
- The act authorizes the governing board of an institution that is an enterprise to contract to indemnify and hold harmless a contractor if the contract serves a valid public purpose, the institution's risk is limited, and the benefits of the contract outweigh the risks. The state risk management fund will not be responsible for any liability claims or expenses that may arise as a result of one of these indemnification contracts, and any claims or expenses must be paid solely from institutional revenues.
- The act clarifies the responsibilities of each institution in adopting and implementing an information security program. The changes remove the requirements that each program be submitted to the commission and the state's chief information security officer for comment, but the institutions will annually report to the department of higher education (department) their compliance with the requirements pertaining to the information security program. The department will review and forward the reports to the chief information security officer.
- The act specifies that an institution may qualify for a special event liquor permit.
- State agencies, including institutions, are no longer required to use the division of correctional industries in the department of corrections (division) when disposing of surplus state property.
- Beginning July 1, 2012, the institutions, including the Auraria higher education center, may, but are not required to, purchase goods and services from the division. In purchasing furniture and office systems, an institution must request a bid from the division and consider the bid on a competitive basis, but the institution is not required to engage in competitive bidding if it chooses to use the division as the sole source supplier for the items.

Certain employee issues are addressed:

- The act amends the list of positions that the president of an institution may exempt from the state personnel system, including adding positions funded by gifts and auxiliary fees. The act also codifies the regulatory definition of professional employee or staff.
- The act exempts from existing limitations contracts entered into by an institution so long as the chief executive officer of the institution, or a designee, determines that certain conditions are met for contracts that implicate the state personnel system.
- The act exempts employees of institutions from the program that recognizes state employees' ideas that improve state government operations.
- The act authorizes an institution or group of institutions to offer group benefit plans (plans) to their classified employees, which plans would be in addition to or in lieu of the plans approved by the state personnel director (director). If the institution or group of institutions chooses to cease offering a plan or offer a new plan, it must give the director 12 months' advance written notice. If, based on actuarial data, the director determines that ceasing to offer the plan would increase the cost to the state in the first year, the institution or group of institutions may cease offering the plan only if authorized to do so

- by the governor.
- The act authorizes the chief executive officer of an institution to offer an employee incentive program for the institution's employees, including classified employees, as an alternative to the general employee incentive plan offered for state classified employees. An institution's employee incentive program must include most of the elements required for the state plan.
- The act adds Fort Lewis college to the list of institutions that are exempt from the requirement of having due process procedures for faculty members who are exempt from the state personnel system.

Finally, the act address issues pertaining to capital construction and facilities:

- The act clarifies that the streamlined review process for cash-funded capital construction projects for institutions applies to projects approved prior to January 1, 2010, and that the 2-year capital improvements project projection that includes the project may be amended and is not subject to additional review or approval.
- For cash-funded capital construction or acquisition projects that are subject to the streamlined review process, the governing board is required to submit only an annual expenditure report to the state controller and not quarterly reports.
- The act clarifies that, if an institution funds a capital construction project using a combination of nonstate moneys and state appropriations, the institution, at any time prior to or after receiving the nonstate moneys, may receive the moneys appropriated from the capital construction fund.
- The act exempts from existing statutory duties purchases of scientific equipment by an institution or by the Auraria higher education center if the purchases do not involve state-appropriated capital construction moneys.
- Limits on how an institution may use any surplus of income, fees, and revenues that were pledged as security for repayment of an advance of moneys to build or equip an auxiliary facility are removed. The governing board must go through the capital construction review process if it uses the surplus on a project that exceeds \$2 million.

The act specifies that certain provisions of the act are contingent on whether or not Senate Bill 11-062 is enacted and becomes law.

APPROVED by Governor June 7, 2011

EFFECTIVE August 10, 2011

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

(2) Senate Bill 11-062 was signed by the governor April 22, 2011.

ELECTIONS

S.B. 11-57 Metropolitan district elections - mail-in ballots - delivery to certain electors. The act allows the board of a metropolitan district (district) having 10,000 or more electors to direct the designated election official to only send mail-in ballots to eligible electors:

- That returned a ballot in one of the 2 most recent district elections; and
- Who have notified the district of the elector's desire to receive a mail-in ballot for the district election.

If the district chooses not to deliver a mail-in ballot to an elector because the elector has not voted in the 2 most recent district elections, the district must mail a postcard notice to the elector informing the elector that he or she may vote in a polling place or may request a mail-in ballot by phone, mail, e-mail, or in person. The postcard notice must also state the contact information for the district and the location of any polling place where the elector may cast a ballot.

APPROVED by Governor April 20, 2011

EFFECTIVE April 20, 2011

S.B. 11-189 Election calendar - federal Military and Overseas Voter Empowerment (MOVE) Act - compliance - dates. The act adjusts several dates on the election calendar so that the state is in compliance with the federal "Military and Overseas Voter Empowerment (MOVE) Act", which requires military and overseas ballots to be delivered to electors no later than 45 days prior to an election. The act moves the:

- Day for precinct caucuses in even-numbered years from the third Tuesday in March to the first Tuesday in March;
- Day for primary elections in even-numbered years from the second Tuesday in August to the last Tuesday in June;
- Deadline for a person who desires to be an unaffiliated candidate for the office of president or vice president of the United States to submit a notarized statement of intent and a filing fee to the secretary of state from 140 days before the general election to 155 days before the general election;
- Time during which a congressional vacancy election may be held from 75 to 90 days after the vacancy occurs to 85 to 100 days after the vacancy occurs;
- Deadline by which petitions for the nomination of an unaffiliated candidate for a congressional vacancy election must be filed from the 30th day after the date of the order issued by the governor to the 20th day after the date of the order issued by the governor;
- Deadline for holding a major political party assembly from 70 days before the primary election to 73 days before the primary election;
- Time for holding county assemblies from not less than 10 days nor more than 30 days after precinct caucuses to no later than 25 days after precinct caucuses. However, if a political party holds its precinct caucuses on the first Tuesday in February in a presidential election year, the county assemblies are to be held not less than 15 days nor more than 50 days after the precinct caucuses;
- Day on which petition circulation and signature gathering may begin for the designation of party candidates by petition from the last Monday in March to the first Monday in February and moves the deadline by which petitions must be filed from 75 days before the primary election to 85 days before the

- primary election;
- Day on which petition circulation and signature gathering may begin for the nomination of unaffiliated candidates by petition from 186 days before the general election to 211 days before the general election and moves the deadline by which petitions must be filed from 140 days before the general election to 155 days before the general election. However, if the petition is for a congressional vacancy election, the deadline to file is moved from 55 days before the congressional vacancy election to the 20th day after the date of the order issued by the governor;
- Day on which petition circulation and signature gathering may begin for the nomination of minor party candidates by petition from the last Monday in March to the first Monday in February and moves the deadline by which petitions must be filed from 75 days before the primary election to 85 days before the primary election. However, if the petition is for a congressional vacancy election, the deadline to file is moved from 55 days before the congressional vacancy election to the 20th day after the date of the order issued by the governor;
- Day by which the election official shall provide notification to an unaffiliated candidate of petition sufficiency or insufficiency from on or before the primary election date to no later than 134 days before the general election;
- Day by which an insufficient petition may be cured by an unaffiliated candidate from 95 days before the general election to 123 days before the general election and moves the day by which the election official must notify the candidate of petition sufficiency or insufficiency after amendment from 90 days before the general election to 113 days before the general election;
- Day by which a candidate must file an affidavit of intent from 70 days before any election that is not a primary election to 110 days before any election that is not a primary election;
- Day by which a petition to qualify as a minor political party must be submitted to the secretary of state from no later than March 1 of the election year for which the minor political party seeks to qualify to the second Friday in January of the election year for which the minor political party seeks to qualify;
- Deadline for a minor political party to hold an assembly from 65 days before the primary election to 73 days before the primary election;
- Deadline by which mail-in ballots must be delivered to uniformed services electors serving outside of the United States from 30 days before the election to 45 days before the election;
- Deadline by which the secretary of state must compile and total the returns for any election other than a primary election from 24 days after the election to 30 days after the election;
- Deadline to request a recount from 20 days after a primary election to 21 days after a primary election and from 24 days after any other election to 31 days after any other election; and
- Deadline to complete a requested recount to 37 days after any election that is not a primary election.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

H.B. 11-1035 Blue book - initiated and referred measures - informational statement. The act requires the ballot information booklet (blue book) to contain a statement before each

initiated and referred measure appearing in the blue book. The statement informs the voter that the title of the initiated or referred measures was drafted by professional staff and is a summary for ballot purposes only. The statement also informs voters that the text of a referred measure was approved by a two-thirds majority of both the senate and the house of representatives of the general assembly and that the text of an initiated measure was drafted by the initiative proponents. Finally, the statement for initiated measures states that the measure is included on the ballot because the proponents have gathered the required amount of petition signatures.

APPROVED by Governor March 17, 2011

EFFECTIVE March 17, 2011

H.B. 11-1072 Initiative petitions - designated representatives - responsibilities. Proponents of a ballot initiative petition are required to designate 2 persons (designated representatives) to represent the proponents in all matters related to the petition. The act specifies the responsibilities of the designated representatives and the requirement to appear at a title board meeting and to certify, by a notarized affidavit signed at the first title board meeting, that they are familiar with the laws related to initiatives and a summary related to the responsibilities of the designated representatives. The secretary of state must prepare this summary and provide a notary public at the title board meeting. If the designated representatives fail to appear at the title board meeting or do not file the affidavit, the title board may not set a ballot title.

In addition, the act requires the following actions related to the designated representatives:

- The designated representatives must file the first printer's proof of the petition sections with the secretary of state;
- The secretary of state must notify the designated representatives whether the printer's proof is approved;
- The designated representatives must file with the secretary of state the bound volumes of the petition sections with signatures; and
- Within 10 days after filing the petition, the designated representatives must file a report with the secretary of state that includes all expenditures made related to circulation of petitions and any addresses used by circulators on their affidavits that the designated representatives or their agents have determined, prior to petition filing, to be false addresses.

Procedures for complaints related to the report and penalties for intentional violations are established.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1219 Military and overseas voters - uniform act. The act contains major portions of the "Uniform Military and Overseas Voters Act" as drafted by the national conference of commissioners on uniform state laws and relocated portions of other statutes. The act:

- Applies to general, congressional vacancy, and primary elections for federal

office; general, recall, or primary elections for statewide office or statewide ballot questions; and any other election coordinated by the county clerk and recorder;

- Defines the role of the secretary of state as the official responsible for the implementation of the act. The secretary of state shall establish an electronic transmission system for the transmission of voting materials, develop standardized absentee-voting materials, and prescribe the form and content of the declaration used by covered voters.
- Specifies that the residence address of a covered voter is the last place of residence of the voter in the state;
- Allows a covered voter to apply for voter registration or request a ballot, in addition to other methods, by use of a federal postcard application. A covered voter may register to vote and request a ballot simultaneously.
- Requires an application for a ballot to be received by the designated election official no later than the close of business of the 7th day before the election if the covered voter wishes to receive the ballot by mail. If the covered voter wishes to receive the ballot electronically, the application must be received by the designated election official no later than the close of business on the Friday before the election.
- Requires a designated election official to deliver a covered voter's ballot no later than 45 days before the election if the covered voter has already requested a ballot or within 72 hours if the covered voter requests a ballot after the 45th day before the election;
- Specifies that a voted ballot must be submitted for mailing, electronic transmission, or other authorized means by 7:00 p.m. on election day, and that a voted ballot will be counted if received no later than the close of business on the 8th day after an election.
- Allows a covered voter to use a federal write-in absentee ballot for all applicable elections;
- Governs a designated election official's use of a covered voter's electronic mail address;
- Requires the secretary of state to publish an election notice containing a list of all federal and statewide offices and all ballot questions that the secretary of state expects to be on the ballot for the election. The notice must also contain instructions for write-in voting. The notice must be published at least 100 days before the election and must be updated as information changes. Counties that have covered voters and maintain a web site must provide a link to the election notice.
- Allows a covered voter to file an election complaint with the secretary of state.

APPROVED by Governor May 13, 2011

EFFECTIVE May 13, 2011

GENERAL ASSEMBLY

S.B. 11-82 State auditor - authority to assess, confirm, and report - security practices of information technology systems maintained by state agencies - political subdivisions - restrictions on public disclosure of information obtained through audit or evaluation. In addition to any other duties granted by law, the act authorizes the state auditor (auditor) to assess, confirm, and report on the security practices of all of the information technology systems maintained or administered by all departments, institutions, and agencies of state government, including educational institutions and the judicial and legislative branches. The auditor may perform similar or related duties with respect to political subdivisions of the state where the auditor has been granted authority to perform financial or performance audits with respect to such political subdivisions. In order to perform such duties, the auditor may conduct penetration or similar testing of computer networks or information systems of the state or a political subdivision, as applicable, assess network or information system vulnerability, or conduct similar or related procedures to promote best practices with respect to the confidentiality, integrity, and availability of information systems technology as the auditor deems necessary in his or her discretion. In conducting such testing, the auditor may contract with auditors or information technology security specialists, or both, that possess the necessary specialized knowledge and experience to perform the required work. The authority of the state auditor, with respect to such information technology system audits, shall be coextensive with the auditor's existing authority.

The act also imposes certain requirements applicable to any testing or assessment of security practices and procedures concerning information technology conducted or caused to be conducted by the auditor.

Finally, the act prohibits the results of any audit or evaluation of information technology systems that are precluded from disclosure under the open meetings law from being released to the public in connection with any such audit or evaluation.

APPROVED by Governor April 13, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1118 Public highway authorities - audits by state auditor. The act authorizes the state auditor to conduct a performance audit of any public highway authority if required to do so by the legislative audit committee, requires the state auditor to pay the costs of an audit, and prohibits the committee from requiring an audit during any year in which the transportation legislation review committee, which is authorized by current law to require either a performance audit or a financial audit of a public highway authority, is required or authorized to meet. The act also clarifies that the state auditor must conduct any audit of a public highway authority ordered by the transportation legislative review committee.

APPROVED by Governor March 31, 2011

EFFECTIVE March 31, 2011

H.B. 11-1239 Bills creating a new crime or changing existing crime - additional information in the fiscal note. When a bill is introduced that creates a new crime or changes the penalty or elements of an existing crime, the fiscal note will include the following information:

- A description of the elements of the proposed new crime, or a description of the new, amended, or additional elements of an existing crime;
- An analysis of whether the new crime or changes to an existing crime may be charged under current Colorado law;
- An analysis of whether the crime classification and associated penalties are appropriate compared to similar types of offenses; and
- An analysis of the current and anticipated future prevalence of the behavior that the proposed new crime or changes to an existing crime intend to address.

APPROVED by Governor March 29, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1310 Capital development - state capitol dome and supporting structures - repair and restoration - funding. The act extends the time allowed for the fund-raising efforts undertaken by a nonprofit statewide historic preservation organization and marketing firm for the restoration of the state capitol dome commonly known as "Share in the Care Colorado". The department of personnel, in cooperation with the entities undertaking the fund-raising efforts, must calculate the value of any in-kind gifts and donations received and present such calculations to the capital development committee for approval.

Additionally, the act:

- Makes the transfer for the 2010-11 fiscal year from the state historical fund for the restoration of the state capitol dome subject to dollar-for-dollar reduction by the moneys deposited into the capitol dome restoration trust fund;
- Transfers an additional amount up to \$5 million for the 2013-14 fiscal year subject to the same dollar-for-dollar reduction;
- Clarifies the language referring to an emergency contingency expenditure; and
- Establishes an end-of-project accounting prior to the end of the 2014-15 fiscal year based on the final total cost of the dome restoration construction project to ensure that all of the transfers from the state historical fund are reduced, dollar for dollar, by:
 - The combined total of moneys deposited into the capitol dome restoration trust fund;
 - Grants for repairs and safety improvements to the state capitol dome and supporting structures made by the state historical society;
 - Any money received for the recycling of salvaged building materials from the state capitol dome during the construction period; and
 - Any in-kind gifts and donations, such as materials or labor, that resulted in the reduction of the total cost of the construction.

Finally, the act extends from July 1, 2013, to July 1, 2016, the repeal of the statutory section requiring the state architect to report to the capital development committee

concerning the progress of repairs and safety improvements to the state capitol dome and supporting structures.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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. 11-110 Open burning - slash pile permit system. Declaring that the act affects matters of statewide concern, the act requires boards of county commissioners in counties that contain forested areas to develop, by January 1, 2012, an open burning permit system for the purpose of safely disposing of slash. Counties that already have a permit system need not meet the act's standards unless they amend the system. "Slash" is defined to mean woody material less than 6 inches in diameter consisting of limbs, branches, and stems that are free of dirt; tree stumps and roots are excluded. The act specifies the factors the board must consider in developing the permit system, including:

- Existing laws and processes that ban, regulate, or have developed recommendations concerning open burning; and
- Knowledge of safe burning conditions, including consideration of, and the advisability of specifying permit limitations concerning, adequate supervision, temperature, humidity, snow cover, wind conditions, fuel type and moisture content, slope, and setbacks from real estate improvements.

The act exempts broadcast burns conducted within federal and state guidelines that have a written prescribed fire plan and agricultural burns from the requirement to obtain a county permit.

APPROVED by Governor April 13, 2011

EFFECTIVE April 13, 2011

H.B. 11-1087 Pest control - reimbursement to counties for charges incurred in operations undertaken by county. If a private landowner enters into a cooperative agreement with a county under which the county agrees to control rodent pests on the landowner's real property, the private landowner must reimburse the county for actual expenses incurred by the county in connection with such rodent pests control operations. The act deletes outdated statutory language. The act removes an existing statutory cap on the annual price to be charged a private landowner by the county for pest control operations.

The board of commissioners of a county may select a published meeting date for the meeting at which a private landowner is given an opportunity to raise objections to the amount and accuracy of the county's claim for reimbursement. The act removes an existing statutory cap on the amount of moneys that may be expended by a county on an annual basis for rodent pests control operations.

APPROVED by Governor March 11, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1199 Permit fee limits - solar energy devices. Existing law, which is scheduled to repeal on July 1, 2011, prohibits counties and municipalities from charging permit fees to install an active solar energy device or system that, in aggregate, exceed the lesser of the local government's actual costs in issuing the permit or \$500 for a residential application or \$2,000 for a nonresidential application. The act:

- Applies these limits to plan review or other fees for solar electric or solar

- thermal devices or systems that produce fewer than 2 megawatts of direct current electricity or an equivalent-sized thermal energy system;
- Limits local governments' review fees to their actual costs for such systems that exceed 2 megawatts of direct current electricity or an equivalent-sized thermal energy system;
- Requires the local government to clearly and individually identify all fees and taxes assessed on an invoice; and
- Extends the repeal date to July 1, 2018.

The act makes these changes with respect to counties and municipalities and applies the updated requirements to agencies, institutions, authorities, and political subdivisions of the state.

APPROVED by Governor June 10, 2011

EFFECTIVE June 10, 2011

H.B. 11-1218 County powers - authority to create federal mineral lease districts. The act allows a county to create a federal mineral lease district (district) for purposes of receiving moneys distributed to the county by the department of local affairs from the local government mineral impact fund. The act specifies requirements for the creation of the district, minimum requirements for establishment of the board of directors of the district, how the district's service plan is to be approved, and the powers and duties of the board of directors of the district.

APPROVED by Governor May 9, 2011

EFFECTIVE May 9, 2011

H.B. 11-1313 Clerk and recorder - extension of recording or filing surcharge. The act extends to June 30, 2017, the \$1 surcharge collected by each county clerk and recorder for each document received by the clerk and recorder for recording or filing.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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. 11-178 Sales tax - exemption - manner of adoption. Certain state sales tax exemptions only apply to the sales tax of a statutory town, city, or county if the governing body of the local government expressly includes the exemption in the initial sales tax ordinance or resolution or by an amendment thereto. The act eliminates the requirement that an amendment to the initial sales tax ordinance or resolution be adopted in the same manner as the initial ordinance or resolution.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-221 Old hire pension plans - unfunded accrued liability - state contribution - reduction - delay - budget package act. The act makes the following changes related to the state's annual contribution to assist in amortizing the unfunded accrued liability of old hire pension plans affiliated with the fire and police pension association (FPPA):

- The state contribution for the 2011-12 fiscal year is reduced by \$20,000,000;
- The state contribution for the 2012-13 fiscal year is reduced by \$15,321,079;
- The state's final contribution is delayed by 4 fiscal years; and
- The payment required during the 2018-19 fiscal year is adjusted to include any additional amounts that are caused by the reductions in the 2011-12 and 2012-13 fiscal years.

In addition, the calculation for determining a local government's contribution is adjusted to be based on eliminating unfunded liabilities no later than June 30, 2019.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

H.B. 11-1031 Creative districts - formation - certification process - oversight by division of creative industries - limits on eligibility of district to receive specified financial incentives - restrictions on permissible use of districts. Counties and municipalities may designate a creative district within their territorial boundaries subject to certification by the division of creative industries within the Colorado office of economic development (division). There are minimum criteria a local government must satisfy in order to have a district certified by the division. There are procedures to be followed in connection with the process for certification. The division has specific powers and duties with respect to the certification process. A coordinator within the division has specified powers in connection with responsibility for administering the certification process.

A creative district may be eligible to receive any financial incentive derived from moneys allocated to the local government limited gaming impact fund under certain conditions.

A creative district shall not be used to prohibit any particular business or the development of residential real property within its boundaries or impose a burden on the operation or use of any particular business or parcel of residential real property located

within its boundaries.

APPROVED by Governor March 22, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1109 Sales tax exemption - authorization - telecommunications provider. The act grants a town, city, or county the authority to exempt from local sales tax the sales to a telecommunications provider of equipment used directly in the provision of telephone service, cable television service, broadband communications service, or mobile telecommunications service. Any exemption must apply in a uniform and nondiscriminatory manner to such services. The sales would remain subject to the state sales tax.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1113 Impact fees - publication by local government on official web site of information concerning such fees. A county or municipal government (local government) that imposes an impact fee must publish, at least once annually, on its official web site, if any, in a clear, concise, and user-friendly format information detailing the allocation by dollar amount of each land development charge collected to an account or among accounts maintained by the local government for the collection of moneys received from such charges, the average annual interest rate on each account, and the total amount disbursed from each account, during the local government's most recent fiscal year.

The act also repeals an outdated statutory provision.

APPROVED by Governor March 11, 2011

EFFECTIVE December 31, 2011

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

H.B. 11-1317 Intergovernmental cooperation - wildland fire mitigation - intergovernmental agreements - extension of deadline for entering into agreements. In 2009, the general assembly enacted statutory provisions requiring each county or municipality (local government) that owns any land area that is located either entirely or partially outside its own territorial boundaries and inside the territorial boundaries of a county and that contains at least 50% forest land or land that constitutes a wildland area to enter into an intergovernmental agreement with the county for the purpose of mitigating forest land or wildland fires affecting the contiguous land areas of the local government and county. The act extends the statutory deadline for entering into such an agreement from July 1, 2011, to July 1, 2012.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

GOVERNMENT - MUNICIPAL

H.B. 11-1122 Home rule charter for municipality - process for obtaining approval of charter - deadlines. In connection with the process for obtaining approval of a home rule charter for a municipality, the act:

- Clarifies that the first meeting of the charter commission is to be held not more than 20 days after the date on which the election on the formation of the commission is certified;
- Extends from 120 to 180 days the period after the election on the formation of the commission by which the charter commission is required to submit to the governing body a proposed charter; and
- Extends from 120 to 185 days the maximum period after publication of the notice of an election to approve the proposed home rule charter during which the election must be held.

APPROVED by Governor March 25, 2011

EFFECTIVE September 1, 2011

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

GOVERNMENT - STATE

S.B. 11-25 Procurement - Colorado Taxpayer Empowerment Act of 2011 - contract documents - performance measures - public inspection. The act enacts the "Colorado Taxpayer Empowerment Act of 2011". Current law makes state procurement information available to the public. To the extent not prohibited by federal law, the act requires each contract entered into by a governmental body under the state "Procurement Code" to contain a provision reflecting this current law and specifying that performance measures and standards are open to inspection by the public as provided in the "Colorado Open Records Act". The act also requires that an agreement entered into by a governmental body with a certified employee organization for state employees under executive order of the governor must specify that the agreement is open to inspection by the public as provided in the "Colorado Open Records Act". If the executive order is rescinded or altered by the governor such that a certified employee organization for state employees no longer represents state employees, the governor must provide written notice of this fact to the revisor of statutes, and that portion of the act is repealed at the time of the governor's notice.

APPROVED by Governor April 8, 2011

EFFECTIVE July 1, 2011

S.B. 11-29 State board of land commissioners - annual reporting requirements. The state board of land commissioners (board) is required to publish the summary of the transactions of the board and the land affairs of the state (land transaction report) by November 1 of each year.

The board is required to provide a report of the portfolio enhancements and additional income generated for the lands held in trust by the board as a result of the investment and development fund (investment and development fund report) by November 1 of each year, rather than by January 1 of each year. The report is due in November beginning in 2011.

The board is required to prepare an annual income and inventory report regarding the lands held in trust by the board by November 1 of each year.

The board is required to provide copies of the land transaction report, the investment and development fund report, and the income and inventory report to members of specified legislative committees, the members of the state board of education, and the state treasurer. In addition, the board is required to make all of the reports available to the public on its web site.

APPROVED by Governor March 22, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-51 Lottery - limited gaming and pari-mutuel wagering - winnings offset and intercept - outstanding state debts. Any unpaid debts due to the state that are certified by the department of personnel to be deducted from a person's cash prize lottery winnings or limited gaming and pari-mutuel wagering winnings. The deduction only occurs after any existing offsets or intercepts for child support and restitution. The act also requires the fee that a limited gaming licensee retains for each outstanding debt intercepted, which fee is established by rule, must be at least \$30.

\$94,500 is appropriated from the debt collection fund to the department of revenue for allocation to the information technology division for the implementation of this act.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-62 Office of information technology - authority and responsibilities of chief information officer - information security plans - funding requirements. The responsibilities of the office of information technology (OIT) in the governor's office with respect to the maintenance of information for state agencies, the approval of information technology procurement, and the acquisition and management of the statewide communications and information infrastructure are modified. The responsibilities of state agencies regarding their consultation with OIT are also modified.

The chief information officer, rather than the governor, is required to appoint the chief information security officer.

The requirements for information security plans of specified state agencies are modified, and the general assembly is required to develop its own information security plan. The department of higher education is subject to the statutory provisions governing information security.

The act further:

- Specifies who is notified in the event of a security incident;
- Makes the chief information officer, rather than the executive director of the department of personnel, responsible for developing facilities standards when acting as a telecommunications network provider;
- Eliminates the telecommunications revolving fund and redirects user fees for telephone and data communications services to the information technology revolving fund;
- Specifies that an agency may only purchase private services if it has worked with and had the purchase authorized by OIT;
- Modifies provisions relating to the charging of services provided by the general government computer center (GGCC) and also certain requirements for seeking private sector bids;
- Eliminates the computer services revolving fund and redirects user fees for GGCC services to the information technology revolving fund.

APPROVED by Governor April 22, 2011

EFFECTIVE April 22, 2011

S.B. 11-76 Public employees' retirement association - employer and member contributions - appropriation. The changes made to certain employer and member contribution rates to the public employees' retirement association (PERA) for the 2010-11 state fiscal year are extended to apply to the 2011-12 state fiscal year. The changes decreased the employer contribution rate for employers in the state and judicial divisions of PERA by 2.5% and increased the member contribution rate of employees in the state and judicial divisions of PERA by 2.5%. For the 2011-12 state fiscal year, the contribution rates will remain changed

as follows:

- For the state division, except state troopers, the employer contribution rate is decreased from 10.15% to 7.65% of salary, and the member contribution rate is increased from 8% to 10.5% of salary.
- For state troopers, the employer contribution rate is decreased from 12.85% to 10.35% of salary, and the member contribution rate is increased from 10% to 12.5% of salary.
- For the judicial division, the employer contribution rate is decreased from 13.66% to 11.16% of salary, and the member contribution rate is increased from 8% to 10.5% of salary.

For the 2011-12 state fiscal year, the general fund appropriation made to the legislative department is decreased by \$531,051, and the appropriations derived from various sources made to the executive and judicial departments are decreased by a total of \$36,560,132.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

S.B. 11-89 Department of revenue - taxation - sunset process - information letters - private letters. Currently, the department of revenue issues a written determination to a taxpayer on the tax consequences of a transaction upon request of the taxpayer. This procedure was scheduled to discontinue on July 1, 2011. The act continues the authority of the department to issue these letters until September 1, 2016.

APPROVED by Governor June 2, 2011

EFFECTIVE July 1, 2011

S.B. 11-90 Weather modification permits - department review of rules - continuation under sunset law. The act requires the executive director of the department of natural resources to ensure that all rules promulgated under the "Weather Modification Act of 1972" are up to date and consistent with the act by June 30, 2012.

The automatic termination date of the executive director's function of issuing permits for weather modification operations is extended until September 1, 2018, pursuant to the provisions of the sunset law.

APPROVED by Governor June 8, 2011

EFFECTIVE June 8, 2011

S.B. 11-92 Vessels - registration by division of parks and outdoor recreation - continuation under sunset law - report required - when. The act continues the vessel registration program (program) administered by the division of parks and outdoor recreation (division) in the department of natural resources for 4 years and implements the recommendation, set forth by the department of regulatory agencies in its 2010 sunset review of the program, to require the division to report to the president of the senate and the speaker of the house of representatives if federal funding for vessel regulation ceases.

APPROVED by Governor May 19, 2011

EFFECTIVE May 19, 2011

S.B. 11-108 Department of public safety - identity theft and financial fraud board - continuation under sunset law. The act eliminates the 2011 repeal of the "Identity Theft and Financial Fraud Deterrence Act" (Act), and extends the Act through September 1, 2016. The identity theft and financial fraud board (board) is expanded from 9 to 10 members by the addition of a representative of a consumer or victim advocacy organization. The governor is required to appoint the new board member on or before July 1, 2011. The attorney general and the executive director of the department of public safety may each appoint a designee to the board rather than serving on the board himself or herself. The act repeals the board's authority to enter into contracts, leases, and other legally binding agreements. The board is required to report to the general assembly on October 1 of each even-numbered year beginning in 2012.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

S.B. 11-115 State auditor - authority to conduct postaudits and performance audits of state special purpose authorities - exceptions. The act gives the state auditor authority to conduct, or cause to be conducted, postaudits of financial transactions and accounts as well as performance postaudits of any state special purpose authority and any state entity designated as an enterprise as defined in the state constitution. Some specific authorities and entities of these types already have laws concerning audit review; however, the act gives the auditor authority to audit all such authorities and entities, except as follows:

- Any special purpose authority or state entity whose governing body includes the state auditor as an ex officio member;
- Any hospital that is subject to audit under the "Colorado Medical Assistance Act" or medicare; or
- Any special purpose authority or state entity where the authority's or entity's actions are subject to a performance audit, or such similar audit, by the federal government.

APPROVED by Governor April 13, 2011

EFFECTIVE April 13, 2011

S.B. 11-156 General fund - reserve - decrease - surplus transfer to state education fund - budget balancing act. For the 2010-11 state fiscal year, the act reduces the statutorily required general fund reserve from 4% to 2.3% of the amount appropriated for expenditure from the general fund. In addition, the state treasurer is required to transfer the general fund surplus that is not kept as such reserve to the state education fund.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-159 Limited gaming moneys - limited gaming fund - distribution requirements and transfers - appropriation - budget balancing act. The act modifies language related to the distribution of 50% of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in the state constitution (state share).

Specifically, the act:

- Removes certain triggers and exceptions related to the distributions for the

- Colorado travel and tourism promotion fund, creative industries cash fund, new jobs incentives cash fund, and innovative higher education research fund;
- Removes and update several obsolete provisions;
- Removes former recipients of moneys from statute, such as the clean energy fund and the state highway fund; and
- Moves statutory language for clarity and organization.

At the end of the 2010-11 state fiscal year and at the end of each state fiscal year thereafter, the state treasurer must distribute the state share as follows:

- The first \$19,200,000 of the state share is transferred to the state general fund;
- Any amount of the state share that is greater than \$19,200,200 but less than or equal to \$48,500,000 shall be transferred as follows:
 - 50% to the Colorado travel and tourism promotion fund;
 - 18% to the bioscience discovery evaluation cash fund for the implementation of the bioscience discovery evaluation grant program;
 - 15% to the local government limited gaming impact fund;
 - 7% to the innovative higher education research fund;
 - 5% to the new jobs incentives cash fund;
 - 4% to the creative industries cash fund for purposes of the council on creative industries, including the administration of the council; and
 - 1% to the creative industries cash fund for the operation of the Colorado office of film, television, and media and for the performance-based incentive for film production in Colorado; and
- Any amount of the state share that is greater than \$48,500,000 to the state general fund.

The act also specifies that if a transfer provides money for a purpose or program that is repealed or otherwise discontinued as of the date of the transfer, then such money shall instead be transferred to the state general fund.

BECAME LAW March 25, 2011

EFFECTIVE March 25, 2011

S.B. 11-160 Colorado office of film, television, and media - performance based incentive - amount available for distribution - budget package act. The act clarifies that the Colorado office of film, television, and media may issue performance-based incentives totaling the amount appropriated to the creative industries division (division) to be used for incentives and any moneys that were not expended or encumbered from previous fiscal years that were also appropriated to the division to be used for incentives. The act clarifies an ambiguity regarding the moneys that were not expended from appropriations in previous fiscal years.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-164 Transfers to augment general fund - 2010-11 state fiscal year - budget balancing act. For the purpose of augmenting the amount of revenues in the state general fund for the 2010-11 state fiscal year, on June 30, 2011, the act requires the state treasurer to make the following new or additional transfers to the general fund:

- \$10,000,000 from the major medical insurance fund;
- \$672,725 from the drug offender treatment fund;

- \$2,853,383 from the contingency reserve fund;
- \$2,500,000 from the Colorado travel and tourism promotion fund;
- \$2,000,000 from the supplemental old age pension health and medical care fund;
- \$4,800,000 from the local government permanent fund;
- \$15,000,000 from the local government mineral impact fund;
- \$200,000 from the Colorado domestic abuse program fund;
- \$5,000,000 from the perpetual base account of the severance tax trust fund; and
- \$60,000,000 from the local government severance tax fund.

APPROVED by Governor March 18, 2011

EFFECTIVE March 18, 2011

S.B. 11-218 State education fund - transfers from certain cash funds - budget package act. The state treasurer is required to transfer the balance of moneys remaining in the following cash funds as of June 30, 2011, to the state education fund:

- The national academic contest fund;
- The financial literacy cash fund;
- The teacher development fund;
- The full-day kindergarten facility capital construction fund;
- The science and technology education fund; and
- The reading assistance grant program fund.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

S.B. 11-222 Capital construction - transfers - budget package act. For the 2010-11 fiscal year, the act transfers \$1,128,624 from the higher education maintenance and reserve fund to the general fund. For the 2011-12 fiscal year, the act transfers \$48,171,749 from the general fund to the capital construction fund.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

S.B. 11-224 Nurse home visitor program - two-year suspension of funding increases - appropriation - budget package act. Subject to an annual cap of \$19,000,000, current law requires the percentage of tobacco litigation settlement moneys received by the state (settlement moneys) that is annually allocated to the nurse home visitor program (program), which is 14% for the 2010-11 fiscal year, to be increased by one percentage point per year thereafter through the 2015-16 fiscal year and to then remain at 19% in perpetuity. Without affecting the \$19,000,000 cap, the act suspends the increase in the annual allocations of settlement moneys to the program by 2 years by requiring the percentage of settlement moneys annually allocated to the program to remain at 14%, subject to a minimum annual allocation requirement of \$12,737,350, for the 2011-12 and 2012-13 fiscal years, to increase to 15% for the 2013-14 fiscal year, to increase by one percentage point per year thereafter through the 2017-18 fiscal year, and to then remain at 19% in perpetuity.

The act also reduces the fiscal year 2011-12 general appropriation act appropriation from the nurse home visitor program fund to the department of public health and environment, prevention services division, family and community health, child, adolescent,

and school health, for the nurse home visitor program, by \$797,627.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

S.B. 11-225 Investment earnings on tier 2 tobacco litigation settlement moneys - transfer to general fund - budget package act. Current law generally requires all interest and income earned on the deposit and investment of tobacco litigation settlement moneys allocated to tier 2 tobacco programs, all unexpended and unencumbered portions of such allocated moneys, and other tobacco litigation settlement moneys, interest, and income contained in certain cash funds and accounts to be transferred to the short-term innovative health program grant fund (grant fund) at the end of any fiscal year. For the 2011-12 fiscal year and for each fiscal year thereafter, the act requires this interest and income to be initially credited to the general fund rather than the cash funds and accounts and requires the rest of these moneys to be transferred to the general fund. The act also transfers the balance of the grant fund to the general fund at the end of the 2011-12 fiscal year.

APPROVED by Governor May 19, 2011

EFFECTIVE May 19, 2011

S.B. 11-226 Transfers to augment general fund - budget package act. For the purpose of augmenting the amount of revenues in the state general fund, the act requires the state treasurer to transfer to the general fund the unexpended and unencumbered balance in the following funds:

- The read-to-achieve cash fund;
- The health care supplemental appropriations and overexpenditures account of the tobacco litigation settlement cash fund; and
- The child welfare action committee cash fund.

The act also requires the state treasurer to make the following specific transfers to the general fund:

- \$249,494 from the debt collection fund;
- \$30,000,000 from the local government mineral impact fund;
- \$48,100,000 from the perpetual base account of the severance tax trust fund;
- \$3,950,000 from the operational account of the severance tax trust fund;
- \$41,000,000 from the local government severance tax fund; and
- \$6,500,000 from the department of human services low-income energy assistance fund.

APPROVED by Governor May 19, 2011

EFFECTIVE May 19, 2011

S.B. 11-231 Colorado channel authority - audio recordings - senate and house of representatives - board of directors - membership. The act authorizes the Colorado channel authority (authority) to make available via the internet audio recordings of proceedings of the general assembly. The act also specifies that certain members of the board of directors of the authority, appointed by the speaker of the house of representatives and the president of the senate and the minority leaders of the house of representatives and the senate, must

be current members of the general assembly and must represent the major political parties in each house of the general assembly.

APPROVED by Governor May 9, 2011

EFFECTIVE May 9, 2011

S.B. 11-239 Division of local government - repeal of requirement to seek report from specified municipalities. The act repeals a requirement that the division of local government in the department of local affairs send a letter by certified or registered mail to the clerk of each incorporated municipality within the state whose population was shown by the last federal census to be less than 1,000 people requiring a report from the municipality that lists the names of the mayor, mayor pro tem, treasurer, and clerk of the municipality, specifies the date of the last municipal election, and includes a certificate that the municipality is continuing to operate under its incorporation.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-251 Department of public safety - firework and fire suppression program fees - division of fire safety - building and fire code adoption and inspections - certification of certain emergency responders. Currently, the executive director of the department of public safety sets the amount of fees charged to offset the cost of firework and fire suppression programs, up to certain specified maximum amounts. The act increases these maximum amounts.

If a local government has not adopted a fire code, fireworks are to be stored in accordance with the fire code adopted by the director of the division of fire safety (division).

The law currently lists specific building and fire codes to be used as minimum standards for limited gaming structures. The act allows the director of the division (director) to adopt the codes by rule.

Building and fire code inspections for school and junior college buildings are currently required to be conducted by third-party inspectors or a prequalified building department. The act gives the division and educational institutions the discretion to choose to use third-party inspectors for such inspections.

Local governments are authorized to reimburse the state for the expenses of the division incurred in providing technical assistance in circumstances where the local government collects a fee for the technical assistance.

A board currently exists to advise the director on the administration of the voluntary firefighter and first responder certification programs. A separate board exists to administer the hazardous materials responder certification program. The act combines these boards and the responsibilities for advising the director in the administration of all 3 certification programs and further authorizes the director to establish standards for and certify rescuers.

APPROVED by Governor May 27, 2011

EFFECTIVE June 30, 2011

H.B. 11-1002 Department of transportation - on-line revenue and expenditure database - appropriation. The department of transportation shall develop, maintain, and make publicly available a searchable, on-line revenue and expenditure database. Specific information about each revenue and expenditure transaction is required. The web-based system is required to include a link to the on-line database.

\$54,538 is appropriated to the Governor-Lieutenant Governor-office of state planning and budgeting for allocation to the office of information technology for computer programming services related to the implementation of the act.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1006 Regional tourism authority - governing board - composition. The act changes the composition of the board that governs a regional tourism authority that is authorized by the Colorado economic development commission when the board is composed of more than 2 local governmental entities. The board will be composed of a single member who is an elected official and a single member who represents the community at large appointed by each local government and one less than an equal number of commercial property owners within the tourism zone appointed by the commission.

In addition, the act changes the composition of a board when the board would be composed of more than 2 local governmental entities that are also counties. The board will be composed of a single member who is an elected official and a single member who represents the county at large appointed by each county government and one less than an equal number of commercial property owners within the regional tourism zone appointed by the commission.

APPROVED by Governor March 1, 2011

EFFECTIVE March 1, 2011

H.B. 11-1011 Board of assessment appeals - additional board member - intervention of affected parties. Current law allows one or more members of the board of assessment appeals (board) to conduct hearings on property tax appeals. The act authorizes an additional board member to be added after a hearing to review the proceedings and render a decision in the event the board members who conducted the hearing are unable to reach a decision. The act also allows the board to permit the intervention of another affected party in a matter pending before the board, subject to certain conditions.

APPROVED by Governor March 11, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1021 Colorado channel authority - fiscal year - change. For fiscal year 2010-11 and thereafter, the act makes the fiscal year of the Colorado channel authority the period

commencing July 1 and ending June 30.

APPROVED by Governor March 11, 2011

EFFECTIVE March 11, 2011

H.B. 11-1030 State procurements - vendor qualifications - soliciting vendors that employ persons with severe disabilities - set aside program for nonprofit agencies that are vendors. The set aside program (program) is modified to require a state agency to first solicit bids from nonprofit agencies that employ persons with severe disabilities when the agency issues solicitations for certain types of services as follows:

- A nonprofit agency must operate in Colorado to be eligible to participate as a vendor in the program; and
- A state agency that awards a solicitation for services to a nonprofit agency pursuant to the program is required to include in the contract with the agency the requirement that the agency must maintain the requirements to participate as a vendor through the program for the entire term of the contract.

APPROVED by Governor March 21, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1036 Public safety - Colorado bureau of investigation - blue alerts - rules. The bill creates the blue alert program (program) within the Colorado bureau of investigation (bureau) to facilitate the immediate apprehension of persons who kill or seriously injure peace officers. Upon receipt of a notice from a law enforcement agency that a peace officer has been killed or suffered a life-threatening injury and the suspect or suspects have fled the scene of the offense, the bureau, using procedures established by rule, shall confirm the accuracy of the information, issue an alert to designated broadcasters, and establish a notification period for the alert.

The bureau shall send the alert, including the notification period associated with the alert, to each designated broadcaster, which shall issue the alert at designated intervals as specified by rule.

The executive director of the department of public safety shall promulgate rules for the implementation of the program.

APPROVED by Governor March 17, 2011

EFFECTIVE March 17, 2011

H.B. 11-1080 Department of personnel - address confidentiality program - appropriation. The act eliminates the requirement that a renewal application to the address confidentiality program (program) be signed and dated by the application assistant who assisted in the preparation of the renewal application. The act moves the program from the office of the secretary of state to the department of personnel and administration (department). The act creates the address confidentiality program grant fund (fund) and continuously appropriates the moneys in the fund to the department for the purpose of paying the costs of

administering the program.

The act appropriates \$128,823 and 2.0 FTE from the address confidentiality program surcharge fund, or so much thereof as may be necessary, to the department of personnel and administration, for allocation to the executive director's office, statewide special purpose, for the address confidentiality program.

The cash funds appropriation for the fiscal year beginning July 1, 2011, to the department of state, administration division, for the address confidentiality program, is decreased by \$164,961 and 2.0 FTE. Of said sum, \$128,823 is from the address confidentiality program surcharge fund and \$36,138 is from the victims assistance and law enforcement fund.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

H.B. 11-1095 Secretary of state - on-line business filing system - password protection - appropriation. In order to ensure the security of the secretary of state's on-line business filing system, the secretary is directed to implement a password-protected system to prevent the fraudulent alteration of data in any filings, updates, or other filing requirements under title 7, Colorado Revised Statutes.

The act appropriates \$360,956 from the department of state cash fund and 1.0 FTE to implement the act.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

H.B. 11-1100 Military education, training, and service experience credit for license and certification - - examining and licensing boards - department of regulatory agencies - division of registrations - appropriation. The act requires the director of the division of registrations and the state examining and licensing boards to accept education, training, or service completed by an applicant for licensure or certification while serving in the military toward the qualifications required to receive the license or certification.

Appropriates \$94,388 to the division from the division of registrations cash fund, of which \$34,484 and 0.4 FTE is reappropriated to the department of law, for implementation of the act.

APPROVED by Governor May 9, 2011

EFFECTIVE January 1, 2012

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

H.B. 11-1115 Construction - retainage - amount withheld - time left for final settlement. Currently, a public entity is allowed to withhold payment for up to 10% of the value of completed work on the first half of a construction project to ensure that the work meets specifications. The act changes that amount to 5% of the value of the entire project. In addition, a public entity must make a final settlement within 60 days after the contract is

completed.

APPROVED by Governor May 26, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1155 Lieutenant governor - concurrent service as head of principal department - decrease in appropriations. The act provides:

- If the lieutenant governor is appointed to concurrently serve as the head of a principal department of state government:
 - The acceptance or retention of the appointment does not result in a forfeiture of the office of lieutenant governor; and
 - The holding of the office of lieutenant governor while concurrently serving as the head of a principal department is deemed not to be incompatible, inconsistent, or in conflict with the duties of lieutenant governor or the duties, powers, and functions of the head of the principal department.
- The lieutenant governor may be compensated for the performance of additional duties and functions relating to a principal department or institution of higher education as an exception to the current prohibition against a state officer or employee receiving compensation or fees from more than one department or institution of higher education.
- If the lieutenant governor is concurrently serving as the head of a principal department, the lieutenant governor shall be paid a combined annual salary that, in total, is commensurate with the annual salary paid for the position of head of the principal department.

To reflect a reduction in state expenditures resulting from the lieutenant governor concurrently serving as the executive director of the department of higher education, the act decreases the appropriation to the department of higher education by \$37,367 from the general fund and 0.5 FTE in the 2010-11 state fiscal year and by \$76,446 from the general fund and 1.0 FTE in the 2011-12 state fiscal year. The reduction in the general fund appropriation is accomplished by decreasing appropriations to the department administration from indirect cost recoveries, and the savings in indirect cost recoveries are used to offset general fund appropriations in the Native American Students/Fort Lewis College line item.

APPROVED by Governor April 6, 2011

EFFECTIVE April 6, 2011

H.B. 11-1160 Governor's energy office - green building incentive pilot program - requirements. The act requires the governor's energy office (office) to create a green building incentive pilot program whereby the office awards grants to qualified homebuyers who are selling current primary residences with home energy ratings below minimum standards and purchasing highly efficient new residential construction. The grant allows the qualified homebuyer to make improvements to the homebuyer's current primary residence for purposes of increasing the residence's energy efficiency. The office is to award grants from federal funds transferred to the office that the office has already received or may receive in the future. To receive a grant, the homebuyer must submit certain documentation

to the office, and the office may require additional information from the homebuyer to secure any additional federal funds.

APPROVED by Governor May 4, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1167 Sealing criminal records - drug offenses - time periods - district attorney approval - no reporting of sealed convictions - advisement of rights - applicability July 1, 2011. The act amends the petition process for sealing certain drug offense criminal conviction records. The time period the defendant has to wait to petition the court to seal the record depends on the severity of the offense. In order to have the record sealed, the defendant must show the court that he or she has not been convicted of another offense or been charged with another offense since the discharge of the offense for which the defendant is seeking to have sealed. The district attorney has the right to object to the petition or veto the request for all offenses except petty offenses. Also depending on the severity of the offense, the court can immediately order the record sealed, can consider the petition based on established criteria, or can hold a hearing to decide the petition. The court, in making the decision whether to seal conviction records, considers the privacy interests of the defendant against the public interest in retaining the conviction records as open records. Conviction records cannot be sealed if the defendant still owes court-ordered restitution, fines, or fees. A defendant who successfully petitions a court for the sealing of conviction records must provide the Colorado bureau of investigation (bureau) and each custodian of the conviction records with a copy of the court's order to seal the conviction records and pay to the bureau any costs related to the sealing of the conviction records in the custody of the bureau.

Employers and certain institutions and agencies are prohibited from requiring an applicant to disclose information in sealed conviction records. Law enforcement will report that there are no public records in response to inquiries about sealed criminal conviction records. The office of the state court administrator must post on its web site a list of all petitions to seal conviction records that are filed with a district court. The act prohibits a district court from granting a petition to seal conviction records until at least 30 days following the posting.

The sentencing court, the probation department, and the defendant's parole officer must advise the defendant of the right to seal conviction records under the appropriate circumstances.

The provisions of the act apply to convictions entered on and after July 1, 2011. For convictions prior to July 1, 2011, the time frames of the act are applicable, but sealing of the criminal records is available only with the consent of the district attorney and subsequent court review and approval.

APPROVED by Governor March 29, 2011

EFFECTIVE March 29, 2011

H.B. 11-1202 Public entity - construction contracts - change orders - appropriations available prior to issuance. The act requires all public works contracts to contain a clause stating that appropriations must be available to a public entity prior to the performance of

any work conducted by a contractor pursuant to a change order.

APPROVED by Governor March 21, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1209 Colorado office of economic development - small business assistance center - small business navigator. The act requires the small business assistance center under the Colorado office of economic development (office) to create a small business navigator to provide a single point of contact for small businesses in order to facilitate and assist small businesses by:

- Diagnosing problems;
- Providing information and streamlining referrals to small business development centers, the Colorado credit reserve program, the federal small business credit initiative, or other such centers or organizations;
- Providing information regarding state government contracting offices and processes;
- Providing assistance with state rules; and
- Conducting any follow-up with the small business as needed.

The office must advise and provide guidance to the small business navigator, but the act specifies in a legislative declaration that the office is to complete only those tasks specified in the act that the office can currently do at no cost and then to transition to other tasks as resources become available and as such tasks become cost effective. The office must submit an annual report to the business, labor, and technology committee of the senate and the economic and business development committee of the house of representatives, or such successor committees, which report shall include the number of small businesses being served by the small business navigator.

APPROVED by Governor May 9, 2011

EFFECTIVE May 9, 2011

H.B. 11-1211 Public entities - restrictions on travel-related expenditures - exemptions - enforcement procedures - sanctions. The act prohibits any public entity from making travel-related expenditures on behalf of a board member, officer, or employee of the entity (covered person) in an amount that would exceed, on a daily basis, 2 times the maximum allowable federal per diem rate that governs the location in which the person is traveling, rounded up to the nearest whole dollar, as determined by the United States general services administration, as of October 1 of the calendar year immediately preceding the fiscal year in which the per diem rate is to be used. The act defines "public entity" to mean any instrumentality of the state that is not an agency of the state and is not subject to administrative direction by any agency of the state. The act defines "travel-related expenditures" to mean expenditures made by a public entity to cover expenses incurred by a covered person for lodging, meals, and incidental expenses in connection with travel undertaken by the covered person for business-related purposes. The act excludes from the definition of the term "travel-related expenditures" the actual costs of travel undertaken by the covered person for business-related purposes including, without limitation, airline fares, taxicab fares, automobile rentals, or reimbursement for automobile mileage expenses.

The act permits a public entity to make:

- Lodging expenditures that are above 2 times the federal per diem rate for travel-related expenditures in connection with an educational conference where an entity other than the public entity is hosting the conference and the person or entity organizing the conference selected the conference hotel or hotels; or
- Travel expenditures that are directly related to a program or a business purpose of a state institution of higher education or a state hospital authority.

In connection with these 2 exceptions to the general restrictions required by the act, the public entity must make available for review by its governing body or for public inspection, upon the provision of reasonable notice, itemization of any expenditures satisfying such exceptions.

If the public entity expends moneys on travel-related expenses on behalf of a covered person in excess of the amount authorized, the covered person must reimburse the public entity for the entire sum in excess of the authorized amount.

The act also prohibits a public entity from making travel-related expenditures on behalf of the spouse or a member of the immediate family of a covered person. In the event a public entity makes travel-related expenditures on behalf of the spouse or a member of the immediate family of a covered person, the covered person must reimburse the public entity for the entire sum spent by the entity on such expenditures.

Any person who believes that a violation of the act's terms has occurred may file a complaint with the secretary of state. The act establishes procedures for the adjudication of the complaint. The act establishes penalties for a violation of its terms, including an order directing a covered person, or the spouse or a member of the immediate family of a covered person, as applicable, on whose behalf illegal travel-related expenditures were made to reimburse the public entity for some or all of the expenditures in accordance with the requirements of the act, injunctive relief, or a restraining order to enjoin the continuance of the violation.

APPROVED by Governor May 27, 2011

EFFECTIVE July 1, 2011

H.B. 11-1212 Performance-based budgeting - lean government principles. A department may apply lean government principles in establishing performance-based goals for purposes of performance-based budgeting. "Lean government principles" is defined as a continuous and rapid process improvement of state government that involves eliminating a department's nonvalue-added processes and resources, providing feedback on process improvements that have the purpose of increasing a department's efficiency and effectiveness, and measuring the outcomes of such improvements. Lean government principles may involve some or all of a list of strategies provided in the act. If applied, a strategic plan must include a report regarding the application of lean government principles.

APPROVED by Governor May 13, 2011

EFFECTIVE May 13, 2011

H.B. 11-1216 Motor vehicle registration - license plates - disabled assistance programs. A disabled-benefit support contract committee is created to contract with a private entity to

help persons with disabilities obtain benefits. The committee consists of the following 9 members appointed by the governor:

- 3 members who are disabled and currently receiving disability benefits or have received application assistance;
- One member of a statewide, cross-disability organization representing persons with disabilities;
- One member who is trained to increase access to disability benefits for persons with disabilities by an organization supported by the United States social security administration;
- One member who is a medical doctor;
- One member who is a mental health professional;
- One member who is an expert in nonprofit management; and
- One member appointed by the executive director of the department of personnel.

The members serve 3-year terms. Standards are set for the contract to provide assistance. A fund is created to implement the assistance program, which sunsets in 2021.

The act authorizes the public and private sale of unique combinations of letters and numbers imprinted on license plates (registration numbers). The license plate auction group is created within the governor's office to raise money by auctioning to a buyer the right to use a registration number and to create a market for the sale of registration numbers. The state's royalty for a private sale is 25%. The group consists of 7 members who are appointed by and serve at the pleasure of the following:

- The executive director of the department of revenue;
- The governor;
- The president of the senate;
- The Colorado advisory council for persons with disabilities;
- The director of the Colorado office of economic development;
- The chief of the Colorado state patrol; and
- The chief information officer of the statewide internet portal.

Procedures are set for selling and issuing a registration number. Purchasers of the registration numbers are authorized to use alternative sources for license plates if the alternatives comply with state standards. The moneys raised from the program are put in a newly created fund and used to pay the expenses of implementing the program, to help persons with disabilities obtain benefits, and to augment the general fund.

A total of \$2,960 is appropriated from the state titling and registration account of the highway users tax fund to implement the act and is reappropriated to the governor's office of information technology for the programming services to be provided to the department of revenue to implement the act.

APPROVED by Governor April 26, 2011

EFFECTIVE April 26, 2011

H.B. 11-1230 Local affairs - financial housing assistance - programs for persons in low- and moderate-income households and persons with disabilities - consolidation of housing programs and transfer of office of homeless youth services into the department of local affairs - appropriation. The act adds to the existing functions of the division of housing

(division) within the department of local affairs (DOLA) serving as the sole state agency for the purpose of administering any state plans for financial housing assistance to persons in low- and moderate-income households for the purpose of assisting such persons in obtaining housing, including, without limitation, rental assistance, technical assistance, the construction and rehabilitation of housing, as well as any other state plan relating to such financial housing assistance that requires state action that has not been made the specific responsibility of any other state agency in accordance with federal or state law. The consolidation of financial housing assistance functions within the division shall include the office of homeless youth services (office), which is now required to perform its powers, duties, and functions under the division and the executive director of DOLA.

No later than July 1, 2011, any program administered by the state that provides financial housing assistance to persons in low- and moderate-income households and persons with disabilities for the purpose of assisting such persons in obtaining housing shall be consolidated within the division. The act exempts from this consolidation requirement a pending grant that may prohibit the transfer of any moneys provided under the grant to a party other than department of human services (DHS). In connection with such consolidation:

- The consolidation is to be organized in such manner that one housing authority will be maintained within the division to assist persons with disabilities and an additional housing authority will be maintained within the division to assist persons in communities statewide;
- The number of housing vouchers made available to persons with disabilities by the division in any one state fiscal year shall not be less than the number of vouchers made available to persons with disabilities by means of programs administered by both the division and DHS as of July 1, 2011;
- The division is required to consult DHS and representatives of persons with disabilities;
- Insofar as the transfers of state employees may become necessary to implement the requirements of this section, any employee transferred is entitled to retain all accrued rights to the state personnel system, if any, and retirement and other benefits under the laws of the state, including any accrued rights within or across principal departments of the executive branch of state government, and his or her service shall be deemed to have been continuous;
- The division and DHS are required to collaborate to achieve an overall reduction of at least 25% in the number of positions allocated to DHS whose job responsibilities are primarily dedicated to the distribution of financial housing assistance to persons in low- and moderate-income households and to persons with disabilities; and
- This portion of the act is repealed, effective July 1, 2012, following the completion of the consolidation process.

The act repeals and relocates provisions concerning the office of homeless youth services from statutory sections concerning DHS to statutory sections concerning the division in conformity with the purpose of the act in consolidating functions of the office within the division.

\$28,840 and 0.5 FTE is appropriated to DOLA, executive director's office, for personal services, or so much thereof as may be necessary, for the implementation of the act. This sum is to be made from reappropriated funds out of moneys DOLA will receive in

federal funds for the implementation of the act.

\$475 is appropriated to DOLA, executive director's office, for operating expenses, or so much thereof as may be necessary, for the implementation of the act. This sum is to be made from reappropriated funds out of moneys DOLA will receive in federal funds for the implementation of the act.

The appropriation to mental health and alcohol and drug abuse services, administration, for supportive housing and homeless programs, is decreased by \$20,071,828 and 19.0 FTE. Said sum shall be from federal funds received from the United States department of housing and urban development.

The appropriation to the office of operations, for personal services, is decreased by \$28,840 and 0.5 FTE. Said sum shall be from federal funds received from the United States department of housing and urban development.

The appropriation to the office of operations, for operating expenses, is decreased by \$475. Said sum shall be from federal funds received from the United States department of housing and urban development.

APPROVED by Governor May 9, 2011

EFFECTIVE July 1, 2011

H.B. 11-1283 Office of economic development - bioscience discovery evaluation grant program. The act extends the repeal date of the bioscience discovery evaluation grant program until July 1, 2018.

APPROVED by Governor May 9, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1289 State historical society - water supply structures - nomination for inclusion in state register of historic properties or register of historic places - multiple property documentation form - procedure - exception for certain state agency action. Currently, a state agency is prohibited from taking action that may adversely affect a property included or nominated for inclusion in the state register of historic properties (state register) unless the agency first appraises the state historical society (society) of its proposed action. The society may then make recommendations to the agency to modify the proposed action in order to preserve the potentially affected property. The act creates an exception to this process for the department of natural resources, the department of public health and environment, and their subdivisions when acting with regard to water supply structures.

Under federal law, states with federally approved historic preservation programs (such as Colorado) are responsible for nominating eligible properties to the national register of historic places (national register) and may also request approval from the keeper of the national register (keeper) of documents describing the historical significance of categories of properties by submitting to the keeper multiple property documentation forms. In Colorado, the entity with such nominating and requesting authority is the society. The act requires the society to provide notice to and obtain the consent of every person having a property interest, including an interest in water, in a water supply structure prior to

nominating the structure for inclusion in either the state register or the national register. If, within a specified period of time after receiving the notice, such a person objects to the inclusion, the society is prohibited from proceeding with the nomination. The act also requires the society to obtain the approval of the state engineer in the division of water resources (part of the department of natural resources) before requesting approval from the keeper of a document describing the historical significance of a water supply structure.

APPROVED by Governor May 9, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1297 Statewide internet portal authority - state and local government access to products and services - funding. The act adds state agencies and local governments to the interests to be served by the statewide internet portal authority (authority), in addition to members of the general public. The act also:

- Directs the authority to enable access to products and services as well as information;
- Allows the authority to fund its activities using revenue derived from the sale of services, products, or information; and
- Strikes current language requiring state agencies to annually report the amount of fees they charge for access through the statewide internet portal and subjecting the authority to performance audits.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

H.B. 11-1307 Recovery audit program - conversion to ongoing program - creation of recovery audit cash fund - process clarification. The act modifies the recovery audit program (program) originally enacted by House Bill 10-1176 by:

- Clarifying that the recovery audit process applies to all improper payments rather than only to overpayments;
- Converting the program from a one-time to an ongoing program by requiring the state controller to enter into new 3-year recovery audit contracts every 3 years and allowing the state controller to propose recovery audit exemption changes for each 3-year recovery audit cycle;
- Authorizing the state controller to propose to exempt any state agency or portion of a state agency from recovery audits;
- Extending the date before which the legislative audit committee or the joint budget committee of the general assembly may veto a proposed recovery audit exemption from May 1 to June 30 of the year in which the state controller proposed the exemption;
- Limiting and clarifying the extent of the authority of the state controller to recover costs incurred by the state controller and other state agencies in the recovery audit process and to reimburse state agencies for those costs;
- Requiring the state controller to reimburse federal agencies for any amounts recovered from federal programs in accordance with federal statutes, rules, and regulations;
- Creating the recovery audit cash fund (cash fund), requiring all moneys

- collected from recovery audits and all interest and income earned on the deposit and investment of the cash fund to be credited to the cash fund, and requiring any moneys remaining in the cash fund at the end of each recovery audit cycle to be credited to the general fund or to the other fund from which an improper payment was made if the state constitution specifies the purposes for which that fund may be used or if the improper payment was made with moneys originally received by the state as a fiduciary or as gifts, grants, donations, or custodial funds; and
- Requiring the state controller to manage all state agency recovery audits conducted under the program.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

H.B. 11-1311 Economic development - Colorado regional tourism act - project applications - additional project approvals. In the calendar year following the Colorado economic development commission's (commission) approval of up to 2 applications from local governments for large-scale tourism related projects (projects) pursuant to the "Colorado Regional Tourism Act", the commission may approve an additional 2 project applications. The commission may approve another 2 project applications in the calendar year following the commission's approval of the first additional 2 projects.

APPROVED by Governor June 10, 2011

EFFECTIVE June 10, 2011

H.B. 11-1315 Independent ethics commission - political party affiliation requirements for commission members. Statutory provisions providing that the independent ethics commission have an equal number of members appointed that are from the major political parties are modified to specify that no more than 2 members of the independent ethics commission shall be affiliated with the same political party, thereby conforming to provisions of the state constitution.

APPROVED by Governor May 19, 2011

EFFECTIVE May 19, 2011

HEALTH AND ENVIRONMENT

S.B. 11-21 Water and wastewater facility operators certification board - members - repeal of term limits. The act removes the term limits currently in place for members of the water and wastewater facility operators certification board.

APPROVED by Governor March 25, 2011

EFFECTIVE July 1, 2011

S.B. 11-40 Health - youth athletic activities - concussion management - coach required education. The act creates the "Jake Snakenberg Youth Concussion Act". Each public and private middle school, junior high school, or high school and each private club or recreation facility is directed to require each coach with primary supervisory responsibility for a youth athletic activity to complete an annual concussion recognition education course. The education course must include:

- Information on how to recognize the signs and symptoms of a concussion;
- The means of obtaining proper medical attention for a person suspected of having a concussion; and
- Information on the nature and risk of concussions.

If the coach suspects that a youth athlete has sustained a concussion, the coach must immediately remove the youth athlete from a game, competition, or practice. Unless the signs or symptoms of a concussion can be readily explained by another condition, the youth athlete is not permitted to return to any supervised team activities involving physical exertion, including games, competitions, or practices, unless the youth athlete has been evaluated by a health care provider and has received written clearance to return to play from the health care provider.

A doctor of chiropractic with training and specialization in concussion evaluation and management is allowed to evaluate and provide clearance to return to play for an athlete who is part of the United States olympic training program. A registered athletic trainer may be permitted to manage the graduated return to play after the concussed athlete has received clearance to return to play from a health care provider.

The act does not abrogate or limit the existing immunities that apply to public entities and public employees, volunteers and board members, and ski operators.

A youth athletic activity includes an organized athletic activity where the majority of the participants are 11 years of age or older and under 19 years of age.

APPROVED by Governor March 29, 2011

EFFECTIVE January 1, 2012

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

S.B. 11-84 Long-term care facilities - employment of physicians. The act expands the definition of "health care facility" to include "long-term care facility" and allows long-term care facilities to employ physicians directly or indirectly through a separate entity authorized to conduct business in this state that has common or overlapping ownership as an affiliate or subsidiary of an entity that owns, controls, or manages the long-term care facility. The

act clarifies that a person who is not licensed as a physician shall not direct or control medical decisions or the practice of medicine at the facility.

APPROVED by Governor April 13, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-161 Department of public health and environment - laboratory cash fund - budget balancing act. With the exception of fees allocated to the newborn screening and genetic counseling cash funds, fees collected by the department of public health and environment in connection with the operation of its laboratories are currently not deposited in a cash fund. Consequently, at the end of each fiscal year the unencumbered balances of those revenues are transferred to the general fund. This prevents the department from accumulating these revenues and thereby increases the cost to finance the acquisition of expensive laboratory equipment. By creating a laboratory cash fund in which unencumbered revenues will accumulate, the act reduces the department's acquisition costs.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-235 Air quality - permit modeling backlog - nongovernmental modeling engineers - appropriation. To reduce the current backlog of air quality permit applications, the act authorizes the division of administration in the department of public health and environment to give permit applicants the option to have the air quality modeling for their permit performed by nongovernmental air quality modeling engineers when the division expects that the backlog will prevent permits from being issued pursuant to statutory deadlines. The option is not available to major sources subject to the prevention of significant deterioration program. The applicant pays the costs of the contract engineer, and the division must use the results of the modeling for purposes of the division's permit application analysis.

The act appropriates \$194,377 from the stationary sources control fund and 0.2 FTE for allocation to the division to implement the act.

APPROVED by Governor June 9, 2011

EFFECTIVE June 9, 2011

S.B. 11-272 Income tax - voluntary contribution - adult stem cells cure fund. The act extends the period for which state income tax return forms shall include a line allowing individual taxpayers to make a voluntary contribution to the adult stem cells cure fund. The line for the fund shall appear on such forms for income tax years commencing on or after January 1, 2011, but prior to January 1, 2016.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1026 Water quality - storm water management system administrators. For purposes of facilitating compliance with the Colorado discharge permit system for storm water

discharge, the act:

- Authorizes the division of administration in the department of public health and environment (division), upon application, to designate one or more storm water management system administrators, in which persons required to obtain a Colorado discharge permit system storm water construction permit from the division may voluntarily participate;
- Establishes criteria for designation and revocation of designation as a storm water management system administrator, which must operate as a nonprofit entity;
- Specifies that the disclosure of a participant's third-party audit to a storm water management system administrator is not a disclosure under Colorado's environmental self-audit law;
- Specifies that the division may consider third-party audits conducted as part of a storm water management system administrator's program to be part of a municipal separate storm sewer system's (MS4) compliance oversight program conducted in the course of the MS4 meeting permit requirements of the division, if the MS4 formally participates in the storm water management system administrator's program and the MS4 implements procedures to demonstrate and report to the division that the administrator's program is meeting the requirements for third-party audits;
- To the extent allowed by federal law, authorizes the division and the MS4 to reduce compliance oversight activities for discharging facilities that participate in a storm water management system administrator's program;
- Makes participation in a storm water management system administrator's program strictly voluntary;
- Specifies that the act does not give a storm water management system administrator regulatory authority or the authority to impose any fine. Also specifies that the act does not limit the authority of an MS4 to implement an MS4's permit or otherwise supersede the MS4's requirements.
- Authorizes the department of public health and environment to expend moneys in the water quality improvement fund for providing grants for storm water management training and best practices training; and
- Appropriates \$99,436 and 0.6 FTE to the department of public health and environment for allocation to the division for implementation of the act. Of this amount, \$49,436 and 0.6 FTE is from the water quality control fund and \$50,000 is from the water quality improvement fund.

APPROVED by Governor May 9, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1101 Exemption from state licensure requirements - federally qualified health centers. Under current law, community clinics, like some other health facilities, are required to obtain a license from, submit to on-site inspections by, and obtain approval of construction plans from the department of public health and environment (department).

The act excludes from the definition of a community clinic any clinic that is a federally qualified health center (FQHC) under the federal "Social Security Act", thereby exempting FQHCs from state licensure and related requirements. While an FQHC will no

longer be licensed by the department, an FQHC continues as a general provider under the Colorado indigent care program.

APPROVED by Governor April 8, 2011

EFFECTIVE April 8, 2011

H.B. 11-1181 Children - child fatality review team. The act codifies and modifies certain processes of the existing department of human services child fatality review team (team) and sets forth in statute its membership, duties, and reporting requirements. The department of human services is authorized to promulgate rules to reflect statutory modifications to the team.

APPROVED by Governor April 20, 2011

EFFECTIVE April 20, 2011

H.B. 11-1183 Death certificate - indicate pregnancy at time of death. If an autopsy is performed, the medical professional issuing a death certificate must indicate whether the decedent was pregnant at the time of death. The information is then included on the death certificate.

APPROVED by Governor March 31, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1281 Health care professional loan forgiveness programs - consolidation of nursing teacher loan forgiveness pilot program with health professional loan repayment program - appropriation. Under current law, Collegeinvest administers the nursing teacher loan forgiveness pilot program to assist nursing faculty in paying off student loans. Additionally, the Colorado commission on higher education (commission) administers the nursing faculty fellowship program, which funds fellowships for persons employed in a nursing school teaching position.

The act retains the authority of collegeinvest to administer remaining obligations under the current nursing teacher loan forgiveness program, eliminates the authority of collegeinvest to enter into any new loan repayment obligations under the nursing teacher loan forgiveness program, repeals the nursing faculty fellowship program, and expands the health professional loan repayment program, known as the Colorado health service corps, which is administered by the primary care office (office) in the department of public health and environment, to allow nursing faculty and health care professional faculty members serving in qualified faculty positions at educational institutions with accredited nursing or health care professional training programs to obtain loan repayment through the Colorado health service corps.

The membership of the Colorado health service corps advisory council is adjusted to add at least 2 members representing professional nursing organizations, at least 2 advanced practice nurses who hold faculty positions at 2 different educational institutions, and one advanced practice nurse who holds a faculty position at a 2-year educational institution.

The act retains \$227,000 of the balance in the nursing teacher loan forgiveness fund for purposes of paying outstanding loan repayment obligations and associated administrative

costs and transfers the remaining balance in the nursing teacher loan forgiveness fund to the general fund. Additionally, starting July 1, 2011, \$250,000 of the second tier of tobacco settlement moneys are annually allocated to the Colorado health service corps fund, and the current allocation to the short-term grants for innovative health program grant fund is reduced by a corresponding amount.

The appropriation to the department of higher education, Colorado commission on higher education financial aid, for the nursing teacher loan forgiveness pilot program is reduced by \$161,600. Additionally, \$250,000 is appropriated from the Colorado health services corps fund to the department of public health and environment, prevention services division, primary care office, to administer the program.

APPROVED by Governor May 19, 2011

EFFECTIVE May 19, 2011

H.B. 11-1291 Air quality - state implementation plan - regional haze. The air quality control commission adopted a regional haze state implementation plan (SIP) on January 7, 2011. The act approves the regional haze SIP and postpones the automatic expiration under the "State Administrative Procedure Act" of the portion of the rules on regional haze that are contained in the SIP.

APPROVED by Governor May 4, 2011

EFFECTIVE May 4, 2011

H.B. 11-1323 Rural health clinics - exemption from licensure requirements - long bill appropriation reduction. Under current law, community clinics, like some other health facilities, are required to obtain a license from, submit to on-site inspections by, and obtain approval of construction plans from the department of public health and environment.

The act excludes from the definition of a community clinic any clinic that is a "rural health clinic" under the federal "Social Security Act", thereby exempting rural health clinics from state licensure and related requirements. The act also clarifies that while a rural health clinic will no longer be licensed by the department, a rural health clinic continues as a general provider under the Colorado indigent care program.

The act decreases the 2011 long bill appropriation from the health facilities general licensure cash fund to the department of public health and environment, division of health facilities and emergency medical services division, for the health facilities general licensure program by \$529.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

HEALTH CARE POLICY AND FINANCING

S.B. 11-8 Medicaid - eligibility for children of different ages - alignment based upon family income. The act increases the current medicaid income eligibility threshold for children between 6 and 19 years of age to 133% of the federal poverty line, aligning it with the income eligibility threshold for children from birth to 5 years of age.

The act amends the health care expansion fund and the children's basic health plan trust to allow moneys in the fund and the trust to be used for costs associated with children enrolled in the medicaid program who would have been eligible for enrollment in the children's basic health plan prior to September 1, 2011.

APPROVED by Governor April 8, 2011

EFFECTIVE September 1, 2011

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

S.B. 11-105 Medicaid - public assistance - in-home support services program - repeal - report. The act extends the repeal date for the in-home support services program (program) by 3 years to September 1, 2014, and requires the department of regulatory agencies to review the program prior to its repeal.

In administering the program, the department of health care policy and financing (department) shall implement a system for the routine and accurate monitoring of the number of persons receiving in-home support services. Additionally, the department shall provide comprehensive, periodic training for single entry point agencies, including, at a minimum, information concerning eligibility for the program and the location of and contact information for in-home support service agencies.

The department shall report annually to the joint budget committee and to the health and human services committee of the senate and the health and environment committee of the house of representatives concerning the implementation of in-home support services.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

S.B. 11-125 Medicaid - nursing facility provider fee - cap on fee increased - priority of uses for supplemental payments to providers from the medicaid nursing facility cash fund - appropriations. Commencing with fiscal year 2011-12, the act increases the provider fee assessed on nursing home facilities from a cap of \$7.50, plus inflation, per nonmedicare-resident day to a cap of \$12 per nonmedicare-resident day, plus inflation.

The act reorders the priority in which the supplemental payments, using revenue generated from the provider fee, are made to reimburse medicaid nursing home facility providers. Payments for acuity or case-mix of the residents is the second priority and the general fund growth cap payment is the lowest priority. The act also identifies more precisely the health care item or service for which each supplemental payment is made.

The act adjusts the appropriations to the department of health care policy and financing in the 2011 long bill by:

- Increasing the appropriation to the executive director's office by \$60,000, of which \$30,000 shall be from the general fund and \$30,000 shall be from federal funds;
- Increasing the appropriation to the medical services premiums section by \$30,994,411, of which \$15,497,206 shall be cash funds from the medicaid nursing facility cash fund and \$15,497,205 shall be from federal funds.

APPROVED by Governor May 23, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-177 Medicaid - public assistance - teen pregnancy and dropout prevention program - report - repeal - appropriation. The act extends the repeal date for the teen pregnancy and dropout prevention program (program) by 5 years to September 1, 2016, and requires the department of regulatory agencies to review the program prior to its repeal.

The department of health care policy and financing (department) shall collaborate with the department of public health and environment, and may collaborate with other public agencies or nonprofit organizations, to promote and expand provider participation. The department shall also collaborate with the department of education to facilitate services to at-risk teenagers and teen parents.

Program providers shall collect data relating to the effectiveness of the program and provide the data to the department. Program providers shall survey program participants to measure participant behaviors that are consistent with reducing teen pregnancies and shall report survey results to the department along with the number of program participants and, to the extent determinable by the provider, the number of program participants who drop out of school, become pregnant, or impregnate another person.

The act creates an exception to the prohibition on the use of general fund moneys to allow general fund moneys to be used for the department's internal administrative costs in providing expanded program promotion and oversight.

The department shall report annually to certain committees of the general assembly concerning the effectiveness of the program and other information, including the number of additional program participants, the pregnancy rate among program participants, and a summary of participant survey information provided to the department.

The act makes the following adjustments for the 2011-12 fiscal year:

- Increases the appropriation to the department, executive director's office, personal services, by \$47,817 and 1.0 FTE, of which \$23,909 is from general funds, with the remainder from federal funds;
- Increases the appropriation to the department, executive director's office, operating expenses, by \$5,653, of which \$2,826 is from general funds, with the remainder from federal funds;
- Increases the appropriation to the department, medical services premiums, by \$386,665, of which \$38,666 is from cash funds, with the remainder from federal funds; and
- Decreases the appropriation to the department, medical services premiums, by

\$53,470, of which \$26,735 is from general funds, with the remainder from federal funds.

APPROVED by Governor June 8, 2011

EFFECTIVE June 8, 2011

S.B. 11-210 Old age pension - transfer of moneys from tobacco tax cash fund to provide services under medicaid for old age pensioners - supplemental old age pension health and medical care fund abolished - budget package act - appropriation. Effective July 1, 2011, the act provides that moneys from the tobacco tax cash fund shall be appropriated to fund the health-related costs of providing medical care to old age pension recipients served in the medicaid program instead of that care being funded out of the supplemental old age pension health and medical care fund.

The act transfers any fund balance in the supplemental old age pension health and medical care fund to the general fund on June 30, 2012. Effective July 1, 2012, the annual transfer of \$2,850,000 of sales tax revenue to the supplemental old age pension health and medical care fund is eliminated. The supplemental old age pension health and medical care fund is abolished on July 1, 2012. The supplemental old age pension health and medical care program is repealed, effective July 15, 2012.

The act adjusts the appropriations to the department of health care policy and financing in the fiscal year 2011 long bill by:

- Decreasing the general fund appropriation for medical service premiums by \$2,230,500;
- Increasing the cash fund appropriation for medical services premiums by \$2,230,500; and
- Decreasing the cash fund appropriation for other medical services for the transfer of tobacco tax cash fund into the supplemental old age pension state medical fund by \$2,230,500.

APPROVED by Governor May 19, 2011

PORTIONS EFFECTIVE July 1, 2011
PORTIONS EFFECTIVE July 1, 2012
PORTIONS EFFECTIVE July 15, 2012

S.B. 11-211 State medicaid program - use of tobacco tax revenues - budget package act - appropriation. Pursuant to a declaration of a state fiscal emergency under section 21 of article X of the state constitution, for the 2011-12 fiscal year only, the act allows tobacco tax revenues in the tobacco education programs fund, the prevention, early detection, and treatment fund, and the health disparities grant program fund to be used for any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005.

The act amends the tobacco cash fund statute to reflect the declaration of a state fiscal emergency for fiscal year 2011-12.

During a state fiscal emergency, the act modifies the statutory administrative expense limitation for the cancer, cardiovascular disease, and chronic pulmonary disease prevention, early detection, and treatment program, limiting the administrative expenses to 5% of all

appropriations from the prevention, early detection, and treatment fund and not just those appropriations to the division of prevention services within the department of public health and environment (department).

The act adjusts the appropriations in the long bill for the 2011-12 fiscal year as follows:

- Decreases the general fund appropriation by \$33,000,000 by increasing cash funds appropriations from the tobacco education programs fund and the prevention, early detection, and treatment fund, and increasing the reappropriated funds appropriation from the health disparities grant program fund;
- Reduces the appropriation to the department from reappropriated funds by \$42,716 for administration and indirect costs;
- Adjusts the appropriations made from the health disparities grant program fund to the department for administration and support, special health programs, health disparities program by various amounts;
- Decreases the appropriation to the department, health statistics and vital records, operating expenses, by \$40,000;
- Reduces appropriations to the department, prevention services division, prevention programs, for indirect costs, by \$180,000;
- Reduces the appropriation from the prevention, early detection, and treatment fund to the department, prevention services division, prevention programs, chronic disease and cancer prevention grant program, breast and cervical cancer screening, by \$1,625,000;
- Adjusts the appropriations made from the tobacco education programs fund to the department, prevention services division, prevention programs, tobacco education, prevention, and cessation by various amounts;
- Adjusts the appropriations made from the prevention, early detection, and treatment fund to the department, prevention services division, prevention programs, cancer, cardiovascular, and chronic pulmonary disease by various amounts.

This act shall take effect only if Senate Joint Resolution 11-009 is adopted by the general assembly and signed by the governor and shall take effect on the effective date of this act or Senate Joint Resolution 11-009, whichever is later.

APPROVED by Governor May 5, 2011

EFFECTIVE June 3, 2011

NOTE: Senate Joint Resolution was signed by the governor on June 3, 2011.

S.B. 11-212 Medicaid - hospital provider fee cash fund - use of cash fund for medicaid expenditures - budget package act. The act authorizes the use of \$50 million from the hospital provider fee cash fund for the 2011-12 state fiscal year to offset general fund expenditures to the medicaid program. For the 2012-13 fiscal year, the act authorizes the use of \$25 million from the hospital provider fee cash fund to offset general fund expenditures to the medicaid program.

The act clarifies that if revenues from hospital provider fees are insufficient to fund all of the purposes for which the fee is collected, hospital provider fees shall be appropriated first to offset the general fund expenditures for the medicaid program in state fiscal years

2011-12 and 2012-13, in the amounts set forth in the act.

The act decreases the general fund appropriation to the department of health care policy and financing for fiscal year beginning July 1, 2011, by \$50 million and increases the cash fund appropriation by \$50 million.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

S.B. 11-213 Children's basic health plan - monthly enrollment fee - appropriation. The act directs the department of health care policy and financing (HCPF) to assess a monthly enrollment fee for children enrolled in the children's basic health plan with a family income greater than 205% of the federal poverty line. The monthly enrollment fee shall be at least \$20 for the first child in a family and not less than \$10 for each additional child in the family, with the family's total monthly enrollment fee not to exceed \$50.

The act makes the following adjustments to the appropriations in the long bill for fiscal year 2011-12:

- Increase of \$4,821 and 0.2 FTE to HCPF, executive director's office, general administration;
- Increase of \$11,088 to HCPF, indigent care program, children's basic health administration;
- Decrease of \$398,849 to HCPF, indigent care program, children's basic health plan medical and dental costs;
- Increase of \$375,960 to the department of human services medicaid-funded programs, office of information technology services medicaid funding, for the Colorado benefits management system, reappropriated funds from HCPF;
- Increase of \$375,960 to the governor, lieutenant governor, state planning and budgeting, office of information technology, Colorado benefits management system in reappropriated funds from the department of human services.

VETOED by Governor May 31, 2011

S.B. 11-215 Medicaid - nursing facility provider reimbursement - reduction - budget package act - appropriation - budget package act. Commencing July 1, 2011, and continuing through June 30, 2012, the general fund portion of the per diem rates paid to medicaid-certified nursing facility providers is reduced by 1.5%. The department of health care policy and financing (department) may, but is not required to, increase the supplemental medicaid payments to providers due to this reduction.

The act reduces the appropriation to the department by \$8,865,830, of which \$4,432,915 is from the general fund, and \$4,432,915 is from federal funds.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

S.B. 11-216 Children's basic health plan - reallocation and redirection of tobacco-related revenue streams to offset general fund costs of children's basic health plan - pediatric specialty hospital fund and comprehensive primary and preventative care fund abolished - appropriations - budget package act. For the 2011-12 fiscal year and each fiscal year

thereafter, the act changes the distribution of master tobacco settlement moneys to decrease moneys provided to various cash-funded programs and redirects those moneys to offset the general fund costs of the children's basic health plan program. The act:

- Eliminates the transfer of moneys from the tobacco tax cash fund to the pediatric specialty hospital fund and redirects this money to the children's basic health plan trust fund;
- Reallocates an additional 3% of the Tier 1 distribution of master tobacco settlement moneys to the children's basic health plan program instead of to the comprehensive primary and preventative care grant program;
- Reallocates an additional 1% of the Tier 2 distribution of master tobacco settlement moneys to the children's basic health plan program instead of to the pediatric specialty hospital fund.

The act transfers the balance of moneys in the pediatric specialty hospital fund on August 1, 2011, to the general fund and abolishes the pediatric specialty hospital fund and the supplemental tobacco litigation settlement moneys account within the pediatric specialty hospital fund, effective September 1, 2011.

The act transfers the balance of moneys in the comprehensive primary and preventive care fund on August 1, 2011, to the general fund and abolishes the comprehensive primary and preventive care grant fund, effective September 1, 2011. The comprehensive primary and preventive care grant program is repealed, effective September 15, 2011.

The act adjusts the appropriations to the department of health care policy and financing in the fiscal year 2011 long bill by:

- Decreasing the cash fund appropriation to the executive director's office by \$24,363 and decreasing the FTE by 0.2 FTE;
- Decreasing the cash fund appropriation to the indigent care program for the comprehensive primary and preventive care grant program by \$2,706,995;
- Decreasing the appropriation to the indigent care program for the pediatric specialty hospital by \$1,485,944;
- Decreasing the general fund exempt appropriation to the indigent care program for the pediatric specialty hospital fund by \$446,100;
- Decreasing the general fund appropriation to the indigent care program for children's basic health plan medical and dental costs by \$3,449,967;
- Increasing the children's basic health plan medical and dental costs by \$3,449,967; of that sum \$446,100 shall be general funds exempt and \$3,003,867 shall be cash funds from the children's basic health plan trust.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

S.B. 11-219 Transfers of tobacco cash fund moneys for health-related purposes - health clinics - federally qualified health centers - indigent care program providers and non-indigent care program providers - declaration of fiscal emergency - appropriation. For the 2011-12 fiscal year, the act authorizes a transfer of \$11,755,000 from the tobacco tax revenues credited to the primary care fund to the Colorado health care services fund. An additional \$2,135,830 shall be transferred from the primary care fund to the primary care special distribution fund for the 2011-12 fiscal year.

For the 2011-12 fiscal year, the act directs the state treasurer to transfer \$1,000,000 from the general fund to the Colorado health care services fund.

For the 2011-12 fiscal year, the act authorizes an appropriation of \$15,775,670 from the tobacco tax revenues credited to the primary care fund for health-related purposes.

The act directs the department of health care policy and financing (department) to develop a distribution formula to allocate the moneys in the Colorado health care services fund to Denver health and hospitals, to community health clinics, and to federally qualified health centers.

The act also transfers \$2,135,830 from the primary care fund to the primary care special distribution fund. The act directs the department to develop a distribution formula to allocate the moneys in the primary care special distribution fund between providers that participate in the Colorado indigent care program and providers that do not participate in the Colorado indigent care program.

In accordance with the provisions of section 21 (7) of article X of the state constitution concerning transfers from the tobacco tax cash fund, the act is contingent upon the passage of a resolution declaring a state fiscal emergency for the 2011-12 fiscal year.

The act adjusts the appropriations to the department in the 2011 long bill by:

- Increasing the cash funds appropriation for medical services premiums by \$15,775,670 from the primary care fund;
- Decreasing the general fund appropriation for medical services premiums by \$15,775,670; and
- Decreasing the cash funds appropriation to the primary care fund program by \$28,253,000.

For fiscal year 2011-12, the act appropriates \$23,510,000 to the department for allocation to from the Colorado health care services fund for community primary care providers, of which \$11,755,000 shall be cash funds from the Colorado health care services fund and \$11,755,000 shall be from federal funds. For fiscal year 2011-12, the act appropriates \$2,135,830 from the primary care special distribution fund for allocation to specified primary care providers.

This act shall take effect only if Senate Joint Resolution 11-009 is adopted by the general assembly and signed by the governor and shall take effect on the effective date of this act or Senate Joint Resolution 11-009, whichever is later.

APPROVED by Governor May 19, 2011

EFFECTIVE June 3, 2011

NOTE: Senate Joint Resolution was signed by the governor on June 3, 2011.

S.B. 11-250 Medicaid - public assistance - income eligibility for pregnant women. The act increases the income level for eligibility for pregnant women in medicaid from 133% to 185% of the federal poverty line.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

H.B. 11-1242 Review of integration of physical and behavioral health services - report - study concerning medicaid population receiving home- and community-based services - appropriation. The act requires the department of health care policy and financing (department) to seek input from behavioral health organizations, community mental health centers, primary care providers and others and to review certain issues that relate to the integration of physical and behavioral health care services. The issues reviewed by the department shall include statutes and regulations relating to provider reimbursement, the time and place of service delivery, any barriers to the provision of integrated care, and incentives for health care providers that may increase the number of providers delivering integrated health care.

The department shall report to certain committees of the general assembly by April 1, 2012, concerning revisions to state statutes or regulations that would facilitate the integration of physical and behavioral health care services and shall report by June 30, 2012, concerning the additional issues under review.

Additionally, the act revises the date to January 1, 2012, for the completion of a study concerning the medicaid population receiving home- and community-based services.

For state fiscal year 2011-12, the act increases the appropriation of cash funds and federal funds to the department, executive director's office, general professional services and special projects, by \$38,500 for the department's review of integrated care and \$75,000 for the study concerning the medicaid population receiving home- and community-based services. The \$75,000 appropriation to the department takes effect only if House Bill 11-1217 is not enacted and does not become law or is enacted and becomes law without a duplicate \$75,000 appropriation to the department for the study concerning the medicaid population receiving home- and community-based services.

APPROVED by Governor June 2, 2011

EFFECTIVE July 1, 2011

NOTE: House Bill 11-1217 was deemed lost on May 11, 2011.

HUMAN SERVICES - BEHAVIORAL HEALTH

H.B. 11-1144 Fetal alcohol spectrum disorders - commission - members - extension - health warning signs. The act includes a legislative declaration of the general assembly's findings regarding fetal alcohol spectrum disorders (FASD), the FASD commission (commission), and the purposes for the act.

The number of members of the commission is increased from 10 to 12 by adding a representative of the department of education and a representative of a licensed beverage trade association in Colorado. The automatic repeal date for the commission is extended from June 30, 2012, to June 30, 2015.

The commission is directed to evaluate the use of written and electronic health warning informational materials about the dangers of alcohol consumption during pregnancy. The commission is directed to report to the unit that administers alcohol and drug abuse programs in the department of human services and to the health and human services committees of the senate and the house of representatives, or any successor committees, about the responses to the health warning signs developed for use by licensed beverage retailers, the responses by licensed beverage retailers and by women and patrons to the warning signs, and to make recommendations on the most effective use of other written and electronic informational materials in the future.

The act clarifies that the licensed persons who are encouraged to post the health warning signs about the dangers of alcohol consumption during pregnancy are licensed beverage retailers.

APPROVED by Governor March 25, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1193 Families - mental health juvenile justice populations. The act amends the article creating the integrated system-of-care family advocacy demonstration programs for mental health juvenile justice populations (programs) to acknowledge that the programs are no longer demonstration programs and have been fully implemented. The repeal date is extended from July 1, 2011, to July 1, 2021.

APPROVED by Governor March 29, 2011

EFFECTIVE March 29, 2011

HUMAN SERVICES - SOCIAL SERVICES

S.B. 11-124 Public benefits - TANF program - works allocation committee - transfers - county TANF reserves - appropriation. For state fiscal year 2010-11, and each state fiscal year thereafter, the act caps county temporary aid to needy families (TANF) reserves at 40% of a county's block grant; except that TANF reserves for a county with a block grant of \$200,000 or less are capped at \$100,000.

The act clarifies that a county may transfer a portion of the county's current TANF allocation to another county at any time during the fiscal year in exchange for an amount equal to the maintenance of effort associated with the allocation and pursuant to procedures established by the works allocation committee and the state department of human services.

On or before November 1 of the succeeding fiscal year, the works allocation committee is granted the authority to make year-end transfers of any unspent county TANF reserves in excess of the county reserve cap to a county that needs TANF reserves. These transfers are subject to priority criteria determined by the works allocation committee, and will be in an amount determined by the works allocation committee. The priority criteria must give first priority for a transfer to a county with less than 10% TANF reserves and second priority to a county with more than 10% reserves, but no more than 20% TANF reserves. If the works allocation committee transfers unspent TANF reserves, the county from which the reserves are transferred shall receive appropriate maintenance-of-effort credit for those reserves and the county receiving reserves shall be responsible for the amount of moneys equal to the maintenance of effort associated with those reserves.

For state fiscal year 2009-10, excess unspent county TANF reserves shall be excluded from the Colorado long-term works reserve and shall be available for transfer by the works allocation committee to another county.

For state fiscal year 2010-11, the act appropriates \$685,772 from the federal TANF block grant funds to the department of human services for the Colorado works county block grants.

APPROVED by Governor May 19, 2011

EFFECTIVE May 19, 2011

S.B. 11-183 Boards and commissions - representation by persons with disabilities. The act mandates that the governor include representation by a person with a disability, a family member of a person with a disability, or a member of an advocacy group for persons with disabilities on the state boards of housing, medical services, and human services.

APPROVED by Governor April 26, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-228 County tax base relief fund. The act provides that, in the event appropriations are insufficient to cover advancements from one or more tiers of the existing formula for advancements from the county tax base relief fund, the advancements from a tier from which appropriations are insufficient to cover all advancements from that tier shall be advanced to each county that is eligible to receive an advancement from that tier in an equitable manner,

such that each such county shall have the same proportion of the county's obligations paid through the combination of its property tax revenue available and its advancement from the county tax base relief fund.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

S.B. 11-247 Early childhood council advisory team - repeal. The act repeals the Colorado early childhood council advisory team in the office of the lieutenant governor.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

H.B. 11-1079 Homeless youth - services in shelters and licensed host family homes - definitions - continued services for children in out-of-home placement until age 21. The act makes state statute compliant with the federal "Runaway and Homeless Youth Act" by:

- Increasing the upper age limit for the definition for "homeless youth" from 18 years of age to 21 years of age;
- Lowering the age limit for the definition of "homeless youth" from 15 years of age to 11 years of age;
- Increasing the number of days that a runaway and homeless youth can stay in a licensed child care facility or a licensed homeless youth shelter from 14 days to 21 days;
- Allowing a licensed host family home to be an allowable placement for 21 days for a runaway and homeless youth.

The state board of human services is directed to adopt rules defining the requirements for licensure of a host family home.

When a youth under 15 years of age is admitted to a licensed child care facility, licensed homeless youth shelter, or a licensed host family home, the director of the facility, shelter, or other person in charge is required to notify the county department of social services of the county of residence of the youth's parents within 72 hours after the youth's admission. If the director or other person in charge determines that a referral for additional services needs to be made for the youth, the director or person in charge is required to make the referral to the county of residence of the youth's parents. If a youth who is at least 11 years of age but less than 15 years of age has been served up to 21 days and returns again to that facility, shelter, or home after leaving it, the director or person in charge shall make a referral for services to the county of residence of the youth's parents. The act prohibits the placement of a homeless youth in a licensed family foster home approved as a licensed host family home if there are any foster children currently placed in that home.

The office of homeless youth services, in conjunction with the prevention services division in the department of public health and environment and the department of education, is directed to submit a consolidated report to the general assembly on data about homeless youth using existing reports relating to prevention, intervention, and treatment services provided to homeless youth 18 to 21 years of age.

Commencing January 1, 2012, the court with jurisdiction shall consider the individual circumstances of each youth in an out-of-home placement who is at least 17 years of age but not yet reached 18 years of age to determine if the youth is ready to become independent

upon reaching 18 years of age or whether the youth should remain under the care and supervision of the county until the youth reaches 21 years of age unless earlier terminated by court order. The act states that the court shall determine if the youth is engaged in one of the following activities:

- Completing secondary education or is enrolled in a program leading to an equivalent credential;
- Enrolled in an institution that provides postsecondary or vocational education;
- Participating in a program or activity designed to promote or remove barriers to employment;
- Employed for at least 80 hours per month; or

If a youth's medical condition makes the youth incapable of engaging in any of these activities, the applicable county department shall maintain information about the youth's condition in the youth's case plan.

APPROVED by Governor March 31, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1102 Child care - background checks - portability. The act allows for portability of a fingerprint-based criminal history records check (background check) in separately licensed child care facilities under a common ownership group or school district. If an individual who is required to obtain a background check transfers employment to another licensed facility owned and operated by the same common ownership group or school district, a new background check shall not be required if the common ownership group or school district maintains a central records management system for employees of all its licensed facilities; takes action as required when informed of the results of a background check that requires action; and informs the department of human services whenever an additional licensed facility comes under or is no longer under its ownership or control.

APPROVED by Governor March 18, 2011

EFFECTIVE March 18, 2011

H.B. 11-1145 Child care and other licensed facilities - background checks. The requirements for background checks for any licensed facility, agency, or licensee (facility) are changed to include Colorado bureau of investigation and federal bureau of investigation checks for all potential employees, regardless of the length of time a potential employee has resided in Colorado.

APPROVED by Governor May 9, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1196 Family services - county departments of human services - funding. The act allows county departments of human services (county departments) to provide family preservation services to families who are at risk of being involved in the child welfare, mental health, or juvenile justice systems.

In establishing the formula for capped and targeted allocations of funding to the county departments for child welfare services, the state department of human services must take into account a list of statutory factors. The act adds to the list consideration of the county department's prior fiscal year expenditures on preventive family preservation services and the number of families served.

The act authorizes a county department to receive federal matching funds for expenditures by other entities within the county, which expenditures meet specified criteria. The state department may retain up to 5% of any of said federal matching funds received by the county department. In addition, the state will recover any federal funds that the county receives through the certification of public expenditures, which expenditures are subsequently found to be ineligible for federal reimbursement.

The act replaces the outdated term "family development specialist" with county department, case manager, or case worker, as appropriate.

APPROVED by Governor May 9, 2011

EFFECTIVE August 10, 2011

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

INSURANCE

S.B. 11-19 Health insurance - premiums - reimbursement by employers. Colorado law currently prohibits small employers (50 or fewer employees) from paying or reimbursing employees for the costs of health insurance premiums unless the small employer offers a small group health insurance plan. The act allows a small employer to reimburse an employee through wage adjustments or health reimbursement arrangements for any portion of a premium for a health coverage plan if the small employer does not have, and in the previous 12 months has not had, a small group health benefit plan for its employees.

APPROVED by Governor March 29, 2011

EFFECTIVE March 29, 2011

S.B. 11-103 Health insurance - benefit design advisory committee - repeal under sunset law. The act repeals the benefit design advisory committee, as recommended by the department of regulatory agencies in its 2010 sunset review. The committee was appointed by the commissioner of insurance in 2006 to make recommendations to the general assembly regarding a medical evidence-based health benefit plan option as a choice among the basic health benefit plan options in the small group health insurance market. The committee fulfilled its statutory objective.

APPROVED by Governor March 21, 2011

EFFECTIVE March 21, 2011

S.B. 11-128 Individual health insurance - child-only plan coverage - appropriation. As a condition of issuing coverage in the individual market, the act requires carriers to issue at least one child-only plan. The act establishes 2 specified enrollment periods in which child-only plan coverage must be offered. The plans must be issued on a guaranteed-issue basis without any limitations or riders based on health status. A carrier is required to give notice of the open enrollment opportunities and provide enrollment instructions on the carrier's web site. A carrier may deny or drop individual coverage under specific circumstances. A carrier must report application and enrollment information regarding child-only plans to the commissioner of insurance.

The act appropriates \$2,935 to the department of law for implementation of the act.

APPROVED by Governor April 29, 2011

EFFECTIVE April 29, 2011

S.B. 11-182 Life insurance - requirement for insurable interest required - unlawful engagement in stranger originated life insurance - unfair or deceptive insurance practice. The act creates the "Insurable Interest Act", which establishes a requirement that purchasers of life insurance policies have an insurable interest in the insured party. Stranger originated life insurance for the benefit of a third-party investor who, at the time of policy origination, has no insurable interest in the insured is prohibited. Also prohibited is wagering on life via life insurance. Engaging in stranger originated life insurance is made an unfair or deceptive act in the business of insurance.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

S.B. 11-200 Health insurance - Colorado health benefit exchange - creation. The act creates the Colorado health benefit exchange (exchange) as a nonprofit unincorporated public entity. The exchange is governed by a board of directors consisting of 9 members appointed by the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives, and 3 ex officio nonvoting members. The board is responsible for:

- Appointing an executive director to administer the exchange;
- Creating operational and financial plans;
- Applying for planning and establishment grants;
- Creating technical and advisory groups;
- Providing a written report to the governor and the general assembly regarding the planning and establishment of the exchange;
- Reviewing internet portals for use by the exchange;
- Considering the structure of the exchange;
- Considering the appropriate size of the small employer market;
- Considering the unique needs of rural Coloradans as they pertain to access, affordability, and choice in purchasing health insurance;
- Considering the affordability and cost in the context of quality care and increased access to purchasing health insurance; and
- Investigating requirements, developing options, and determining waivers to ensure that the best interests of Coloradans are protected.

The board may enter into information-sharing agreements with federal and state agencies and other state exchanges.

The act also establishes the legislative health benefit exchange implementation review committee (committee) to provide oversight of the exchange. The committee may report up to 5 bills or other measures to the legislative council each year. The committee is responsible for reviewing grants applied for by the board and for reviewing the financial and operational plans of the exchange.

Five years after the act becomes law, the legislative service agencies of the general assembly will conduct a post-enactment review of its implementation.

APPROVED by Governor June 1, 2011

EFFECTIVE June 1, 2011

H.B. 11-1033 Property and casualty insurers - annual filings with commissioner - appropriation. All insurance companies doing business in this state must annually file with the commissioner of insurance a statement under oath that contains a variety of information relating to the companies' financial solvency, including the substance of the information required by what is known as the "convention blank form" adopted by the national association of insurance commissioners (NAIC). The act repeals the requirement that property and casualty insurers separately also file information contained in NAIC's schedule P of the convention blank form. The cash funds appropriation made in the 2011 long bill to the department of regulatory agencies, division of insurance, for operating expenses, is decreased by \$5,333.

APPROVED by Governor April 8, 2011

EFFECTIVE April 8, 2011

H.B. 11-1041 Colorado insurance guaranty association - updates to claims requirements. The Colorado insurance guaranty association assesses, when needed, insurance companies doing business in Colorado for revenues that it uses to pay insurance claims for insurance companies that become insolvent. Currently, claims must be filed with the association by a date set by the court with jurisdiction over the insolvent insurer. The act updates the association's statutes by:

- Excluding from the definition of a "covered claim" all claims for incurred but unreported losses;
- Deleting the \$100 deductible, increasing the cap on claims from \$100,000 to \$300,000, and requiring claims to be filed by the earlier of the existing deadline or 24 months after the court's liquidation order; and
- Making all amounts recoverable under any insurance policy, rather than merely the claimant's policy, a setoff against the amounts recoverable from the association.

APPROVED by Governor March 11, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1186 Health insurance - reimbursement of providers - acupuncturists. Currently, when an insurance policy or plan provides for reimbursement for services performed by certain health care providers licensed to perform the services, a health insurance carrier cannot deny reimbursement when the services are performed. The act adds licensed acupuncturists to the list of health care providers that cannot be denied reimbursement.

APPROVED by Governor April 8, 2011

EFFECTIVE January 1, 2012

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. 11-10 Unemployment benefits - benefits payable during training - extended benefits. The act conforms Colorado law regarding the payment of unemployment benefits during approved training to the requirements of the federal "Trade Act of 1974", as amended, by prohibiting the denial of benefits because the eligible individual:

- Left temporary work engaged in during a break or delay in the training; or
- Left on-the-job training within 30 days after starting the training because it did not satisfy federal law requirements.

The act also amends the law concerning unemployment benefits by conforming state law to the federal requirements for extended benefits included in Public Law 111-312.

APPROVED by Governor March 29, 2011

EFFECTIVE March 29, 2011

S.B. 11-179 Forms of identification - employees working at off-site premises - exceptions. When an employer dispatches an employee to an off-site premises to perform work on behalf of the employer for a customer located at the off-site premises, the act allows the employee to provide to the custodian of the premises an employer-issued identification card, in lieu of a government-issued identification card, for purposes of verifying the employee's identity. A custodian cannot require the employee to surrender his or her government-issued identification card or retain the employee's government-issued identification card while the employee is present on the off-site premises except when the employee does not surrender an employer-issued identification card to the custodian.

A custodian may require the employee to surrender his or her employer-issued photographic identification card, if one exists, and the custodian is permitted to hold that employer-issued identification card at all times while the employee is present on the off-site premises. If the employee provides an employer-issued identification card, the custodian may require the employee to allow him or her to examine another form of photographic identification to verify the employee's identity.

A person who enters into a defense contract with the federal government, pursuant to which the person is contractually obligated to verify identification using a government-issued identification card, is exempted from the requirements of the act.

As defined in the act:

- "Off-site premises" means a building or property that is not owned, leased, operated, or otherwise under the control of the employer of the employee who is dispatched to the premises, including a commercial building, other than a federal, state, or local government building or a multi-residential property; and
- "Custodian" means the person who is authorized to provide or restrict access to an off-site premises, including security personnel for a commercial building or multi-residential property.

APPROVED by Governor May 19, 2011

EFFECTIVE July 1, 2011

S.B. 11-193 Employment - disclosure of employee information - immunity from civil liability - exception to blacklisting prohibition for employees working with persons with developmental disabilities. The act allows current and former employers to disclose certain information about a caregiver employed or contracted to work with a person with a developmental disability in response to a request from a current or prospective employer of the caregiver. The disclosing employer is granted immunity from civil liability for the good-faith disclosure of information. The act also creates an exception to the current prohibitions against blacklisting for the disclosure of information.

APPROVED by Governor June 2, 2011

EFFECTIVE July 1, 2011

S.B. 11-199 Workers' compensation - recommended medical benefits after maximum medical improvement - request for employer admission of liability - procedure to obtain discovery when parties represented - payment of costs of attending examination requested by employer or insurer - applicability of certain permanent total disability lump-sum payment provisions. The act makes the following changes to the laws regarding workers' compensation:

- Requires an employer, in a final admission of liability, to admit liability for reasonable and necessary medical benefits in claims in which an authorized treating physician recommends medical benefits after maximum medical improvement, if there is no contrary medical opinion in the record;
- Makes discovery available without prior permission if all parties are represented by attorneys;
- Requires employers or insurers, when requested by a claimant, to pay the claimant's costs of attending an examination requested by the employer or insurer at least 3 business days in advance of the examination; and
- Applies the requirement that lump-sum compensation not be conditioned on a claimant waiving the right to pursue permanent total disability payments to all requests for lump-sum payments, regardless of the date of a claimant's injury.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

S.B. 11-243 Eligibility for employment - verification - documents - civil penalty for tampering - repeal. The act repeals existing law providing for a civil penalty of not less than \$50,000 for forging, counterfeiting, altering, or falsifying employment verification documents.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

H.B. 11-1050 Boiler inspection regulation - validity of certificates - collection of fees. The definition of "director" is changed from chief boiler inspector to the director of the division of oil and public safety (division) and conforming amendments are made throughout the article. The act makes all inspection certificates valid for the period specified on the face of the certificate. Changes are also made to the way that inspection fees may be collected on a pro rata basis. Current law allows the division to prorate annual boiler inspection fees on a quarterly basis. The act allows the division to prorate the boiler inspection fees based

on the percentage of each period of a certificate term. The change will accommodate certificate terms that are longer than one year.

APPROVED by Governor March 9, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1148 Employment information for a health care worker - immunity from civil liability - exception to prohibition against blacklisting. The act allows current and former employers to disclose information about a health care worker's involvement in drug diversion, drug tampering, patient abuse, violation of drug or alcohol policies of the employer, or crimes of violence in response to a request from a prospective or current employer of the health care worker. The disclosing employer is granted immunity from civil liability for the good faith disclosure of information. The act also creates an exception to the current prohibitions against blacklisting for the disclosure of information.

APPROVED by Governor March 21, 2011

EFFECTIVE July 1, 2011

H.B. 11-1288 Unemployment compensation insurance - unemployment compensation fund - solvency reform - appropriation. The act makes the following changes to the financing of the unemployment compensation system:

- Increases the taxable wage base from the first \$10,000 to the first \$11,000 in calendar year 2012. Beginning in the first year after solvency of the unemployment compensation system, estimated to be 2014, the taxable wage base will be indexed annually to the percentage change in the state's unemployment insurance average weekly earnings.
- In the first year after solvency is achieved, consolidates 2 of the 3 current assessments (base premium and socialized surcharge) and part of the third (solvency surcharge) into one combined premium and a new solvency surcharge.
- In the first year after solvency is achieved, applies the consolidated premium to a new rate schedule based on employer experience and the balance of the unemployment compensation fund. Reduces the experience component of the new schedule from 50 to 26 intervals. The top and bottom experience factors remain intact and the 2 new employer standard rates are consolidated into one. Creates new unemployment compensation system fund balance intervals, adjusted annually based on a 1.4% solvency standard. Throughout the rate schedule, the stable and proportional increases in rates occur as the unemployment compensation system fund balance is reduced, thereby allowing the unemployment compensation system to generate more revenue during solvency and reducing the burden to employers during insolvency, which usually occurs in difficult economic times for employers.
- In the first calendar year after solvency is achieved, puts in place a premium credit based on a 1.6% solvency standard for employers with a positive experience history and that have paid more into the unemployment compensation system than was charged in benefits during the calendar year in which the 1.6% solvency standard is exceeded.
- Requires the division of employment and training to develop an internet

- self-service project to allow employers 24/7 access to their account information.
- Requires annual reports to the general assembly on the status of the unemployment compensation fund.
- Clarifies provisions relating to fraud and overpayments to claimants and requires notice to claimants of penalties for fraud and overpayments.

For the implementation of the act, for the fiscal year beginning July 1, 2011, the act appropriates \$62,900 from the employment support fund to the department of labor and employment for allocation to the division of employment and training.

APPROVED by Governor May 26, 2011

EFFECTIVE July 1, 2011

MILITARY AND VETERANS

H.B. 11-1027 Child care - pilot program. The act creates the department of defense quality child care standards pilot program (program) in the state department of human services (state department). The objective of the program is to allow military personnel to access off-base child care that meets the quality standards established by the federal department of defense and use their federal child care benefits or other stipends to pay for that child care. Minimum program requirements are outlined, including possible additional inspections per year for child care pilot facilities. The state department is authorized to promulgate rules for the remaining components of the program, including charging a fee for additional inspections or services. The program is repealed, effective June 30, 2015.

APPROVED by Governor March 17, 2011

EFFECTIVE March 17, 2011

H.B. 11-1237 National guard - chargeable quarters and billeting cash fund created. The act creates the chargeable quarters and billeting cash fund (fund). Moneys in the fund shall be used to defray the costs associated with operating National Guard training facilities and associated quarters and billeting facilities.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 11-31 Collector vehicles. The provisions specifically addressing collector vehicles are moved from various articles in the motor vehicle laws to the article concerning motor vehicles as collector's items. Collector vehicles that do not need an emission test are exempted from having to obtain a certificate of emissions compliance.

APPROVED by Governor March 31, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-37 Special license plates - World War II - appropriations. The act creates the World War II special license plate to identify that the owner of the motor vehicle is a veteran of World War II. The owner is charged the normal fees for license plates.

For the fiscal year beginning July 1, 2011, the act appropriates:

- \$2,960 from the Colorado state titling and registration account of the highway users tax fund to the information technology division in the department of revenue, to be reappropriated to the office of information technology in the governor's office for the implementation of the act; and
- \$9,080 from the license plate cash fund to the division of motor vehicles in the department of revenue for the implementation of the act.

APPROVED by Governor April 22, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-93 Interagency task force on drunk driving - membership. The act removes the repeal of the interagency task force on drunk driving and adds members to the task force's membership.

APPROVED by Governor March 21, 2011

EFFECTIVE March 21, 2011

S.B. 11-195 Persons with disabilities - identifying license plate or parking placard - verification by health care providers. The act specifies that a physician, podiatrist, or advanced practice nurse verifying a person's disability for purposes of obtaining an identifying license plate or parking placard may be licensed in another state that shares a common border with Colorado. Physician assistants are added to the list of medical professionals who may make this verification.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

S.B. 11-197 Special license plates -girl scouts centennial - taxation - appropriation. The act creates the girl scouts centennial special license plate. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the

highway users tax fund and the other to the licensing services cash fund. The act appropriates \$2,960 from the highway users tax fund for information technology services and \$17,760 from the license plate cash fund to implement the act.

APPROVED by Governor June 3, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-227 Safety equipment - child safety restraint requirement - repeal of exception. Generally, Colorado law requires a child under 16 years of age who is being transported in a motor vehicle to be restrained in a child restraint system or safety belt. The act repeals the exception to that requirement for a child weighing more than 40 pounds being transported in a motor vehicle in which the rear seat was not equipped at the time of manufacture with combination lap and shoulder belts.

APPROVED by Governor June 7, 2011

EFFECTIVE June 7, 2011

S.B. 11-260 Tow-truck safety - unlawful removal or placement of towing signage - right of way towing carrier. If a towing carrier places a warning sign on the driver-side window of a vehicle prior to towing it and a person, other than a towing carrier or peace officer, removes the sign prior to the completion of the tow, he or she commits a class 3 misdemeanor. If a person places a tow-truck warning sign on a vehicle that is not in the process of being towed or while the vehicle is occupied, he or she commits a class 3 misdemeanor. The towing carrier may permit the owner of the vehicle to enter the vehicle to retrieve personal items before the vehicle is towed.

In addition to drivers yielding the right-of-way to stationary authorized emergency vehicles on the road, the act requires that drivers also yield the right-of-way to stationary tow trucks on the road.

APPROVED by Governor June 7, 2011

EFFECTIVE July 1, 2011

H.B. 11-1004 Registration - taxation - agricultural vehicles - appropriation. Currently, a county clerk may require a person to demonstrate that his or her primary business is agriculture to register a motor vehicle as a farm truck. The act exempts a person whose vehicle is used primarily for agriculture on a farm or ranch that is classified as agricultural land for property tax purposes. The act also repeals the farm truck and tractor exemption from the motorist insurance identification fee. \$22,200 is appropriated to the department of revenue to implement the act.

APPROVED by Governor May 4, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1093 Specific ownership tax - registration - special mobile machinery. Currently, farm equipment meeting the definition of special mobile machinery must be registered as

Class F personal property if it is used for any purpose other than agricultural production for more than 24 hours. The act extends the period to 72 hours.

Currently, the penalty for failure to register or reregister special mobile machinery is the greater of \$500 or double the amount of tax due. The act changes the penalty to the lesser of those amounts.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

H.B. 11-1157 Emission testing - heavy-duty diesel inspection program - vehicles based outside program area - exemption. The act authorizes the owner of a heavy-duty diesel fleet registered in the program area of the diesel emission inspection program (program area) to certify that a diesel vehicle registered in the program area is physically based and principally operated from a terminal, division, or maintenance facility outside of the program area. A diesel vehicle that is certified is exempted from the heavy-duty diesel fleet emission inspection program. The act requires the air quality control commission to promulgate rules for the administration of the act.

For purposes of implementation, the act appropriates \$6,000 from the highway users tax fund to the department of revenue, for allocation to the taxpayer service division, for the fiscal year beginning July 1, 2011. In addition, for the fiscal year beginning July 1, 2011, the bill also appropriates \$592 from the Colorado state titling and registration account in the highway users tax fund to the department of revenue, for allocation to the information technology division, and reappropriates this amount to the governor's office, for allocation to the office of information technology, for computer programming services.

The act applies to heavy-duty diesel fleet vehicles registered in the program area on or after January 1, 2012.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1161 Driver and vehicle services - extension of highway users tax fund funding. The act extends through the 2011-12 fiscal year authorization for the use of highway users tax fund moneys to fund driver and vehicle services within the division of motor vehicles in the department of revenue.

APPROVED by Governor March 25, 2011

EFFECTIVE March 25, 2011

H.B. 11-1163 Size and weight - extralegal load - permits - super loads - appropriation. The act authorizes the department of transportation to issue super-load permits to vehicles that weigh over 500,000 pounds or that occupy 2 lanes. The fee for super-load permits is \$400. Safety and documentation standards are set. The department is directed to establish a system for tracking noncompliance and to deny permits based on the level of noncompliance. A violation of the terms of a permit is a class 1 misdemeanor traffic offense. \$740 is

appropriated to the department of revenue for the provision of programming services.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1166 Special license plates - registration - juvenile diabetes - appropriations. The act creates the juvenile diabetes special license plate. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

\$2,960 is appropriated from the Colorado state titling and registration account and \$17,760 is appropriated from the license plate cash fund to the department of revenue to implement the act.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1176 Hazardous materials - designated routes - crude oil. Currently, the state patrol designates routes classified as suitable or unsuitable for the transportation of hazardous materials. The act authorizes the state patrol to exempt crude oil transportation from this classification and sets standards for the exemption.

APPROVED by Governor March 25, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1185 Title - transfer on release of lien - required time limit. Unless extenuating circumstances exist, the act requires a lienholder on a motor vehicle to release a lien as required by law within 15 calendar days after a lien or mortgage on a motor vehicle is paid and satisfied. The act defines "extenuating circumstances" to mean a situation where access to the title is impaired, making good faith compliance with the act impossible within the time frame required. The act allows any person aggrieved by a violation to bring a civil action in a court of competent jurisdiction to bring about compliance with the law and for any damages arising from the violation.

APPROVED by Governor April 20, 2011

EFFECTIVE April 20, 2011

H.B. 11-1192 Longer vehicle combinations - operation - highways. The act requires the department of transportation to evaluate both interstate and state highways for possible authorization of additional highway segments on which longer vehicle combinations may operate following action by congress to lift the freeze on vehicle length imposed by the

federal "Intermodal Surface Transportation Efficiency Act of 1991".

APPROVED by Governor April 13, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1234 Registration - license plates - taxicabs - appropriation. The act creates a taxicab license plate. A taxicab service will be required to use the plate, but a motor vehicle may only display the plate if its owner or lessee is authorized to provide taxicab service. The public utilities commission will notify taxicab providers of the act's requirements and provide verification of the provider's status. The taxicab license plate is to be used if the vehicle is both a taxicab and a luxury limousine. \$10,952 is appropriated to the department of revenue to implement the act.

APPROVED by Governor May 4, 2011

EFFECTIVE July 1, 2011

NOTE: Certain sections of the act are contingent on House Bill 11-1198 becoming law. House Bill 11-1198 was signed by the governor, April 22, 2011.

H.B. 11-1236 License plates - group special plates - deadline to retire. Currently, several group special license plates are scheduled to be retired within the next few years unless the plate is issued to 3,000 people. The act extends the deadline to issue 3,000 plates until July 1, 2016.

APPROVED by Governor April 8, 2011

EFFECTIVE April 8, 2011

H.B. 11-1251 Window tinting - exemption from restrictions for public safety vehicles. The act exempts certain public safety vehicles from the restrictions on vehicle window tinting. It also prohibits vehicles with such window tinting from being used in traffic law enforcement operations.

APPROVED by Governor May 4, 2011

EFFECTIVE May 4, 2011

H.B. 11-1268 Penalties for traffic offenses involving alcohol and drugs. The act clarifies that, upon a conviction of a traffic offense involving alcohol or drugs where the offender has one or more prior such convictions, the court may proceed to immediate sentencing without considering the statutorily required alcohol and drug evaluation if the prosecuting attorney and the defendant have stipulated to the convictions.

The act clarifies that when a person is convicted of a first-time DUI, DUI per se, DWAI, or habitual user offense, the court may suspend the mandatory minimum period of the imprisonment portion of the offender's sentence if, as a condition of the suspended sentence, the offender undergoes a presentence or postsentence alcohol and drug evaluation and satisfactorily completes and meets all financial obligations of a level I or level II program as is determined to be appropriate by the statutorily required alcohol and drug evaluation.

The act clarifies the probation portion of the statutorily prescribed sentences for a traffic offense involving alcohol or drugs.

The act clarifies that a court has discretion to suspend the fine portion of each penalty imposed for a conviction of a DUI, DUI per se, or DWAI offense.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

H.B. 11-1275 Idling - commercial diesel vehicles - statewide standard. The act sets a statewide idling standard that applies to commercial diesel vehicles. Local authorities may adopt a standard if it is not more stringent. The standard prohibits idling the engine for more than 5 minutes in an hour except:

- When remaining motionless because of traffic, a traffic control device, or direction by a law enforcement officer;
- When operating temperature controls or installing equipment to prevent a safety or health emergency;
- In an emergency or when training for an emergency;
- During maintenance, service, or repair;
- During an inspection;
- During the operation of power take-off equipment;
- When a driver of an armored vehicle idles to guard its contents or during loading or unloading;
- In the case of a passenger bus, which may idle for up to 5 minutes in any 60-minute period to maintain passenger comfort while nondriver passengers are on board;
- When used to heat or cool a sleeper berth compartment during a rest or sleep period at a rest area or at a location where the vehicle is legally permitted to park and that is at least 1,000 feet from residential housing, schools, daycare facilities, or hospitals; or
- When the ambient temperature is less than 10 degrees.

Existing ordinances of communities over 6,000 feet in elevation are not superseded by the act. A violation of idling standards is punishable by a fine of up to \$150 for the first offense and \$500 for a subsequent offense, plus a surcharge of \$20.

APPROVED by Governor May 27, 2011

EFFECTIVE July 1, 2011

H.B. 11-1279 Permits for excess size and weight vehicles. The act allows for the issuance of an overweight vehicle permit for a vehicle operated in combination with a trailer that has 2 or 3 axles.

APPROVED by Governor May 19, 2011

EFFECTIVE May 19, 2011

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

H.B. 11-1298 Special license plates - registration - Craig hospital - appropriations. The act creates the Craig hospital special license plate. A person becomes eligible to use the plate

by donating \$20 to Craig hospital. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

\$2,960 is appropriated from the Colorado state titling and registration account and \$17,760 is appropriated from the license plate cash fund to the department of revenue to implement the act.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1316 Special license plates - registration - Colorado Avalanche - Denver Nuggets - appropriation. The act creates both the Colorado Avalanche and Denver Nuggets special license plates. A person becomes eligible to use the plates by donating \$45 to Kroenke sports charities. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

\$35,520 is appropriated out of the license plate cash fund to the department of revenue to implement the act.

APPROVED by Governor May 19, 2011

EFFECTIVE August 10, 2011

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

NATURAL RESOURCES

S.B. 11-24 Free state parks entrance for veterans. The act allows service members who are participants in the United States armed services wounded warrior programs and who are residents of, or stationed in, Colorado to enter Colorado state parks for free and allows a free day of entrance for all veterans for one day of each year.

APPROVED by Governor March 29, 2011

EFFECTIVE March 29, 2011

S.B. 11-203 Species conservation trust fund - program eligibility list - reductions in amounts transferred to operations and maintenance account of trust fund from operational account of severance tax trust fund for fiscal years 2011-12, 2012-13, and 2013-14. The act 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.

The act makes available \$4,500,000 from the capital account of the trust fund and \$2,100,000 from the operations and maintenance account of the trust fund for certain activities, programs, and species.

For fiscal year 2011-12, the act reduces from \$1,000,000 to \$600,000 the amount to be transferred to the operations and maintenance account of the trust fund from the operational account of the severance tax trust fund. For fiscal years 2012-13 and 2013-14, this amount is reduced from \$2,500,000 to \$2,100,000.

The act decreases the following programs by the stated amounts:

- \$80,000 from South Platte native fish: Study of ground water hydrology and impacts on summer habitat of state-listed fish species;
- \$85,462 from Preble's meadow jumping mouse trapping directed by the division of wildlife;
- \$34,000 from the Preble's meadow jumping mouse conservation plan; and
- \$37,163 from pocket gopher genetics.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

S.B. 11-208 Wildlife - parks and outdoor recreation - merger to create single new administering and overseeing entities - functions and duties - enterprise status - director - appropriations to former divisions in the 2011 general appropriations act. Effective July 1, 2011, the following entities, all of which are located within the department of natural resources (department), are combined as follows:

- The wildlife commission and the board of parks and outdoor recreation are merged to form a new parks and wildlife board (new board); and
- The division of wildlife and the division of parks and outdoor recreation are consolidated into a new division of parks and wildlife (new division).

The new board consists of 16 members (the 11 members of the existing wildlife

commission and the 5 members of the existing board of parks and outdoor recreation). The new division is under the direction of a single director, who will be chosen by the members of the wildlife commission and the board of parks and outdoor recreation, with the consent of the executive director of the department, and whose term begins July 1, 2011.

The new board and the new division each assume the duties, powers, and responsibilities previously exercised by their predecessor entities, which functions and duties otherwise remain intact. Similarly, all funds and expenditures of moneys from funds continue unaltered, and the new board is charged specifically with developing accounting procedures to ensure that moneys under its control are expended consistent with the purposes for which the moneys were received. The state controller is directed to allow the new division to expend the appropriations made to the former divisions in the 2011 general appropriations act.

The executive director of the department is required to make certain one-time and annual reports to the general assembly regarding the new board and the new division.

Enterprises, which must receive under 10% of their annual revenues in combined state and local governmental grants, are not subject to the taxpayer's bill of rights (TABOR). Currently, the wildlife commission and the division of wildlife are an enterprise, and moneys that the division of wildlife receives from the great outdoors Colorado (GOCO) trust fund are excluded from the definition of "grant" for TABOR purposes. The new board and the new division constitute an enterprise, and the GOCO trust fund moneys received by the new division are excluded from the term "grant".

Current laws are amended to reflect the existence of the new board and new division, including, notably:

- Repealing and relocating duplicative or obsolete language regarding the composition, character, and terms of the new board; and
- Amending the defined terms "wildlife commission" and "board of parks and outdoor recreation" to mean the new board, and redefining "division of wildlife" and "division of parks and outdoor recreation" to mean the new division.

APPROVED by Governor June 6, 2011

PORTIONS EFFECTIVE June 6, 2011
PORTIONS EFFECTIVE July 1, 2011

S.B. 11-238 Federal mineral leases - revenues - transfers to wildfire preparedness fund. The act:

- Extends for 2 fiscal years, beginning on July 1, 2012, the annual \$3.25 million transfer of federal mineral lease revenues to the wildfire preparedness fund, unless another source of revenue becomes available, and specifies that the transfer comes from local government grant program revenues; and
- Requires the Colorado state forest service to annually report on the use of these revenues to the department of local affairs, the office of state planning and budgeting, and the general assembly.

APPROVED by Governor June 8, 2011

EFFECTIVE June 8, 2011

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 11-16 Exempt property - family allowance - cost of living adjustment. On and after January 1, 2012, the dollar limit for exempt property to which a surviving spouse is entitled to receive from the decedent's estate is increased from \$26,000 to \$30,000. On and after January 1, 2012, the dollar limit for the family allowance taken out of the estate for the maintenance of the family during the administration of the estate is increased from \$24,000 to \$30,000.

The act suspends the annual cost of living adjustments for exempt property and for the family allowance for one year when the increase in the dollar amounts due to this bill takes effect.

APPROVED by Governor March 29, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-83 Colorado probate code - omnibus. The act adds new statutory provisions and repeals and relocates, with amendments, certain existing statutory provisions concerning compensation and cost recovery in probate matters.

The act clarifies that after all right to appeal has been waived or exhausted following the entry of a judgment of conviction, a plea of guilty, or a plea of nolo contendere establishing criminal accountability for the felonious killing of the decedent, the judgment conclusively establishes the convicted individual as the decedent's killer for probate purposes.

A petition to initiate civil proceedings concerning the felonious death of a decedent may not be filed more than 3 years after the date of the decedent's death unless the petition is filed no later than one year after all right to appeal has been waived or exhausted following an entry of a judgment of conviction, or a dismissal, or an acquittal in a criminal proceeding against an individual for the decedent's death.

The act clarifies the exceptions to the requirement of a probate of a will by a Colorado registrar or judge to prove the transfer of property or to nominate an executor.

The act corrects certain provisions of the probate code to refer to a "person" rather than a "party".

The act provides that a duly executed and unrevoked will that is not a will probated in this state may be admitted as evidence of a devise if no court proceeding concerning the succession or administration of the estate has occurred and either the devisee or his or her successors and assigns possessed the property devised in accordance with the provisions of the will, or the property devised was not possessed or claimed by anyone by virtue of the decedent's title during the time period for testacy proceedings.

Current law requires a conservator's report to contain various items. The act allows a court to issue an order that provides otherwise.

The act adds statutory provisions relating to a termination-of-guardianship proceeding where the proceeding has been initiated by the ward.

A person who is a family caregiver for an incapacitated or protected person may act as the incapacitated or protected person's guardian and conservator, guardian and direct service provider, or conservator and direct service provider.

When a protected person dies, all fees, costs, and expenses of administration of the conservatorship, including any unpaid conservator fees and costs and those of his or her counsel, may be submitted to the court for approval in conjunction with the termination of the conservatorship. Thereafter, all court-approved fees, costs, and expenses of administration arising from the conservatorship shall be paid as court-approved claims for costs and expenses of administration in the decedent's estate. In the event that there are insufficient moneys to pay all claims in the decedent's estate in full, the fees, costs, and expenses of administration arising from the conservatorship shall retain their classification as "costs and expenses of administration" in the decedent's estate and shall be paid as provided in statute.

The act adds statutory provisions relating to a termination proceeding initiated by a protected person.

The act clarifies that certain existing statutory language concerning language in a power of attorney granting general authority with respect to gifts does not apply to a power of attorney in existence on December 31, 2009, except where such applicability is provided elsewhere in statute.

Current law allows a person to include in his or her power of attorney certain specific acts that his or her agent may not do without specific authority, including the exercise of fiduciary powers that the principal has authority to delegate. The act clarifies that these fiduciary powers include the powers to participate in the designation or changing of a fiduciary and the powers to participate in the direction of a fiduciary in the exercise of the fiduciary's powers.

The act clarifies that a declaration may be combined with a medical power of attorney to create a single document and that such a document shall comply with all requirements of the probate code.

Under current law, at any time 10 or more days after the date of death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, chose in action, or stock brand belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, chose in action, or stock brand to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating certain conditions, including that the fair market value of property owned by the decedent and subject to disposition by will or intestate succession at the time of his or her death, wherever that property is located, less liens and encumbrances, does not exceed \$50,000. The act raises this limit to \$60,000.

A conservator shall keep records of the administration of the estate and make them available for examination on reasonable request of an interested person within 30 days unless the court otherwise directs.

When a trustee receives reasonable request from a trust beneficiary, the trustee shall provide the beneficiary with a copy of the terms of the trust that describe or affect the beneficiary's interest and with relevant information about the assets of the trust and the particulars relating to the administration of the trust. The act requires that, not more than 30 days after receiving a request pursuant to this section, the trustee shall comply with the request or respond in writing as to why additional time is needed to respond or why the requested information will not be provided.

Current law states that unless a power of attorney otherwise provides, language in a power of attorney granting general authority with respect to estates, trusts, and other beneficial interests authorizes the agent to reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from an estate, trust, or other beneficial interest. The act eliminates this grant of authority.

APPROVED by Governor April 8, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-165 Colorado Uniform Estate Tax Apportionment Act. The act establishes the "Colorado Uniform Estate Tax Apportionment Act" (act). Provisions of the act include apportionment by will or other dispositive instrument; statutory apportionment of estate taxes; credits and deferrals; advancement of tax as related to insulated property; apportionment and recapture of special elective benefits; securing payment of estate tax from property in possession of a fiduciary; collection of estate tax by a fiduciary; and right of reimbursement.

APPROVED by Governor May 19, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-166 Colorado probate code - intestate succession and wills - uniform disclaimer of property interests. The act establishes the "Uniform Disclaimer of Property Interests Act" (uniform act). The uniform act's provisions include the power to disclaim and related general requirements, disclaimer of interest in property, disclaimer of rights of survivorship in jointly held property, disclaimer of interest by trustee, disclaimer of power of appointment, delivery and filing requirements, and specifications for when disclaimer is barred or limited.

APPROVED by Governor May 23, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-175 Trustees - insurable interest. The act enacts the insurable interest amendments to the uniform trust code, drafted by the national conference of commissioners on uniform

state laws, and specifies when a trustee of a trust has an insurable interest in the settlor of the trust or an individual in whom the settlor of the trust has or had an insurable interest.

APPROVED by Governor April 13, 2011

EFFECTIVE July 1, 2011

PROFESSIONS AND OCCUPATIONS

S.B. 11-60 3.2% beer - sale for on-premises consumption. Under current law, persons licensed under the "Colorado Liquor Code" to sell malt, vinous, or spirituous liquors for on-premises consumption are not permitted, pursuant to that license, to sell fermented malt beverages, also referred to as "low-alcohol-content beer" or "3.2% beer".

The act permits all persons licensed to sell malt, vinous, or spirituous liquors for on-premises consumption to also sell low-alcohol-content beer for consumption on the licensed premises.

APPROVED by Governor May 13, 2011

EFFECTIVE May 13, 2011

S.B. 11-66 Alcohol - special event permits - local licensing authorities. The act authorizes local licensing authorities to issue special event permits to consume alcohol and raises the number of days a permit may be issued from 10 to 15 in one calendar year. The local licensing authority must check with the state licensing authority to determine the applicant's permitting activity and ensure compliance with the annual limit on permits. The act repeals the requirement that an applicant show that existing facilities are inadequate and also repeals the authority to require bonds to be posted for special event permits.

APPROVED by Governor May 23, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-88 Direct-entry midwives - coordination of professional licensing and registration provisions - authority to obtain and administer selected medications - discipline - rules - continuation under sunset law - appropriation. The act prohibits a certified nurse-midwife from being simultaneously licensed as a nurse and registered as a direct-entry midwife and clarifies that a direct-entry midwife's client includes a pregnant woman and a newborn child. The act also clarifies that natural childbirth means the birth of a child without the aid of prescription drugs other than those the direct-entry midwife has authority to obtain and administer.

The act requires a direct-entry midwife to refer every newborn child to a licensed health care provider within 7 days after birth. The act gives direct-entry midwives limited authority to obtain and administer vitamin K, Rho(D) immune globulin, antihemorrhagic drugs, and intravenous fluids, subject to stated limitations and rules of the director of the division of registrations (director). The act requires a direct-entry midwife to initiate the transportation of a client experiencing uncontrollable postpartum hemorrhage in accordance with an emergency plan and requires the direct-entry midwife to inform the patient that she may have to administer an antihemorrhagic drug. It also encourages the director and other interested parties to meet and discuss whether direct-entry midwives should be authorized to perform suturing of perineal tears. The act explicitly authorizes direct-entry midwives to obtain eye prophylaxis, which they are already authorized and directed to administer to newborns.

The act also:

- Requires the director to adopt rules establishing a fine structure and the circumstances under which fines may be imposed;
- Adds to the list of violations for which suspension or revocation is authorized a failure to respond in a full and timely manner to a complaint and a failure to comply with an order of the director; and
- Amends language referring to "habitual intemperance" with regard to drugs or alcohol.

The automatic termination date of the registration of direct-entry midwives by the division of registrations is extended until September 1, 2016, pursuant to the provisions of the sunset law.

\$1,750 is appropriated to the department of regulatory agencies, for allocation to the division of registrations, for personal services. \$4,109 is appropriated to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for legal services.

APPROVED by Governor June 2, 2011

EFFECTIVE July 1, 2011

S.B. 11-91 Veterinarians - state board of veterinary medicine - implementation of recommendations in sunset report - continuation under sunset law - appropriation. The act creates an exemption to the veterinarian-client-patient relationship (VCPR) requirement for the dispensing of prescription drugs in emergency situations when the veterinarian who has the relationship with the animal and its owner does not have access to the prescription drug needed. In limited circumstances and subject to rules of the board of veterinary medicine (board), a second veterinarian who has access to the prescription drug would be permitted to dispense the drug for the animal, even though that veterinarian lacks a VCPR with the animal and its owner. The second veterinarian would not be subject to discipline for administering the drug without a VCPR if the drug is administered pursuant to the limited exception.

The practice of animal physical therapy by a licensed physical therapist in accordance with the "Physical Therapy Practice Act" is exempted from the licensing requirements of the "Colorado Veterinary Practice Act". Additionally, an unlicensed person is permitted to assist in a surgical procedure if the person is under the immediate supervision of a licensed veterinarian who is responsible for the person's performance.

The provision authorizing a licensed veterinarian to establish or own shares in a corporation for the practice of veterinary medicine is relocated, recodified, and simplified. The act further specifies that the practice of veterinary medicine by a corporation must be performed by or under the supervision of a licensed veterinarian, and the corporation and its lay directors, officers, and shareholders cannot exercise any authority over the independent medical judgment of licensed veterinarians practicing veterinary medicine by or on behalf of the corporation.

All veterinary clinics will be required to have a Colorado-licensed veterinarian designated as responsible for veterinary medical decisions and care provided to a patient present in the facility and designated as responsible for the veterinary premises. Additionally, the board is authorized to impose a fine on a corporate veterinary practice for failing to designate a licensed veterinarian as responsible for the veterinary premises at all

times when a patient is present on the premises.

The act establishes a peer assistance program for veterinarians to allow those veterinarians impaired by a physical, emotional, or psychological condition to obtain assistance and intervention to correct the condition and continue their practice.

The board is directed to develop a uniform system and schedule of fines that it may impose for violations of the practice act regulating veterinarians.

The act modifies the grounds for discipline as follows:

- Eliminates failure to display a license as a grounds for disciplining a licensed veterinarian;
- Removes the reference to addiction or dependence on alcohol or drugs and instead allows discipline based on one's use or abuse of those substances;
- Permits discipline if a person engages in the practice of veterinary medicine while his or her license is expired; and
- Adds failure to respond to a complaint, failure to update contact information, and failure to properly supervise staff or students as grounds for discipline.

The definition of "veterinarian-client-patient relationship" is modified to allow the veterinarian in the relationship to arrange for emergency coverage by another veterinarian to provide follow-up evaluation in the event the primary veterinarian is not available for the follow-up care. The act also defines the terms "client", "direct supervision", "immediate supervision", and "patient" for purposes of further clarifying the VCPR and a licensed veterinarian's responsibilities when supervising unlicensed persons.

The act imposes a 2-year waiting period for a veterinarian whose license has been revoked. The board is authorized to suspend the license of a veterinarian for failure to comply with an order of the board and to continue the suspension until the veterinarian complies.

The act repeals the requirement for notice and hearing before the governor may remove a board member. The act also implements numerous technical changes recommended in the sunset report and by the board, including the following:

- Clarifying the process for applying and the qualifications for licensure and for licensure by endorsement, the authority of the board to deny a license or grant a license subject to probation, and the ability of an applicant to seek review of the board's decision on the license application;
- Modifying provisions governing inactive status of a license;
- Prohibiting a veterinary student from participating in the operation of a branch office, clinic, or allied establishment unless he or she is under the direct supervision of a licensed veterinarian.

The automatic termination date of the state board of veterinary medicine and its functions is extended until September 1, 2022, pursuant to the provisions of the sunset law.

The act appropriates the following amounts from the division of registrations cash fund:

- \$7,673 to the division of registrations in the department of regulatory agencies for personal services and operating expenses necessary for the implementation

- of the act; and
- \$4,402 to the executive director's office and administrative services in the department of regulatory agencies for legal services, and such moneys are reappropriated to the department of law for the provision of legal services to the department of regulatory agencies.

APPROVED by Governor May 23, 2011

EFFECTIVE July 1, 2011

S.B. 11-94 State board of optometry - continuation under sunset law - name change - appropriation. The act implements the sunset review recommendations of the department of regulatory agencies regarding the state board of optometric examiners (board) pursuant to the provisions of the sunset law. The board is extended until September 1, 2022. A volunteer license is created that is available at a reduced fee for optometrists who are no longer charging for services. The definition of "unprofessional conduct" is amended by:

- Authorizing an optometrist to continue to practice while having a physical or mental disability that affects the optometrist's ability to practice if the optometrist has entered into a confidential agreement with the board that limits the optometrist's practice to address the optometrist's disability. The board is authorized to enter into such agreements.
- Prohibiting the habitual or excessive use or abuse of alcohol, a habit-forming prescription drug, or a controlled substance;
- Striking the terms "willfully" and "willful" in the phrases "willfully deceiving or attempting to deceive the board or its agents with reference to any proper matter under investigation by the board" and "willful and repeated ordering or performance, without clinical justification, of demonstrably unnecessary laboratory tests or studies";
- Adding the failure to respond in an honest, responsive, and timely manner to a complaint.

The board may summarily suspend a license for an optometrist's failure to comply with an order of the board and may impose a fine on a licensee for violations unrelated to a standard of practice. In addition, the act:

- Increases the minimum financial responsibility requirement to \$1 million per incident and \$3 million aggregate per year; and
- Authorizes the board to waive or establish lesser financial responsibility requirements for optometrists who have an inactive license.

The definition of the "practice of optometry" is updated. The act makes technical changes to the board's statutes, and changes the name of the board to the state board of optometry. A certificate is no longer needed to practice as a therapeutic optometrist.

The act appropriates \$5,452 from the division of registrations cash fund for implementation of the act, of which \$1,050 is allocated to the department of regulatory agencies and \$4,402 is allocated to the department of law.

APPROVED by Governor April 22, 2011

EFFECTIVE April 22, 2011

S.B. 11-169 Physical therapy - physical therapy board - practice - administration - regulation of physical therapist assistants - appropriation. The act implements the following recommendations of the department of regulatory agencies in its sunset review of the regulation of physical therapists:

- The regulation of physical therapists is continued until 2018.
- The board of physical therapy (board) is reestablished and the physical therapy advisory committee is repealed.
- Physical therapists are permitted to use an automated external defibrillator.
- The program of "All-inclusive Care for the Elderly" is added to the list of physical therapy work settings that are exempt from the corporate practice law.
- A physical therapist's failure to properly address a physical or mental condition of the therapist affecting his or her practice is established as grounds for discipline, and the board is authorized to create confidential agreements with physical therapists to address these conditions.
- Physical therapists are required to maintain professional liability insurance.
- The standard for discipline for inappropriate drug use is changed to be triggered by acts, not status.
- Physical therapists who have had their licenses revoked or who have surrendered their licenses, in lieu of disciplinary action, are required to wait 2 years to reapply.
- Failure to respond to a complaint is established as grounds for discipline.
- The provision denying renewal of an existing physical therapist license is repealed.

In addition, the scope of a physical therapist's practice is expanded to include wound care, and a physical therapist may elect to have an inactive license.

The act authorizes the heir of a shareholder of a physical therapy practice to own the practice for up to 2 years even if the heir is not a physical therapist. The physical therapy board is directed to promulgate rules covering the supervision of assistants and nurse aides but the physical therapist may not supervise more than 4 people. A physical therapist who maintains patient records is required to ensure information security.

The act authorizes the physical therapy board to certify physical therapist assistants. Certification is needed to hold oneself out to be a physical therapist assistant or to practice as a physical therapist assistant. In order to qualify to be certified as a physical therapist assistant, an applicant must pass an examination and complete a training program. Alternatively, the applicant must have qualified to take the examination or qualified for certification by endorsement. Current physical therapist assistants with at least 5 years of experience qualify for certification. Grounds for withholding or denial of a certificate are established.

An applicant for licensure must submit an application and pay a fee established by the board.

A physical therapist assistant must be under the supervision of a physical therapist to assist in the clinical practice of physical therapy. Grounds for discipline and disciplinary procedures are established.

The act establishes standards for mental and physical competency and for judicial review of board actions resulting in the surrender of a physical therapist assistant's certificate. A person who violates the qualification standards for physical therapist assistants is subject to penalties. The board may initiate injunction proceedings against a person practicing in violation of the certification requirements.

The functions of the board are subject to review and potential repeal under the sunset law.

The following appropriations are made to the division of registrations from the division of registrations cash fund to implement the act: \$101,814 for personal service and operating expenses, \$38,886 for legal services, and \$23,680 for information technology.

APPROVED by Governor May 13, 2011

EFFECTIVE July 1, 2011

S.B. 11-187 Regulation of mental health professionals - continuation under sunset law - implementation of recommendations in sunset report - appropriations. The automatic termination date of the state boards of psychologist examiners, social work examiners, marriage and family therapist examiners, and licensed professional counselor examiners, the state grievance board, and the regulation of addiction counselors is extended until September 1, 2020, pursuant to the provisions of the sunset law. Accordingly, these mental health professional oversight boards, and the regulation of psychologists, social workers, marriage and family therapists, licensed professional counselors, psychotherapists, and addiction counselors, are continued through September 1, 2020.

The act implements the recommendations contained in the sunset report, with modifications, as follows:

- Creates the state board of addiction counselor examiners and shifts regulatory oversight of addiction counselors from the director of the division of registrations (director) in the department of regulatory agencies to the newly created board, which is subject to termination on September 1, 2020, pursuant to the sunset law;
- Continues indefinitely the ability of the oversight boards to issue a provisional license or certification to a candidate for a mental health professional license or certification if the candidate has satisfied the education requirements for a license or certification but has not yet satisfied the experience requirements;
- Changes the name of "unlicensed psychotherapists" to "registered psychotherapists" in recognition of the fact that psychotherapists are required to register with, and are regulated by, the state grievance board, which the act renames as the state board of registered psychotherapists;
- Creates a registry for marriage and family therapy and licensed professional counselor licensure candidates who are working toward full licensure, consistent with candidate registries currently available for psychologist, social worker, and addiction counselor licensure candidates;
- Eliminates the requirement that the oversight boards administer written, mail-in examinations to determine an applicant's competency in the particular practice area, thereby allowing the boards the flexibility to determine the format of the examinations;
- Repeals a duplicate definition of "psychotherapy" to avoid confusion with

another broader definition of that term in another provision of the article and repeals the definition of "unlicensed psychotherapist" to comport with the change in terminology to "registered psychotherapists";

- Amends the statute outlining activities that are prohibited for persons regulated under the act to: Eliminate the requirement that a person who has been convicted of a felony can be disciplined only if the felony relates to the ability to practice the person's mental health profession and permit discipline when the person receives a deferred sentence to a felony charge; restate the grounds for discipline regarding use or abuse of alcohol or drugs to eliminate the term "intemperate"; eliminate the ability of a board to discipline a licensee, registrant, or certificate holder simply for having a mental or physical illness or condition that impairs the person's ability to practice his or her profession and instead allow the applicable board to discipline the licensee, registrant, or certificate holder for failing to notify the board of the limitation, failing to act within the limitations of the illness or condition, or failing to comply with the conditions in a confidential agreement with the board related to the person's mental or physical illness or condition; for purposes of determining whether a person has acted or failed to act in a manner consistent with generally accepted standards of the professional discipline under which the person practices, adds a reference to the standards of practice generally recognized by state and national associations of practitioners in the field of the person's professional discipline; eliminates the requirement that repeated ordering of unnecessary laboratory tests or studies must be willful in order to be grounds for disciplining the person; and adds as a ground for discipline the failure to respond to a complaint;
- Authorizes the oversight boards to impose an administrative fine on a licensee, registrant, or certificate holder who violates an administrative requirement of the statutes or rules, and requires the boards to adopt rules setting up a schedule of fines not to exceed \$5,000 per violation;
- Permits the oversight boards to enter into confidential agreements to restrict the practice of a licensee, registrant, or certificate holder who has a mental or physical illness or condition that affects his or her ability to practice the profession with reasonable skill and safety to clients; and
- Repeals obsolete and redundant definitions contained in various sections of the mental health practice act.

In addition to the recommendations contained in the sunset report, the act further modifies the mental health professional practice act as follows:

- Clarifies the training and work experience required to obtain a license as a clinical social worker.
- Allows the director, in consultation with the oversight boards, to develop and select a designated provider to operate a peer health assistance program to provide education and offer assistance to mental health professionals who have a physical, emotional, or psychological condition. The peer health assistance program is to be funded by an increase in new and renewal fees, starting July 1, 2012.
- Clarifies that psychotherapy is one area of practice for mental health professionals, other than registered psychotherapists, but may not be the only or primary practice of a psychologist, social worker, marriage and family therapist, licensed professional counselor, or addiction counselor licensed, registered, or certified by the respective oversight boards.

- Requires mental health professionals to provide the mandatory disclosure of information to clients both verbally and in writing and expands the information required to be disclosed, including an explanation of the levels of regulation applicable to the particular mental health professional and the differences between those various regulatory levels, as well as the educational, experience, and training requirements applicable to the mental health professional. The act further requires a registered psychotherapist to include in his or her disclosure a statement indicating that he or she is a psychotherapist listed in the state's database and is authorized to practice psychotherapy but is not licensed by the state and is not required to satisfy any standardized educational or testing requirements to obtain a registration from the state.
- Repeals the exemption from board jurisdiction for mental health professionals while acting within the scope of a court appointment to undertake custodial evaluations in domestic relations cases or to undertake domestic and child abuse evaluations in legal proceedings. Additionally, the exemption from board oversight for professional coaches is limited to professional coaches who are not engaged in the practice of a mental health profession.
- Modifies the membership on the oversight boards to eliminate one public member on each board and replace that member with a person engaged in or authorized to practice the particular profession.
- Permits the state board of social work examiners to appoint an advisory committee of clinical practitioners to assist with the operations of the board.
- Modifies the definitions of "practice of psychology", "practice of licensed professional counseling", and "practice of addiction counseling", respectively, to conform to model practice act language adopted by the applicable national professional associations.
- Adds counseling to the list of permissible practices of a social worker.
- Recodifies laws pertaining to the licensure and certification of addiction counselors to specify qualifications for licensure as an addiction counselor and certification as either a level II or III certified addiction counselor and the particular activities in which addiction counselors are permitted to engage based on whether the addiction counselor is licensed or has a level II or III certification.

The act appropriates the following amounts from the division of registrations cash fund:

- \$271,088 to the department of regulatory agencies, for allocation to the executive director's office, to implement the act, with \$176,088 allocated for legal services and reappropriated to the department of law and \$95,000 allocated for information technology asset maintenance; and
- \$261,540 to the department of regulatory agencies, for allocation to the division of registrations for personal services and operating expenses.

APPROVED by Governor June 2, 2011

EFFECTIVE July 1, 2011

S.B. 11-192 Pharmacists - prescription drug monitoring program - fees - continuation under sunset law - appropriation. The act repeals the prescription controlled substance abuse monitoring advisory committee. Currently, the prescription drug monitoring program

requires pharmacists to enter identifying information into a database when a controlled substance is dispensed. The act requires that each prescriber disclose to a patient receiving a prescription for a controlled substance that the information will be entered into the database. The act also allows state regulatory boards within the division of registrations and medical residents access to the program. The bill changes the cap on the fee charged to licensed prescribers to maintain the program from \$7.50 per year to \$17.50 until June 30, 2013, \$20.00 until June 30, 2015, and \$25.00 thereafter. Fines paid are deposited in the general fund instead of the prescription drug monitoring fund. The act also adds data entered into the program to the definition of "medical record".

The automatic termination date of the program is extended until July 1, 2021, pursuant to the provisions of the sunset law.

The act appropriates \$50,326 cash funds and 1.0 FTE to the department of regulatory agencies, for allocation to the division of registrations, for implementation of the act.

APPROVED by Governor May 27, 2011

EFFECTIVE July 1, 2011

S.B. 11-206 Real estate - mortgage loan originator licensing - noncommercial mortgage-related activities - exemption. The act exempts the following from the "Mortgage Loan Originator Licensing and Mortgage Company Registration Act":

- To the extent they provide programs benefitting affordable housing dwelling units, an agency of the federal government, the Colorado government, or any of Colorado's political subdivisions or employees of an agency of the federal government, of the Colorado government, or of any of Colorado's political subdivisions;
- Quasi-government agencies, United States department of housing and urban development (HUD) approved housing counseling agencies, or employees of quasi-government agencies or HUD-approved housing counseling agencies;
- Community development organizations or employees of community development organizations; and
- Self-help housing organizations, employees of self-help housing organizations, or volunteers acting as an agent of self-help housing organizations.

The act also specifies that these exemptions are subject to contrary determinations that may be made by the federal bureau of consumer financial protection or the United States department of housing and urban development. The act authorizes the board of mortgage loan originators to adopt reasonable rules modifying the exemptions in the act in accordance with rules adopted by the federal bureau of consumer financial protection or the United States department of housing and urban development.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

S.B. 11-240 Private occupational schools - regulation - sunset review. The act requires the department of regulatory agencies to review, pursuant to the sunset laws, the regulation of private occupational schools, including the functions of the private occupational school

division in the department of higher education and the private occupational school board in the division. In accordance with the sunset review process, the laws pertaining to regulation of private occupational schools will repeal automatically in 2015 unless extended by the general assembly acting by bill.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-242 Nursing - retired volunteer nurse license - age of eligibility. The act changes the age at which a nurse may receive a retired volunteer nurse license from 65 to 55. The act requires the state board of nursing to deny an application for the reactivation of a practical or professional nurse license for any retired volunteer nurse who has not actively volunteered as a nurse for the 2-year period preceding the application for reactivation or has not otherwise demonstrated competency to return to active practice.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

S.B. 11-273 Alcohol - common consumption areas. The act allows local authorities to create entertainment districts. A promotional association may operate a common consumption area within a district if certified to do so by the local licensing authority. Within common consumption areas, a person may buy an alcohol beverage from an attached vendor and consume the alcohol within the area. A common consumption area must have a qualified promotional association that represents the vendors, and vendors must be approved by the local licensing authority to be attached. Standards are set for approving both the promotional association and the vendors, including a requirement that the common consumption area be insured. The local authority may impose procedures and fees for approval and remove the authorization for violations.

The promotional association must submit annual reports to the local licensing authority and remove alcohol beverages from the festival area at closing. The vendors and the promotional association are prohibited from:

- Employing servers who have not completed an appropriate training program;
- Selling or providing an alcohol beverage to a customer within the common consumption area unless the container is less than 16 ounces, is disposable, and contains the name of the vendor in at least 24-point font;
- Operating the common consumption area during hours the licensed premises cannot legally sell alcohol;
- Operating the common consumption area in an area that exceeds the maximum authorized by statute or by the local licensing authority;
- Selling or giving alcohol to a person who is under 21 years of age, a visibly intoxicated person, or a known habitual drunkard; or
- Permitting a visibly intoxicated person to loiter within the common consumption area.

A person is prohibited from consuming alcohol within the common consumption area

unless it was purchased from an attached, licensed premises.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1013 Registration fees - continuing education - professional competency requirements - exemptions for military service. The act exempts military personnel from licensing, certification, and registration fees and from continuing education and professional competency requirements for the period of federally funded service in a war, emergency, or contingency and for a renewal cycle that falls within the period of service or within 6 months after the date of discharge so long as the period of service is 120 days or longer. The act does not apply to the division of real estate.

APPROVED by Governor April 13, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1015 Certified public accountants - licensure - qualifications - discipline. The act specifies that to become licensed pursuant to the applicant's educational and experience qualifications, a certified public accountant (CPA) must take an ethics course and have either one year's experience or 30 hours of additional study. Registered CPA firms are added to the list of persons against whom the board may issue cease-and-desist orders. Additionally, the act removes obsolete language and revises the authority of the state board of accountancy to take disciplinary action.

APPROVED by Governor March 1, 2011

EFFECTIVE March 1, 2011

H.B. 11-1022 Real estate - mortgage loan originator licensing - seller financing - exemption. The act exempts from the "Mortgage Loan Originator Licensing and Mortgage Company Registration Act" a person, estate, or trust that provides mortgage financing for the sale of no more than 3 residential properties in any 12-month period to purchasers of such properties, each of which is owned by the person, estate, or trust.

APPROVED by Governor March 1, 2011

EFFECTIVE March 1, 2011

H.B. 11-1178 Mortuary science - cremation - funeral establishment - disposition of human remains. The current regulation of crematories assumes that cremation occurs through intense heat. The standards for cremation are updated to include alternatives, such as chemical methods.

Currently, a funeral establishment must be registered if it provides funeral goods or services to the public. The registration requirement is clarified to cover holding oneself out to the public as selling and offering to sell funeral goods and services and providing memorial services for compensation.

Currently, a funeral establishment must notify customers of subcontractors and suppliers. This requirement is narrowed to apply only when the subcontractor handles or cares for the human remains.

The act also clarifies that a cemetery or mausoleum may be used to dispose of unclaimed cremated remains and that there is no liability for records that are destroyed unless the custodian is negligent. A funeral establishment or crematory is authorized to dispose in an unrecoverable manner of remains that have been abandoned for 3 years. The title protection standards are broadened to include a person who has obtained a mortuary science certificate from an accredited school. Finally, a cremationist is required to use a cremation chamber exclusively for human remains.

APPROVED by Governor April 6, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1188 Motor vehicle sales - manufacturers and dealers - franchise agreements. The act prohibits a motor vehicle or powersports vehicle manufacturer or distributor from the following:

- Failing to notify a dealer at least 90 days before ending a franchise agreement;
- Failing to notify a dealer at least 90 days before modifying a franchise agreement if the modification is detrimental to the dealer; and
- Requiring or coercing a dealer to upgrade a facility if the facility has been upgraded within the last 7 years at the manufacturer's or distributor's request and the upgrade cost more than \$250,000 for a motor vehicle dealer, \$25,000 for a motorcycle dealer, or \$25,000 for a powersports dealer and if the upgrade is not to comply with safety laws or technology standards.

The act requires the executive director of the department of revenue to issue a cease-and-desist order when a manufacturer or distributor is illegally ending a franchise agreement. Procedures are set for a hearing that is required to make the order permanent. The act also voids a site control provision of a franchise agreement if a manufacturer or distributor ends the agreement for just cause. The dealer may void a modification to a franchise agreement if the manufacturer or distributor fails to provide the required notice.

APPROVED by Governor May 13, 2011

EFFECTIVE May 13, 2011

H.B. 11-1195 Private investigators - voluntary license - regulatory functions subject to sunset law - appropriation. The act creates the "Private Investigators Voluntary Licensure Act", which permits a private investigator in Colorado to obtain a voluntary license from the director of the division of registrations in the department of regulatory agencies (director) if the private investigator:

- Is at least 21 years of age;
- Is lawfully present in the United States;
- Has at least 4,000 hours of verifiable, applicable experience as a private investigator within the previous 5 years or 2,000 hours of experience plus an amount of education as determined by the director;

- Has knowledge and understanding of the laws affecting the activities of licensed private investigators in this state;
- Obtains a fingerprint-based criminal history record check;
- Pays the required fee; and
- Submits any applicable business registration documentation.

A private investigator who does not obtain a license is prohibited from holding himself or herself out as, or using the title of, "licensed private investigator".

The director is authorized to deny, suspend, or revoke a license or place a private investigator's license on probation if the person engages in certain prohibited activities, such as:

- Violation of an order of the director or any provision of the act or rules adopted pursuant to the act;
- Failure to satisfy licensure requirements or use of fraud, misrepresentation, or deceit in applying or attempting to apply for a license; and
- Conviction of or entry of a plea of nolo contendere to a felony; any other offense, the underlying factual basis of which has been found by the court to involve unlawful sexual behavior, domestic violence, or stalking; or a violation of a protection order.

The act sets forth required procedures that the director is to follow when investigating a complaint against a licensed private investigator and determining whether to impose discipline and the appropriate level of disciplinary action to take against a licensee. A person whose license is revoked cannot apply for a new license for 2 years after the date of revocation.

The functions of the director pertaining to the licensure of private investigators is subject to sunset review and repeal on September 1, 2016.

The act appropriates the following amounts:

- \$19,750 from the Colorado bureau of investigation identification unit fund to the Colorado bureau of investigation to administer criminal history record checks of private investigator license applicants;
- \$7,337 from the division of registrations cash fund for legal services for the department of regulatory agencies, which sum is reappropriated to the department of law for the provision of legal services to the department of regulatory agencies; and
- \$75,196 from the division of registrations cash fund to the division of registrations for implementation of the act.

APPROVED by Governor June 10, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1206 Debt-management services - regulation of providers - prohibition of certain advance fees - repeal of fee cap and authority to adjust for inflation - clarification of provisions related to services provided by attorneys and accountants. The act amends the

"Uniform Debt-Management Services Act" (UDMSA), which regulates agreements for debt-management services (services) between individuals and debt-management services providers (providers), as follows:

- Prohibits advance fees for debt-management services and makes a conforming amendment to remove the statutory fee cap (which permitted advance fees), but continues to allow advance fees of up to \$50 per month for credit counseling (a program that reduces finance charges, late fees, and default fees, compared to debt settlement, where the principal amount of the debt is reduced);
- Withdraws the ability of a provider to settle a debt with a power of attorney;
- Requires an individual's signed authorization for each settlement;
- Harmonizes with federal trade commission (FTC) rules the UDMSA provisions regarding consumer disclosures, except where state law already included those disclosures or provided greater consumer protection;
- Conforms trust account requirements to comply with FTC rules;
- Repeals the statutory mandate to the UDMSA administrator to adopt by rule dollar amounts that differ from those contained in the UDMSA in order to account for inflation;
- Retains the current exemption from the definition of "debt-management services" for services provided by licensed attorneys and certified public accountants (CPAs) and clarifies that a person providing services on behalf of, but not employed by, an attorney or CPA is ineligible for the exemption;
- Repeals the requirement that a provider be insured against the risks of misconduct, leaving intact the existing UDMSA requirement that a provider post a surety bond;
- Repeals the requirement that provider employees be certified; and
- Allows the administrator of the UDMSA to recover in a lawsuit the penalties now available through administrative action.

APPROVED by Governor April 13, 2011

EFFECTIVE July 1, 2011

PROPERTY

S.B. 11-39 Self-storage units - owner's remedies on default by tenant - sale of property - notices - conduct of sale. In statutes dealing with enforcement of the lien granted to the owner of a self-storage facility in the event of a default in rental payments by the tenant, the act makes the following changes:

- Allows use of the tenant's e-mail address, as an alternative to a postal (street) address, for the purpose of giving required notices of default and of the sale or other disposition of the tenant's property.
- Eliminates the owner's responsibility to notify the sheriff before selling property to satisfy the lien.
- Allows the owner to either advertise a pending sale in a local periodical or otherwise advertise it in a "commercially reasonable manner". The advertisement is commercially reasonable if at least 3 independent bidders attend the sale. An "independent bidder" is defined as a bidder who is not related to and has no controlling interest in, or common pecuniary interest with, the owner or any other bidder.
- Allows a boat or vehicle that is subject to state registration to be towed from the self-storage facility if rent is unpaid for 60 days. The owner is absolved of liability for the boat or vehicle once it is given to an independent towing carrier for transport.
- Absolves the owner of liability for the misuse of personal information contained in documents, computer hard drives, etc., of which the owner did not have actual knowledge.

APPROVED by Governor April 6, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-50 Conservation easements - condemnation - task force. The act creates the condemnation of conserved property task force to study during the 2011 interim the valuation of property subject to a conservation easement in a condemnation action. The 12-member task force must submit a written report of its findings and recommendations to the agriculture, natural resources, and energy and local government committees of the senate and the agriculture, livestock, and natural resources and local government committees of the house of representatives by October 17, 2011.

APPROVED by Governor June 8, 2011

EFFECTIVE June 8, 2011

S.B. 11-234 Residential real property - prohibition on new transfer fee covenants and liens - required recording of notice of existing transfer fee covenants - exemptions. The act addresses, among other things, the recording of transfer fee covenants (covenant) asserted against residential real property. These covenants create an obligation, specifically, the payment of a transfer fee (fee), which is a fee or charge paid upon the conveyance of residential real property that runs with the land.

Prohibitions on new transfer fee covenants and liens

The act prohibits any covenant recorded on or after May 23, 2011, or any lien

recorded on or after May 23, 2011, to the extent that it purports to secure the payment of a fee, from being, upon conveyance, binding on or enforceable against the affected real property or from being payable for the right to make or accept such conveyance. The act also prohibits any covenant or lien from being binding on or enforceable against any subsequent owner, purchaser, or holder of any mortgage, deed of trust, or other security interest encumbering the affected real property. Any person who records, or causes or suffers to be recorded, a covenant on or after May 23, 2011, and fails to release such covenant and any lien purporting to secure the payment of a fee within 30 days after written request for the release is sent to the last-known address of the person or entity to whom a fee is to be paid (payee) as specified in the covenant or by certified mail is liable for actual damages and attorney fees, expenses, and costs under circumstances specified in the act.

Existing residential transfer fee covenants

In the case of any covenant, or any amendment to such covenant, recorded prior to May 23, 2011, the act requires a payee, as a condition of payment of the fee, to record against the residential real property burdened by the covenant, in the office of the county clerk and recorder for the county in which the residential real property is situated, not later than October 1, 2011, a notice of transfer fee (notice). The act specifies the required elements of the notice.

If the payee fails to comply fully with the requirements of the act concerning the notice, the grantor of any residential real property burdened by the covenant may proceed with the conveyance to any grantee and in doing so shall be deemed to have acted in good faith and shall not be subject to any obligations under the covenant. All conveyances thereafter shall be free and clear of any such fee and covenant.

Written statement of transfer fee payable and affidavit

Upon written request made by the owner, or the owner's designee, delivered personally or by certified mail, to the payee's address shown on the notice or any amendment to the notice, the payee must furnish to the owner or the owner's designee a written statement specifying the amount of the fee payable. If the payee fails to provide such statement within 30 days after the date a written request for the same is sent in order to obtain a release of such fee, then the owner or the owner's designee, on recording of the affidavit required by the act, may convey any interest in the residential real property to any grantee without payment of the fee and such conveyance shall not be subject to the fee and covenant.

The act requires an affidavit, executed under penalty of perjury, satisfying certain requirements specified in the act to be recorded prior to, simultaneously with, or within 45 days after a deed or other instrument conveying the interest in the residential real property burdened by the covenant is recorded in the office of the county clerk and recorder in the county in which the residential real property is situated. The act specifies the evidence the affidavit shall support and the required contents of the affidavit.

The act exempts from its provisions prohibiting new covenants and liens and imposing recording obligations as to existing covenants a nonprofit organization formed prior to May 23, 2011, that is either described in specified sections of the federal "Internal Revenue Code of 1986", as amended, or that is organized in accordance with specified provisions of Colorado law, and that is a payee under a covenant recorded prior to May 23, 2011.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

S.B. 11-264 Mechanics' lien - real estate broker's lien - discharge and release of lien and notice of lis pendens - court approval of bond or undertaking as substitute for filing of lien. Upon court approval of a bond or undertaking as a substitute for the filing of a mechanics' or real estate broker's lien, and, in the specific case of a mechanics' lien, upon the issuance and recording of a certificate of release, the act provides that:

- The lien, and any notice of lis pendens relating to the lien or notice of the commencement of any action relating to a lien filed against the real property, shall be immediately discharged and released in full;
- The real property described in the bond or undertaking shall be forever released from the lien, from any notice of lis pendens or notice of the commencement of any action relating to the lien, and from any action brought to foreclose the lien; and
- No notice of lis pendens or notice of the commencement of any action relating to the lien or any action for the enforcement or foreclosure of the lien shall thereafter be recorded against the property.

The clerk of the district court must show that the property has been forever released from the lien and from any notice of lis pendens or notice of the commencement of any action relating to such lien in the certificate of release issued by the clerk.

The act makes an exception for its provisions from statutory requirements specifying when a recorded notice of lis pendens shall remain in effect.

APPROVED by Governor June 2, 2011

EFFECTIVE July 1, 2011

H.B. 11-1023 Foreclosures - residential foreclosures - assistance to homeowners - foreclosure deferment program - continuation. The act continues the existing foreclosure deferment program, which is scheduled to expire in 2011, until 2014.

APPROVED by Governor March 1, 2011

EFFECTIVE March 1, 2011

H.B. 11-1124 Common interest communities - homeowners' associations - executive boards - members - conflicts of interest. The act makes the following changes with regard to conflicts of interest of members of the executive board (board member) of a unit owners' association (association):

- Requires a candidate for the board of directors of a special district to indicate on the person's self-nomination and acceptance form whether he or she is a board member of an association located within the boundaries of the special district; and
- Specifies certain provisions that must be addressed in an association's policies, procedures, and rules and regulations pertaining to conflicts of interest involving board members.

APPROVED by Governor April 13, 2011

EFFECTIVE April 13, 2011

H.B. 11-1174 Manufactured homes - certificate of destruction - filing without certificate of title and without certificate of taxes due. A person on whose property a manufactured

home is situated can file a certificate of destruction without a certificate of title and without a certificate of taxes due if a governmental entity has deemed the manufactured home dangerous, hazardous, or otherwise in violation of local codes. The person on whose property the manufactured home is situated must notify the owner and attempt to obtain the consent of all lienholders of the manufactured home prior to filing a certificate of destruction for the manufactured home.

APPROVED by Governor April 6, 2011

EFFECTIVE August 10, 2011

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

PUBLIC UTILITIES

S.B. 11-2 Telecommunications - low-income telephone assistance program - eligibility. Pursuant to the low-income telephone assistance program, basic local exchange service providers charge a monthly fee, currently set by the public utilities commission at \$0.07, to their customers that is used to provide a \$6.50-per-month subsidy for basic local exchange telecommunications service to certain low-income individuals certified by the department of human services (DHS) as qualified to receive financial assistance payments.

The act makes a person eligible to receive low-income telephone assistance if the person is:

- A legal resident of Colorado;
- A current or prospective subscriber to basic local exchange service; and
- Certified by DHS to receive financial assistance payments under at least one of 6 listed assistance programs.

APPROVED by Governor March 21, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-45 Electric transmission - siting and permitting - task force. Under current law, siting authority for an electric transmission facility must be obtained from each county and municipality in which the facility is located. The act creates a task force on statewide transmission siting and permitting, consisting of 17 members representing the various stakeholders, including utilities, local governments, regulators, and consumers. The task force is to hold at least 4 public meetings to take testimony regarding ways to improve Colorado's existing siting and permitting process for electric transmission facilities, resulting in a report to the governor and the general assembly by December 1, 2011.

APPROVED by Governor June 3, 2011

EFFECTIVE June 3, 2011

S.B. 11-87 Public utilities commission - exemption from tiered electricity rates. The act authorizes the public utilities commission to adopt rules creating an exemption from tiered electricity rate plans based on a customer's medical condition.

APPROVED by Governor March 29, 2011

EFFECTIVE March 29, 2011

S.B. 11-180 Taxicabs - pickup and drop-off points. The act allows taxicabs operating within Colorado to pick up passengers at any point in the state of Colorado when the taxicab has dropped off passengers near that point, unless the drop-off point is an airport.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

H.B. 11-1083 Hydroelectricity and pumped hydroelectricity. The act adds hydroelectricity and pumped hydroelectricity to the list of technologies that the public utilities commission

may give the fullest possible consideration when considering generation acquisitions for electric utilities.

APPROVED by Governor March 29, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1198 Motor carriers - reorganization of statutes - enforcement authority of public utilities commission and state patrol - standardization of fingerprint-based criminal history record checks - new requirements for towing carriers. The act creates a new article in the utilities statutes that:

- Contains general provisions applicable to all motor carriers in part 1;
- Governs motor carriers of passengers, including taxicabs, that are required to obtain operating authority in part 2;
- Governs motor carriers of passengers that are not required to obtain operating authority in part 3;
- Governs towing carriers in part 4; and
- Governs carriers of household goods (movers) in part 5.

In addition to reorganizing existing statutory material, the act makes the following substantive changes:

- Clarifies the services authorized under a children's activity bus permit and a towing permit;
- Eliminates duplicative safety oversight by the Colorado public utilities commission (PUC) and the Colorado state patrol;
- Standardizes provisions relating to the conduct of fingerprint-based criminal history record checks, both on initial issuance and renewal of a driver's authorization to drive for a motor carrier;
- Requires towing carriers to maintain workers' compensation insurance and post a \$50,000 bond to ensure payment of any civil penalties assessed by the PUC; and
- Eliminates overlapping jurisdiction between the PUC and the state patrol regarding movers using vehicles between 10,001 pounds and 26,000 pounds.

APPROVED by Governor April 22, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1262 Electric utilities - generation facilities - acquisitions - bidding process - disclosure of information used in decisions. The act directs the public utilities commission to adopt rules requiring investor-owned electric utilities to provide the owners of electric generating facilities with access to any modeling inputs and assumptions used by the utilities in bidding for acquisitions that directly relate to the owners' facilities.

APPROVED by Governor March 29, 2011

EFFECTIVE March 29, 2011

STATUTES

S.B. 11-261 Colorado Revised Statutes - copyright - publication. The act amends statutes addressing the publication of the Colorado Revised Statutes to more clearly and appropriately reflect federal copyright law. It repeals the requirement in current law that directs the committee on legal services (committee) to copyright the statutes but permits the committee, or its designee, to register a copyright for and in behalf of the state of Colorado in any and all original publications and editorial work that are ancillary to the Colorado Revised Statutes. It allows other publishers of the Colorado Revised Statutes who use the official text from the statutory database to state that their publications are officially sanctioned. The act repeals provisions that have not been employed or enforced in the past concerning statutory penalties for the unauthorized publication of copyrighted materials.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

H.B. 11-1001 Enactment of 2010 Statutes. The act enacts the softbound volumes of Colorado Revised Statutes 2010 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor March 1, 2011

EFFECTIVE March 1, 2011

H.B. 11-1303 Revisor's bill. The act amends or repeals various statutory provisions that are obsolete, inconsistent, or in conflict with other law, clarifies the language to more accurately reflect the legislative intent of the laws, and reconstructs provisions to follow standard drafting format.

The amendments made by the act are nonsubstantive in nature and, as such, are not intended to change the meaning or intent of the statutes, as amended.

Several sections of the act are contingent on other bills taking effect.

APPROVED by Governor June 2, 2011

PORTIONS EFFECTIVE August 10, 2011

PORTIONS EFFECTIVE January 1, 2012

PORTIONS EFFECTIVE July 1, 2012

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

TAXATION

S.B. 11-47 Income tax - withholding payments - deposit - bioscience discovery evaluation cash fund - clean technology discovery evaluation cash fund. For a period of 10 years beginning with the 2013-14 fiscal year, the act requires the state treasurer to deposit 50% of the bioscience and clean technology income tax withholding growth, in equal parts, to the bioscience discovery evaluation cash fund and the clean technology discovery evaluation cash fund. The cash funds are used to provide grants related to the bioscience and clean technology industries. The act also delays the repeal of the cash funds until July 1, 2024.

The bioscience and clean technology income tax withholding growth is an amount equal to the growth of income tax withholding payments for the prior year made by employers that have a bioscience or clean technology industry code over the average of the same type of withholdings for the previous 3 years.

APPROVED by Governor May 26, 2011

EFFECTIVE July 1, 2012

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

S.B. 11-81 Income tax return form - voluntary contribution to 9Health Fair fund. The act extends the period for which state income tax return forms shall include a line allowing individual taxpayers to make a voluntary contribution to the 9Health Fair fund to income tax years commencing prior to January 1, 2016.

APPROVED by Governor April 13, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-86 Local government sales or use tax - appealing deficiency notice or refund claim denial. The act modifies various statutory requirements governing the process by which a taxpayer may appeal a deficiency notice or refund claim denial issued by a county or municipality (local government) in connection with the imposition of sales or use tax by such government. Specifically:

- Particular events need to occur before the taxpayer can be said to have exhausted local remedies and, therefore, be authorized to request a hearing before the executive director of the department of revenue or the district court on the deficiency notice or refund claim denial.
- The deadline by which the local government is required to render a decision on an appeal of a deficiency notice following a hearing may be extended beyond the current statutory deadline with the agreement of the taxpayer and the local government.
- A taxpayer has exhausted local remedies as a condition precedent to filing an appeal if, among other things:
 - The taxpayer and local government agree in writing that no hearing will be held or no final decision will issue from the local government; or
 - The local government notifies the taxpayer in writing that it does not

intend to conduct a hearing 180 days or more after the date of the taxpayer's request for a hearing.

- In the event the taxpayer has timely requested in writing a hearing before the local government and none of the events that establish exhaustion of local remedies on the part of the local government have occurred, the taxpayer may request a hearing at any time after the period specified in the statute.
- Any hearing before a local government shall be informal and no transcript, rules of evidence, or filing of briefs shall be required; but the taxpayer may elect to submit a brief, in which case the local government may submit a brief.

APPROVED by Governor March 22, 2011

EFFECTIVE July 1, 2011

S.B. 11-102 Income tax return form - voluntary contribution queue system - voluntary contribution to Families in Action for Mental Health fund - appropriation. The act establishes a queue system for new voluntary contributions created by the general assembly. In any year for which the general assembly requires more voluntary contributions to appear on the state income tax return form (form) than there are lines available on the form, an existing voluntary contribution that is renewed or extended takes precedence over a new voluntary contribution. New voluntary contributions are placed in a queue, and the order of new voluntary contributions in the queue is determined by the date and time that the bill becomes law.

For the 5 consecutive income tax years following the year in which the executive director of the department of revenue (department) certifies to the revisor of statutes that a line has become available on the form and the Families in Action for Mental Health fund (fund) voluntary contribution is next in the queue, the act requires a voluntary contribution designation line for the fund to appear on the form.

The department must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund.

The general assembly must appropriate annually from the fund to the department its costs of administering contributions to the fund. All moneys remaining in the fund at the end of a fiscal year shall be transferred to Mental Health America of Colorado, the fiscal manager for Families in Action for Mental Health.

Finally, the act appropriates \$29,600 to the department and reappropriates \$29,600 to the office of information technology for the implementation of the act.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-109 Income tax return form - voluntary contribution to public education fund - queue - appropriation. For the 5 consecutive income tax years immediately following the year in which the executive director certifies to the revisor of statutes that a line has become available and the public education fund (fund) voluntary contribution is next in the queue, the act requires a voluntary contribution designation line for the fund to appear on state

individual income tax return forms.

The department of revenue must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund.

The general assembly must appropriate annually from the fund to the department of revenue its costs of administering contributions to the fund. All moneys remaining in the fund at the end of a fiscal year shall be appropriated to the department of education for use in the Colorado preschool program.

Finally, \$33,256 is appropriated to the department of revenue for the implementation of the act, of which \$29,600 is reappropriated to the office of information technology in the governor's office for the implementation of this act.

APPROVED by Governor June 2, 2011

EFFECTIVE June 2, 2011

S.B. 11-119 Property tax - appeal of valuation of rent-producing commercial real property or denial of abatement of taxes - provision of information for use in appeal - restrictions on public disclosure of information. Any petitioner appealing either a valuation of rent-producing commercial real property to the board of assessment appeals (BAA) or a denial of an abatement of taxes must provide to the county board of equalization or to the board of county commissioners of the county in the case of an abatement, and not to the BAA, the following information, if applicable:

- Actual annual rental income for 2 full years including the base year for the relevant property tax year;
- Tenant reimbursements for 2 full years including the base year for the relevant property tax year;
- Itemized expenses for 2 full years including the base year for the relevant property tax year; and
- Rent roll data, including the name of any tenants, the address, unit, or suite number of the subject property, lease start and end dates, option terms, base rent, square footage leased, and vacant space for 2 full years including the base year for the relevant property tax year.

The petitioner must provide this information within 90 days after the appeal has been filed with the BAA.

The assessor, the county board of equalization, or the board of county commissioners of the county, as applicable, upon request made by the petitioner, must provide to a petitioner who has filed an appeal with the BAA not more than 90 days after receipt of the petitioner's request, the following information:

- All of the underlying data used by the county in calculating the value of the subject property that is being appealed, including the capitalization rate for such property; and
- The names of any commercially available and copyrighted publications used in calculating the value of the subject property.

The party providing this information to the petitioner must redact all confidential information.

If a petitioner fails to provide the information required by the act by the specified deadline, the county may move the BAA to compel disclosure and to issue appropriate sanctions for noncompliance with such order. The motion may be made directly by the county attorney and shall be accompanied by a certification that the county assessor or the county board of equalization has in good faith conferred or attempted to confer with the petitioner in an effort to obtain the information without action by the BAA. If an order compelling disclosure is issued and the petitioner fails to comply with the order, the BAA may make such orders in regard to the noncompliance as are just and reasonable under the circumstances, including an order dismissing the action or the entry of a judgment by default against the petitioner. Interest due the taxpayer shall cease to accrue as of the date the order compelling disclosure is issued, and the accrual of interest shall resume as of the date the contested information has been provided by the taxpayer.

The county board of equalization, in the notice of determination, must inform a taxpayer of the taxpayer's obligation to provide the information required by the act.

Finally, the county board of equalization and the board of county commissioners receiving any information provided by a petitioner that is exempt from disclosure under the "Colorado Open Records Act" must keep such information confidential; except that such information may be disclosed to the property tax administrator and the employees of his or her office, the BAA, the county board of equalization, the board of county commissioners, the office of the county assessor, or a person retained to appraise or provide value consultation in connection with the subject property where such information is pertinent to an appeal.

The act exempts from its scope a public utility whose valuation for property tax purposes is determined by the property tax administrator.

APPROVED by Governor April 26, 2011

EFFECTIVE August 10, 2011

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

S.B. 11-163 Alternative fuels rebate program - rebate to qualified political subdivision for purchasing alternative fuel vehicles - repeal of program - budget package act. The act repeals the alternative fuels rebate program that allowed the executive director of the department of revenue (executive director) to award rebates, up to a certain aggregate total, for alternative fuel motor vehicles owned, titled, and registered in the state that are used in connection with the business or official activities of certain state and local governmental entities and certain tax-exempt nongovernmental entities. The program specified the types of alternative fuel vehicles and conversions of vehicles related to alternative fuel usage that qualified for the rebate and the amount of the rebate the executive director may have awarded.

The act also requires any remaining moneys in the alternative fuels rebate fund to be transferred to the general fund.

The act does not affect the income tax credit available for the purchase of vehicles using alternative fuels.

APPROVED by Governor March 9, 2011

EFFECTIVE March 9, 2011

S.B. 11-184 Department of revenue - tax amnesty program - tax profile and expenditure report - appropriation. The act establishes a tax amnesty program to be conducted from October 1, 2011, through November 15, 2011, that applies to taxes for which a return was required to be filed before December 31, 2010. Eligible taxpayers who owe specified taxes are able to report the taxes owed and pay such amount plus 1/2 of the interest owed thereon or enter into an agreement with the department of revenue (department) to pay the taxes and interest owed. A taxpayer who pays the full amount owed pursuant to the tax amnesty program is not subject to any fines or civil or criminal penalties. Moneys received prior to January 1, 2012, pursuant to the tax amnesty program from the state income and sales and use taxes that would usually be deposited in the general fund are instead deposited in the tax amnesty cash fund (fund). The department is permitted to contract with an independent contractor to administer all or part of the tax amnesty program.

The act requires the department to prepare an annual tax profile and expenditure report (report). The report will include certain information about state tax expenditures, which are tax provisions that provide a gross or taxable income definition, deduction, exemption, credit, or rate for certain persons, types of income, transactions, or property that results in reduced tax revenue for the state, and other specified profile information related to state and local taxes. The department is required to provide copies of the report to each member of the general assembly, present the report to the finance committees of the house of representatives and the senate, make the report available for public inspection, and publish the report on its web site. The department is not required to prepare a report for any year after 2015 if it does not receive an appropriation for the preparation of the report and if it notifies the finance committees of the house of representatives and the senate.

On and after January 1, 2012, any act that creates a new tax expenditure or extends an expiring tax expenditure shall include a legislative declaration stating the intended purpose of the tax expenditure.

The moneys in the tax amnesty cash fund are to be used as follows:

- Up to \$1,000,000 will be used to pay for the department's costs in administering the tax amnesty program and for the department's costs in preparing the first 2 reports;
- \$175,000 is transferred to the general fund, which amount may be included in a designated supplemental appropriation; and
- The remainder will be transferred to the state education fund.

\$483,895 and 0.8 FTE are appropriated to the department for the implementation of this act. In addition, \$20,720 of the aforementioned appropriation is reappropriated to the governor - lieutenant governor - state planning and budgeting for allocation to the office of information technology for the provision of programming services related to the implementation of this act.

APPROVED by Governor June 3, 2011

EFFECTIVE June 3, 2011

S.B. 11-223 Sales tax - amount retained by vendor to cover vendor's expense - appropriation. Beginning July 1, 2011, a vendor will be allowed to retain 2.22% of the sales taxes collected by the vendor until July 1, 2014, at which point the amount a vendor may retain will return to the full 3.33%.

The act makes an appropriation to the department of revenue for the implementation of the act.

APPROVED by Governor May 5, 2011

EFFECTIVE May 5, 2011

S.B. 11-263 Sales tax exemption for medical products - clarification. The act clarifies the state sales tax exemption for sales of medical products in order to ensure that all of the following transactions are tax exempt:

- All sales of prescription drugs that are dispensed in accordance with a prescription by a licensed provider or are furnished by a licensed provider;
- All sales of insulin dispensed pursuant to the direction of a licensed provider;
- All sales of nonprescription drugs or materials when furnished by a licensed provider as part of professional services provided to a patient; and
- All sales of various therapeutic products with a retail value of over \$100 that are sold in accordance with a written recommendation from a licensed provider in order to correct or treat a human physical disability or surgically created abnormality.

The act defines "licensed provider" to mean any person authorized to prescribe drugs pursuant to the state laws regulating professions and occupations.

APPROVED by Governor June 2, 2011

EFFECTIVE July 1, 2011

H.B. 11-1005 State sales and use tax - exemption for certain items used in agricultural production - reinstatement - appropriation. The act repeals House Bill 10-1195, which suspended an exemption from the state sales and use taxes imposed on certain items used in agricultural production, specifically, agricultural compounds used in caring for livestock, semen used for agricultural or ranching purposes, and pesticides used in the production of agricultural and livestock products, for the period March 1, 2010, through June 30, 2013.

The act appropriates to the department of revenue, for allocation to the central department operations division, for the 2010-11 fiscal year, \$363 from the general fund, or so much thereof as may be necessary, for its implementation.

The act appropriates to the department of revenue, for allocation to the taxpayer business group, for allocation to the taxpayer service division, for the 2010-11 fiscal year, \$5,417 from the general fund, or so much thereof as may be necessary, for its implementation.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

H.B. 11-1010 Property tax - exemption - fraternal or veterans' organization - incidental use - requirements - appropriation. Under current law, property owned and used by a fraternal or veterans' organization for a charitable purpose is generally exempt from property tax. An incidental use of such property, which itself is not exempt from the tax, may nonetheless be exempt from property tax if it is on an occasional, noncontinuous basis and if such use, on an annual basis, is less than 208 hours or results in less than \$25,000 of gross rental income. There is an exception from an annual reporting requirement for such property that only

applies if the nonexempt use is less than 208 hours annually or if the gross income from the use is less than \$10,000 annually.

With respect to this property, the act eliminates the requirement that the nonexempt usage be on an occasional basis in order to qualify for the incidental exemption and raises the threshold for the reporting requirement exception to \$25,000 annually.

For the implementation of the act, the general fund appropriation for the state share of district total program funding for the 2011-12 state fiscal year is increased by \$1,664.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1014 Income tax - child care contribution credit. The act limits a trigger associated with the child care contribution income tax credit so that the income tax credit is not allowed in the income tax years commencing January 1, 2011, or January 1, 2012, if general fund revenues for a fiscal year are not sufficient to grow the total state general fund appropriations by 6% over such appropriations for the previous fiscal year.

Subject to the limitations in existing law, for the income tax year commencing on January 1, 2013, a taxpayer may claim no more than 50% of any new credit allowed for that year's contribution, any credit carried forward from the income tax years the trigger was applied, and any credit carried forward as a result of the regular carryforward provisions. The remainder of all available credits not claimed are carried forward to the income tax year commencing January 1, 2014.

Subject to the limitations in existing law, for the income tax year commencing on January 1, 2014, a taxpayer may claim no more than 75% of any new credit allowed for that year's contribution and any credit carried forward as a result of the regular carryforward provisions. The remainder of all available credits not claimed are carried forward to the income tax year commencing January 1, 2015.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1028 Income tax return form - voluntary contribution to Alzheimer's Association fund. The act extends the period for which state income tax return forms shall include a line allowing individual taxpayers to make a voluntary contribution to the Alzheimer's Association fund. The line for the fund shall appear on such forms for income tax years commencing on or after January 1, 2011, but prior to January 1, 2016.

APPROVED by Governor March 11, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1037 Income tax return form - voluntary contribution to military family relief fund. The act extends the period for which state income tax return forms shall include a line allowing individual taxpayers to make a voluntary contribution to the military family relief fund. The line for the fund shall appear on such forms for income tax years commencing on or after January 1, 2011, but prior to January 1, 2016.

APPROVED by Governor March 1, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1042 Property tax - residential land classification for specified property tax years - destroyed, demolished, or relocated residential improvements due to natural cause. When residential improvements are destroyed, demolished, or relocated as a result of a natural cause on or after January 1, 2010, that, were it not for their destruction, demolition, or relocation due to such natural cause, would have qualified the land upon which the improvements were located as residential land for the following property tax year, the residential land classification is to remain in place for the year of destruction, demolition, or relocation and the 2 subsequent property tax years or additional subsequent property tax years, not to exceed a total of 5 subsequent property tax years, if the assessor determines there is evidence the owner intends to rebuild or locate a residential improvement on the land, unless:

- A new residential improvement is not constructed or placed on the land in accordance with applicable land use regulations before the end of the period;
- The assessor determines that the classification at the time of destruction, demolition, or relocation as a result of a natural cause was erroneous; or
- A change of use of the residential improvement has occurred other than the destruction, demolition, or relocation as a result of a natural cause.

In determining if there is evidence the owner intends to rebuild or locate a residential improvement on the land, the assessor may consider, but shall not be limited to considering, the following:

- A building permit or other land development permit for the land;
- Construction plans for a residential improvement;
- Efforts by the owner to obtain financing for a residential improvement; and
- Ongoing efforts to settle an insurance claim related to the destruction, demolition, or relocation of the residential improvement due to a natural cause.

APPROVED by Governor May 4, 2011

EFFECTIVE May 4, 2011

H.B. 11-1045 Income tax - Colorado innovation investment tax credit - qualifying requirements - contingent availability - appropriation. Additional Colorado innovation investment tax credits (tax credit) against the state income tax will be made available if the Colorado office of economic development (office) receives additional funding to backfill associated lost income tax revenue and to pay for the office's administration of the tax credits. These contingent tax credits are also modified as follows:

- The requirement that a qualified small business has at least 2 nonadministrative, full-time equivalent employees who are residents of the state is eliminated;
- The operation requirement for a qualified small business is modified so that only times of active operation are considered when determining eligibility;
- The deadline for submitting an application to the office for a tax credit is extended by 60 days;
- The cap on the tax credit is clarified to apply only per investment, as opposed to per taxpayer; and
- The deadline for the office to provide the department of revenue an electronic report relating to the tax credit is extended by 3 months.

\$35,398 and 0.5 FTE are appropriated from the Colorado innovation investment tax credit cash fund to the office.

APPROVED by Governor May 23, 2011

EFFECTIVE May 23, 2011

H.B. 11-1071 Income tax return form - voluntary contribution queue system - voluntary contribution to Roundup River Ranch fund - appropriation. The act establishes a queue system for new voluntary contributions created by the general assembly. In any year for which the general assembly requires more voluntary contributions to appear on the state income tax return form (form) than there are lines available on the form, an existing voluntary contribution that is renewed or extended takes precedence over a new voluntary contribution. New voluntary contributions are placed in a queue, and the order of new voluntary contributions in the queue is determined by the date and time that the bill becomes law.

The act creates a new voluntary contribution benefiting Roundup River Ranch. For the 5 income tax years immediately following the year in which the executive director of the department of revenue certifies to the revisor of statutes that a line has become available and the Roundup River Ranch voluntary contribution is next in the queue, a voluntary contribution designation line for the Roundup River Ranch fund (fund) shall appear on state individual income tax return forms.

The department of revenue must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund.

The general assembly must appropriate annually from the fund to the department of revenue its costs of administering contributions to the fund. All moneys remaining in the fund at the end of a fiscal year shall be transferred to Roundup River Ranch.

Finally, the act appropriates \$29,600 to the department of revenue and reappropriates the moneys to the office of information technology for the implementation of the act.

APPROVED by Governor June 6, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1081 Income tax - credit for purchases of vehicles using alternative fuels - liquefied petroleum gas conversion vehicles. The act includes liquefied petroleum gas (also known as propane) conversion vehicles in the definition of category 4 motor vehicles that qualify for the income tax credit for purchases of vehicles using alternative fuels for the tax years commencing on or after January 1, 2014.

APPROVED by Governor June 2, 2011

EFFECTIVE January 1, 2014

H.B. 11-1091 Sales tax - exemption for certain medical, feeding, and disposable supplies, durable medical equipment and mobility enhancing equipment. The act exempts the following from sales tax:

- All sales of oxygen delivery equipment and disposable medical supplies related to oxygen delivery dispensed pursuant to a prescription;
- All sales of medical, feeding, and disposable supplies, including any related accessories, for incontinence, infusion, enteral nutrition, ostomy, urology, diabetic care, and wound care dispensed pursuant to a prescription;
- All sales of equipment and related accessories for sleep therapy, inhalation therapy, and electrotherapy dispensed pursuant to a prescription; and
- All sales of durable medical equipment and mobility enhancing equipment dispensed pursuant to a prescription.

APPROVED by Governor May 27, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1097 Income tax return form - voluntary contribution queue system - voluntary contribution to Goodwill Industries fund - appropriation. The act establishes a queue system for new voluntary contributions created by the general assembly. In any year for which the general assembly requires more voluntary contributions to appear on the state income tax return form (form) than there are lines available on the form, an existing voluntary contribution that is renewed or extended takes precedence over a new voluntary contribution. New voluntary contributions are placed in a queue, and the order of new voluntary contributions in the queue is determined by the date and time that the bill becomes law.

The act creates a new voluntary contribution benefiting Goodwill - Colorado, a collaborative of Goodwill Industries of Colorado Springs and Goodwill Industries of Denver. For the 5 income tax years immediately following the year in which the executive director of the department of revenue certifies to the revisor of statutes that a line has become available, a voluntary contribution designation line for the Goodwill Industries fund (fund) shall appear on state individual income tax return forms.

The department of revenue must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund.

The general assembly must appropriate annually from the fund to the department of revenue its costs of administering contributions to the fund. All moneys remaining in the

fund at the end of a fiscal year shall be transferred to Goodwill - Colorado.

Finally, the act appropriates \$29,600 to the department of revenue and reappropriates the moneys to the office of information technology for the implementation of the act.

APPROVED by Governor May 4, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1146 Property tax - definition of agricultural land - exclusion of up to 2 acres of land associated with a residential improvement unless residence integral to agricultural operation on the land - satisfaction of TABOR. The act amends the existing statutory definition of agricultural land for purposes of property tax to exclude up to 2 acres of land associated with a residential improvement located on such agricultural land unless the residence is integral to an agricultural operation conducted on the land.

A residential improvement is deemed to be "integral to an agricultural operation" if an individual occupying the residential improvement either regularly conducts, supervises, or administers material aspects of the agricultural operation or is the spouse or a parent, grandparent, sibling, or child of the individual.

In the case of a district that has not obtained voter approval to retain and spend revenues in excess of the fiscal year spending and property tax revenue limits imposed on the district by TABOR sufficient to allow the retention of all additional property tax revenues and that has determined that the modification of the definition of "agricultural land" will cause a net property tax revenue gain to the district sufficient to cause the district to exceed such limits, the district is permitted to place before the voters of the district at an appropriate election the question of whether the district may retain and spend revenues in excess of the limits imposed on the district by TABOR sufficient to allow the retention of the net property tax revenue gain. If a majority of the voters of the district fail to approve the ballot issue, or if no ballot issue has been submitted to the voters, the district is required to adjust the number of mills levied by the district to eliminate any net property tax revenue gain to the district resulting from the modification of the definition of "agricultural land".

Any person who objects to the application of the term "integral to an agricultural operation" to their property and whose objections or protests have been denied by the county assessor to submit a petition for appeal to the county board of equalization.

APPROVED by Governor May 9, 2011

EFFECTIVE January 1, 2012

H.B. 11-1156 Conservation district grant fund - continuation - appropriation. The act:

- Extends from July 1, 2011, to December 31, 2022, the future repeal date of the conservation district grant fund (fund), which consists of moneys transferred from the operational account of the severance tax trust fund (operational account);
- Continues annual transfers of \$450,000 from the operational account to the fund through the fiscal year that begins on July 1, 2021; and
- Appropriates \$450,000 from the fund to the conservation board for

implementation of the act.

APPROVED by Governor May 4, 2011

EFFECTIVE May 4, 2011

H.B. 11-1177 Income tax - voluntary contributions - healthy rivers fund. The contribution via tax checkoff for the Colorado healthy rivers fund is extended to the 2016 tax year.

APPROVED by Governor March 22, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1226 Property tax - exemption for disabled veterans - availability of full social security numbers of applicants to assessors. The act eliminates the requirement that the division of veterans affairs remove or permanently obscure the first 5 digits of any social security number required to be provided on an exemption application when the division sends a copy of the application to an assessor.

APPROVED by Governor March 29, 2011

EFFECTIVE March 29, 2011

H.B. 11-1241 Property tax - property intended for low-income housing - charitable purpose tax exemptions - appropriation. For property tax years commencing on or after January 1, 2011, the act:

- Allows a nonprofit housing provider (provider) to claim the property tax exemption for property used for strictly charitable purposes for a maximum of 5 consecutive property tax years for property upon which the provider intends to construct or rehabilitate housing to be sold to low-income applicants, regardless of whether or not there is actual physical use of the property;
- Allows the state property tax administrator to consider indicators of intent that show off-site progress towards construction or rehabilitation of housing on the property in determining whether a provider satisfies the intent requirement; and
- Requires a provider that is allowed an exemption for any property tax year and that subsequently sells, donates, or leases the property to any person other than a low-income applicant who has assisted in the construction of housing for the applicant's residential use on the property to pay all property taxes that the provider did not previously pay due to the exemption.

\$845 is appropriated from the general fund to the department of education, for allocation to assistance to public schools, public school finance for the state share of districts' total program funding.

APPROVED by Governor June 2, 2011

EFFECTIVE August 10, 2011

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

H.B. 11-1260 Income tax - tax installment payment due date - delay for legal federal holiday. The act specifies that if the due date of any tax installment payment falls on a legal federal holiday, then the due date shall be delayed and due instead on the adjusted federal due date.

APPROVED by Governor March 25, 2011

EFFECTIVE March 25, 2011

H.B. 11-1265 State sales and use tax - claim for refund - filing deadline - penalty provision - appropriation. The act increases the period during which a taxpayer may claim a refund of a disputed sales tax or use tax from 60 days to 3 years to conform to other sales or use tax refunds and allows a vendor to submit a claim on behalf of a purchaser.

The act also relocates a penalty provision that states that anyone who submits false information in regard to a claim for a sales or use tax refund is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500 or imprisonment in the county jail for not more than 90 days, or both.

The act applies to all claims for refunds of sales or use tax filed with the department of revenue before, on, or after May 27, 2011.

The act appropriates \$19,701 and 0.5 FTE to the department of revenue for the implementation of the act.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

H.B. 11-1293 Sales and use tax - purchases of computer software. On July 1, 2012, the act repeals House Bill 10-1192 regarding the sales and use tax of standardized software that took effect on February 24, 2010. The act also repeals any related rules promulgated by the department of revenue and codifies into statute the department of revenue's special regulation related to the sales or use tax attributable to sales of computer software that was in effect prior to the effective date of House Bill 10-1192.

APPROVED by Governor June 7, 2011

EFFECTIVE July 1, 2012

H.B. 11-1295 Income tax return form - voluntary contribution queue system - voluntary contribution to multiple sclerosis fund - appropriation. The act establishes a queue system for new voluntary contributions created by the general assembly. In any year for which the general assembly requires more voluntary contributions to appear on the state income tax return form than there are lines available on the form, an existing voluntary contribution that is renewed or extended takes precedence over a new voluntary contribution. New voluntary contributions are placed in a queue, and the order of new voluntary contributions in the queue is determined by the date and time that the bill becomes law.

The department of revenue must post and periodically update on its official web site the amount of donations received for each voluntary contribution appearing on the state individual income tax return form.

The act creates a new voluntary contribution benefiting the Colorado chapter of the National Multiple Sclerosis Society. For the 5 income tax years immediately following the year in which the executive director of the department of revenue certifies to the revisor of statutes that a line has become available, a voluntary contribution designation line for the multiple sclerosis fund (fund) shall appear on state individual income tax return forms.

The department of revenue must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund.

The general assembly must appropriate annually from the fund to the department of revenue its costs of administering contributions to the fund. All moneys remaining in the fund at the end of a fiscal year shall be transferred to the multiple sclerosis fund.

The act appropriates \$29,600 to the department of revenue and reappropriates the moneys to the office of information technology for the implementation of the act.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

H.B. 11-1296 State sales and use tax - exemption - suspension. Prior to July 1, 2009, cigarettes were exempt from the state sales and use tax. This exemption was suspended for the 2009-10 and 2010-11 state fiscal years. The act continues the state sales and use tax on cigarettes for 2 more years. Local sales and use taxes will not be impacted.

APPROVED by Governor May 19, 2011

EFFECTIVE May 19, 2011

H.B. 11-1300 Income tax - conservation easement credit - resolution of disputed credits. Taxpayers may claim a state income tax credit for a portion of the value of a perpetual conservation easement that the taxpayer donates. If the executive director of the department of revenue (executive director) disputes the claim of the credit, a notice of deficiency, notice of disallowance, or notice of rejection of refund claim is mailed to the taxpayer and the taxpayer, as the tax matters representative, may request a hearing on the deficiency, disallowance, or rejection.

For any disputed credit for which the executive director has not issued a final determination by May 19, 2011, the act authorizes the tax matters representative to waive the hearing process and appeal directly to a district court. The act further:

- Establishes venue for the appeals based on the location of the land subject to the conservation easement and allows the chief justice to consolidate appeals regionally;
- Eliminates surety bond requirements for taxpayers who appeal directly to a district court;
- Suspends the imposition of additional interest and penalties during the appeal for taxpayers who appeal directly to a district court;
- Allows credit transferees and certain other parties to intervene in an appeal;
- Establishes a process for courts to publish notices to taxpayers who cannot be located; and
- Specifies procedures related to discovery, case management conferences, the

disclosure of information by the parties, trial management orders, and the phasing of issues to be resolved by the court.

A tax matters representative for a case pending prior to May 1, 2011, who does not waive the hearing process before the executive director may, by October 1, 2011, request a hearing and final determination by the executive director. Interest and penalties are waived for taxpayers who continue with the hearing process and, on or before June 30, 2012, pay an amount agreed upon for taxes owed. The executive director is required to issue a final determination on a dispute for which a hearing is requested by July 1, 2014, and on all other disputes by July 1, 2016. If the executive director does not make a final determination by the dates specified, the authority of the executive director to dispute the allowance of the credits is waived and the amount of the credit claimed by the taxpayer will be allowed.

If a tax matters representative does not make an election to appeal to district court or request a final determination, any person who has claimed a credit may petition the department of revenue to designate a new tax matters representative who may then elect to appeal to district court or request a final determination.

For cases that remain in the administrative hearing process, the executive director is given the authority to:

- Consolidate cases involving common or related issues of fact or law;
- Issue orders finding that cases cannot be resolved through the administrative process and transferring them to district court;
- Issue a final determination if a tax matters representative fails to appear at, participate in, or provide documents related to the hearing process;
- Invite participation by transferees and others who may be affected by a final determination; and
- Share information among taxpayers regarding related cases.

The executive director is further required to:

- Provide notice to the tax matters representative and the public regarding the provisions of the act; and
- Report to the general assembly regarding the status of disputed conservation easement tax credits.

The state court administrator is required to report to the general assembly on the appeals brought as a result of the act.

The conservation easement oversight commission is required to review and advise the department of revenue regarding credits referred to it by the executive director by August 1, 2011. The commission is further required to report to the general assembly regarding the conservation easements for which it has provided advice to the executive director. Members of the commission are immune from liability in accordance with the "Colorado Governmental Immunity Act".

The act reduces the cap of the aggregate amount of all credits that may be claimed by all taxpayers to \$22 million for 2011 and 2012 and increases the cap to \$34 million for 2013.

APPROVED by Governor May 19, 2011

EFFECTIVE May 19, 2011

H.B. 11-1305 Property tax - ratio of valuation for assessment - residential real property.
The act sets the ratio of valuation for assessment for residential real property for the 2011 and 2012 property tax years at 7.96%.

APPROVED by Governor May 27, 2011

EFFECTIVE May 27, 2011

TRANSPORTATION

H.B. 11-1182 Vehicle registration fees - reduction of motorist insurance identification fee - increase in portion of vehicle registration fee credited to Colorado state titling and registration account - appropriation. For vehicles that are subject to the motorist insurance identification fee, the act reduces the portion of the vehicle registration fee credited to the motorist insurance identification account in the highway users tax fund from 50 cents to 10 cents and increases the vehicle registration fee by 50 cents. The additional 50 cents is credited to the Colorado state titling and registration account in the highway users tax fund.

For vehicles that are not subject to the motorist insurance identification fee, the act increases the vehicle registration fee by 10 cents. The additional 10 cents is credited to the Colorado state titling and registration account in the highway users tax fund.

For the 2010-11 fiscal year, the act appropriates \$5,480 to the department of revenue from the general fund, of which \$1,480 is reappropriated to the office of information technology in the governor's office for the implementation of the act. Additionally, \$1,776 is appropriated to the department of revenue from the Colorado state titling and registration account in the highway users tax fund, and said sum is reappropriated to the office of information technology in the governor's office for the implementation of the act.

APPROVED by Governor April 22, 2011

EFFECTIVE April 22, 2011

H.B. 11-1210 Interstate 70 mountain corridor short-term mobility solutions - required department of transportation recommendations. The department of transportation (CDOT) shall:

- No later than December 20, 2011, make prioritized recommendations to the transportation committees of the general assembly regarding actions that can be taken before July 1, 2014, to improve mobility in the interstate 70 mountain corridor (corridor);
- Include with each recommendation an estimate of the amount of funding required to implement the recommendation and a recommendation regarding available or potentially available sources of such funding;
- In developing its recommendations, consider operational and safety improvement options, transit options, and traffic demand management options and investigate the feasibility of nongovernmental actions that might improve mobility in the corridor; and
- Consult with local governments and business entities with interests in the corridor and take such consultation into account when developing the recommendations.

CDOT may hold public hearings at which interested members of the public may propose actions to improve mobility in the corridor or comment on any such actions proposed by others.

APPROVED by Governor March 30, 2011

EFFECTIVE August 10, 2011

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

WATER AND IRRIGATION

H.B. 11-1274 Colorado water conservation board construction fund - annual project authorizations - appropriations. The act appropriates the following amounts from the Colorado water conservation board construction fund for the following projects:

- \$300,000 for continuation of the satellite monitoring system maintenance;
- \$175,000 for continuation of the weather modification program;
- \$500,000 for continuation of the Colorado flood plain map modernization program;
- \$250,000 for continuation of the watershed restoration program;
- \$300,000 to restore the flood response fund balance;
- \$200,000 for a water conservation data tracking project;
- \$500,000 to begin implementation of the Arkansas river decision support system;
- \$700,000 to restore the litigation fund cash balance; and
- \$12 million for the second installment of the purchase of Colorado's allotment of Animas-La Plata project water.

APPROVED by Governor May 9, 2011

EFFECTIVE May 9, 2011

H.B. 11-1286 Dewatering of geologic formations - determinations of nontributariness - rules - presumptive effect. The act clarifies the state engineer's rule-making authority made in connection with the dewatering of geologic formations to facilitate mining by specifying that the rules can:

- Determine whether water in certain formations or basins, in whole or in part, is nontributary water; and
- Establish procedures for such determinations, relating both to the rule-making itself and adjudicatory aspects of the determination.

The act also specifies that courts must give the state engineer's determination presumptive effect, subject to rebuttal.

APPROVED by Governor May 4, 2011

EFFECTIVE May 4, 2011

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