

# DIGEST OF BILLS

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

Yule  
Marble  
Quarry  
Marble, CO



Jim Noelker / Post Independent Photo

"A worker in the Yule Marble Quarry above Marble, Colorado, is dwarfed by the towering quarry opening, while sunlight lights the pure white stone. Quarry workers are searching for a perfect block of marble to replace the Tomb of the Unknowns memorial at Arlington National Cemetery in Virginia." Glenwood Springs, Post Independent, January 5, 2003

House Bill 04-1023, designated Yule marble as the Colorado State Rock, effective March 9, 2004. This white marble is comprised of almost pure calcite grains tightly joined to give it a luminous quality. The Yule Marble quarry began operations in 1906 and closed in 1941 when war was looming, only to reopen in 1990. The outstanding quality of the Yule Marble made it the choice for use in the basement of the Colorado Capitol as well as numerous national monuments in the United States including the Washington Monument, the Lincoln Memorial, and the Tomb of the Unknown Soldier.

**June 2012**  
**Prepared by**  
**the Office of Legislative Legal Services**



# DIGEST

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

(2012 Second Regular Session,  
includes summaries for bills passed during  
the 2012 First Extraordinary 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](http://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 Second Regular Session ending May 9, 2012, and the First Extraordinary Session ending May 16, 2012. 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.
7. To identify bills that were originally recommended by statutory and 2011 interim committees, refer to pages ix and x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2012 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 xi.

10. The general assembly adjourned sine die on the 120th legislative day, May 9, 2012. 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 7, 2012. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 8, 2012, 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 7, 2012.

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 2012.

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## LEGISLATIVE STATISTICAL SUMMARY

	2012		2011		2010	
	Intro	Passed	Intro	Passed	Intro	Passed
<b>House Bills</b>	361	222	324	168	432	302
<b>Senate Bills</b>	184	84	273	168	217	156
<b>Concurrent Resolutions</b>	7	1	4	0	18	2
<b>Bills signed by Governor</b>	304		333		453	
<b>Bills becoming law without Governor's signature</b>	1		1		0	
<b>Bills partially vetoed by the Governor</b>	0		1		0	
<b>Bills vetoed by the Governor</b>	1		1		5	
<b>Bills referred to the People</b>	0		0		0	

**BILLS VETOED BY THE GOVERNOR:**

S.B. 12-124

**BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:**

H.B. 12-1348

**BILLS WITH PORTIONS VETOED BY THE GOVERNOR:**

none

## **BILLS ENACTED WITHOUT A SAFETY CLAUSE:\***

### **HOUSE BILLS**

<b>H.B. 12-1002</b>	<b>H.B. 12-1055</b>	<b>H.B. 12-1126</b>	<b>H.B. 12-1226</b>	<b>H.B. 12-1289</b>
<b>H.B. 12-1006</b>	<b>H.B. 12-1061</b>	<b>H.B. 12-1131</b>	<b>H.B. 12-1229</b>	<b>H.B. 12-1290</b>
<b>H.B. 12-1009</b>	<b>H.B. 12-1068</b>	<b>H.B. 12-1144</b>	<b>H.B. 12-1231</b>	<b>H.B. 12-1295</b>
<b>H.B. 12-1010</b>	<b>H.B. 12-1070</b>	<b>H.B. 12-1147</b>	<b>H.B. 12-1236</b>	<b>H.B. 12-1302</b>
<b>H.B. 12-1013</b>	<b>H.B. 12-1071</b>	<b>H.B. 12-1151</b>	<b>H.B. 12-1237</b>	<b>H.B. 12-1303</b>
<b>H.B. 12-1018</b>	<b>H.B. 12-1072</b>	<b>H.B. 12-1153</b>	<b>H.B. 12-1244</b>	<b>H.B. 12-1307</b>
<b>H.B. 12-1022</b>	<b>H.B. 12-1077</b>	<b>H.B. 12-1155</b>	<b>H.B. 12-1258</b>	<b>H.B. 12-1314</b>
<b>H.B. 12-1023</b>	<b>H.B. 12-1078</b>	<b>H.B. 12-1162</b>	<b>H.B. 12-1261</b>	<b>H.B. 12-1318</b>
<b>H.B. 12-1029</b>	<b>H.B. 12-1081</b>	<b>H.B. 12-1163</b>	<b>H.B. 12-1262</b>	<b>H.B. 12-1321</b>
<b>H.B. 12-1031</b>	<b>H.B. 12-1084</b>	<b>H.B. 12-1168</b>	<b>H.B. 12-1263</b>	<b>H.B. 12-1328</b>
<b>H.B. 12-1033</b>	<b>H.B. 12-1085</b>	<b>H.B. 12-1178</b>	<b>H.B. 12-1269</b>	<b>H.B. 12-1329</b>
<b>H.B. 12-1041</b>	<b>H.B. 12-1095</b>	<b>H.B. 12-1209</b>	<b>H.B. 12-1270</b>	<b>H.B. 12-1330</b>
<b>H.B. 12-1042</b>	<b>H.B. 12-1104</b>	<b>H.B. 12-1214</b>	<b>H.B. 12-1273</b>	<b>H.B. 12-1332</b>
<b>H.B. 12-1043</b>	<b>H.B. 12-1105</b>	<b>H.B. 12-1215</b>	<b>H.B. 12-1274</b>	<b>H.B. 12-1337</b>
<b>H.B. 12-1047</b>	<b>H.B. 12-1108</b>	<b>H.B. 12-1217</b>	<b>H.B. 12-1275</b>	<b>H.B. 12-1338</b>
<b>H.B. 12-1050</b>	<b>H.B. 12-1120+</b>	<b>H.B. 12-1220</b>	<b>H.B. 12-1282</b>	<b>H.B. 12-1348</b>
<b>H.B. 12-1053</b>	<b>H.B. 12-1125</b>	<b>H.B. 12-1221</b>	<b>H.B. 12-1288</b>	

### **SENATE BILLS**

<b>S.B. 12-010</b>	<b>S.B. 12-051</b>	<b>S.B. 12-067</b>	<b>S.B. 12-111</b>	<b>S.B. 12-134</b>
<b>S.B. 12-026</b>	<b>S.B. 12-055</b>	<b>S.B. 12-068</b>	<b>S.B. 12-112</b>	<b>S.B. 12-152</b>
<b>S.B. 12-030</b>	<b>S.B. 12-057</b>	<b>S.B. 12-072</b>	<b>S.B. 12-115</b>	<b>S.B. 12-156</b>
<b>S.B. 12-034</b>	<b>S.B. 12-059</b>	<b>S.B. 12-091</b>	<b>S.B. 12-118</b>	<b>S.B. 12-161</b>
<b>S.B. 12-035</b>	<b>S.B. 12-060</b>	<b>S.B. 12-095</b>	<b>S.B. 12-128</b>	<b>S.B. 12-166</b>
<b>S.B. 12-036</b>	<b>S.B. 12-066</b>	<b>S.B. 12-102</b>	<b>S.B. 12-133</b>	<b>S.B. 12-170</b>
				<b>S.B. 12S-001++</b>

\* These bills become effective on August 8, 2012, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

v - vetoed

+ Enacted without a safety clause during the 2012 session, but was amended by HB12S-1002 during the 2012 First Extraordinary Session to become effective on 6/1/2012.

++ Passed during the 2012 First Extraordinary Session and will become effective on August 15, 2012.

**BILLS ENACTED AND RECOMMENDED BY STATUTORY AND 2011  
INTERIM COMMITTEES:**

**Capital Development Committee**

**H.B. 12-1318      S.B. 12-040**  
**H.B. 12-1357      S.B. 12-150**  
**SJR 12-024**

**Committee on Legal Services**

**H.B. 12-1001      S.B. 12-029**  
**H.B. 12-1086**

**Educational Success Task Force**

**H.B. 12-1013      S.B. 12-045**  
**H.B. 12-1072**

**Executive Committee of the  
Legislative Council**

**H.B. 12-1301      S.B. 12-152**  
**SJR 12-016**

**Joint Budget Committee**

**(other than supplementals)**

**H.B. 12-1177    H.B. 12-1334    S.B. 12-096**  
**H.B. 12-1201    H.B. 12-1336    S.B. 12-110**  
**H.B. 12-1202    H.B. 12-1337    S.B. 12-111**  
**H.B. 12-1203    H.B. 12-1338    S.B. 12-112**  
**H.B. 12-1212    H.B. 12-1339    S.B. 12-113**  
**H.B. 12-1215    H.B. 12-1340    S.B. 12-114**  
**H.B. 12-1216    H.B. 12-1341    S.B. 12-115**  
**H.B. 12-1222    H.B. 12-1342    S.B. 12-145**  
**H.B. 12-1223    H.B. 12-1343    S.B. 12-156**  
**H.B. 12-1224    H.B. 12-1344    S.B. 12-168**  
**H.B. 12-1246    H.B. 12-1353**  
**H.B. 12-1247    H.B. 12-1355**  
**H.B. 12-1248    H.B. 12-1360**  
**H.B. 12-1249    HJR 12-1016**

**Legislative Audit Committee**

**H.B. 12-1074    S.B. 12-012**  
**S.B. 12-034**

**BILLS ENACTED AND RECOMMENDED BY STATUTORY AND 2011  
INTERIM COMMITTEES (cont):**

**Police Officers' and Firefighters'  
Pension Reform Commission**

**H.B. 12-1018**  
**H.B. 12-1031**  
**H.B. 12-1077**

**Sunset Review Process**

**H.B. 12-1204**  
**H.B. 12-1206**  
**H.B. 12-1207**  
**H.B. 12-1266**  
**H.B. 12-1297**  
**H.B. 12-1300**  
**H.B. 12-1311**

**Transportation Legislation Review  
Committee**

**H.B. 12-1019**      **S.B. 12-007**  
                         **S.B. 12-013**  
**H.B. 12-1034**  
**H.B. 12-1038**

**Water Resources Review  
Committee**

**H.B. 12-1010**      **S.B. 12-008**  
**H.B. 12-1022**      **S.B. 12-009**  
**H.B. 12-1078**      **SJR 12-002**

v - vetoed

**ACTS WITH JULY 1, 2012, AND LATER EFFECTIVE DATES:**

**July 1, 2012**

**HOUSE BILLS**

<b>H.B. 12-1017</b>	<b>H.B. 12-1073</b>	<b>H.B. 12-1212</b>	<b>H.B. 12-1248</b>	<b>H.B. 12-1300</b>
<b>H.B. 12-1019</b>	<b>H.B. 12-1083</b>	<b>H.B. 12-1216</b>	<b>H.B. 12-1266</b>	<b>H.B. 12-1311</b>
<b>H.B. 12-1037*</b>	<b>H.B. 12-1099</b>	<b>H.B. 12-1233</b>	<b>H.B. 12-1272</b>	<b>H.B. 12-1315</b>
<b>H.B. 12-1052</b>	<b>H.B. 12-1158</b>	<b>H.B. 12-1238</b>	<b>H.B. 12-1283</b>	<b>H.B. 12-1334</b>
<b>H.B. 12-1059</b>	<b>H.B. 12-1204</b>	<b>H.B. 12-1247*</b>	<b>H.B. 12-1286</b>	<b>H.B. 12-1346</b>

**SENATE BILLS**

<b>S.B. 12-009</b>	<b>S.B. 12-056</b>	<b>S.B. 12-094</b>	<b>S.B. 12-113</b>	<b>S.B. 12-159</b>
<b>S.B. 12-012</b>	<b>S.B. 12-092</b>	<b>S.B. 12-110</b>	<b>S.B. 12-148</b>	<b>S.B. 12-175</b>

\* - portions only

v - vetoed

**ACTS WITH JULY 1, 2012, AND LATER EFFECTIVE DATES: (cont.)**

**August 8, 2012\*\***

**HOUSE BILLS**

<b>H.B. 12-1002</b>	<b>H.B. 12-1050</b>	<b>H.B. 12-1108</b>	<b>H.B. 12-1220</b>	<b>H.B. 12-1290</b>
<b>H.B. 12-1006</b>	<b>H.B. 12-1053</b>	<b>H.B. 12-1126</b>	<b>H.B. 12-1229</b>	<b>H.B. 12-1295</b>
<b>H.B. 12-1009</b>	<b>H.B. 12-1055</b>	<b>H.B. 12-1131</b>	<b>H.B. 12-1231</b>	<b>H.B. 12-1302</b>
<b>H.B. 12-1010</b>	<b>H.B. 12-1061</b>	<b>H.B. 12-1144</b>	<b>H.B. 12-1244</b>	<b>H.B. 12-1303</b>
<b>H.B. 12-1013</b>	<b>H.B. 12-1068</b>	<b>H.B. 12-1147</b>	<b>H.B. 12-1258</b>	<b>H.B. 12-1307</b>
<b>H.B. 12-1018</b>	<b>H.B. 12-1070</b>	<b>H.B. 12-1151</b>	<b>H.B. 12-1261</b>	<b>H.B. 12-1314</b>
<b>H.B. 12-1022</b>	<b>H.B. 12-1072</b>	<b>H.B. 12-1153</b>	<b>H.B. 12-1263</b>	<b>H.B. 12-1318</b>
<b>H.B. 12-1023</b>	<b>H.B. 12-1077</b>	<b>H.B. 12-1155</b>	<b>H.B. 12-1269</b>	<b>H.B. 12-1328</b>
<b>H.B. 12-1029</b>	<b>H.B. 12-1078</b>	<b>H.B. 12-1162</b>	<b>H.B. 12-1270</b>	<b>H.B. 12-1329</b>
<b>H.B. 12-1031</b>	<b>H.B. 12-1081</b>	<b>H.B. 12-1163</b>	<b>H.B. 12-1273</b>	<b>H.B. 12-1330</b>
<b>H.B. 12-1033</b>	<b>H.B. 12-1084</b>	<b>H.B. 12-1168</b>	<b>H.B. 12-1274</b>	<b>H.B. 12-1332</b>
<b>H.B. 12-1041</b>	<b>H.B. 12-1085</b>	<b>H.B. 12-1209</b>	<b>H.B. 12-1275</b>	<b>H.B. 12-1337</b>
<b>H.B. 12-1042</b>	<b>H.B. 12-1095</b>	<b>H.B. 12-1214</b>	<b>H.B. 12-1282</b>	<b>H.B. 12-1338</b>
<b>H.B. 12-1043</b>	<b>H.B. 12-1104</b>	<b>H.B. 12-1215</b>	<b>H.B. 12-1288</b>	<b>H.B. 12-1348</b>
<b>H.B. 12-1047</b>	<b>H.B. 12-1105</b>	<b>H.B. 12-1217</b>	<b>H.B. 12-1289</b>	

**SENATE BILLS**

<b>S.B. 12-010</b>	<b>S.B. 12-055</b>	<b>S.B. 12-068</b>	<b>S.B. 12-115</b>	<b>S.B. 12-152</b>
<b>S.B. 12-026</b>	<b>S.B. 12-057</b>	<b>S.B. 12-072</b>	<b>S.B. 12-118</b>	<b>S.B. 12-156</b>
<b>S.B. 12-034</b>	<b>S.B. 12-059</b>	<b>S.B. 12-095</b>	<b>S.B. 12-128</b>	<b>S.B. 12-161</b>
<b>S.B. 12-035</b>	<b>S.B. 12-060</b>	<b>S.B. 12-111</b>	<b>S.B. 12-133</b>	<b>S.B. 12-166</b>
<b>S.B. 12-036</b>	<b>S.B. 12-066</b>	<b>S.B. 12-112</b>	<b>S.B. 12-134</b>	<b>S.B. 12-170</b>
<b>S.B. 12-051</b>	<b>S.B. 12-067</b>			

\*\* 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, 2012, AND LATER EFFECTIVE DATES: (cont.)**

**August 1, 2012**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 12-1331</b>	none

**August 15, 2012**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 12-1226</b>	<b>S.B. 12S-001+</b>

**September 1, 2012**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 12-1125</b>	<b>S.B. 12-030</b>
<b>H.B. 12-1178</b>	<b>S.B. 12-091</b>
<b>H.B. 12-1321*</b>	<b>S.B. 12-102</b>

**January 1, 2013**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 12-1071</b>	none
<b>H.B. 12-1089*</b>	
<b>H.B. 12-1221</b>	
<b>H.B. 12-1236</b>	
<b>H.B. 12-1237</b>	

**January 31, 2013**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 12-1355*</b>	none

**April 1, 2013**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 12-1341*</b>	none

\* - portions only

v - vetoed

+ - 2012 First Extraordinary Session

**ACTS WITH JULY 1, 2012, AND LATER EFFECTIVE DATES: (cont.)**

<u>July 1, 2013</u>		<u>September 1, 2013</u>	
<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>	<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 12-1110</b>	none	<b>H.B. 12-1297*</b>	none
<b>H.B. 12-1262</b>			
<b>H.B. 12-1268*</b>			

**Effective Dates Yet To Be Determined**

**Referred Measures**

<b>HOUSE BILLS</b>	<b>SENATE</b>	<b>HOUSE</b>	<b>SENATE</b>
<b>H.B. 12-1321*++</b>	<b>S.B. 12-123*+</b>	<b>HCR 12-1001</b>	none

\* - portions only

v - vetoed

+ Portions effective 90 days after certain notification received from Secretary of State's office.

++ Portions become effective only if HCR 12-1001 approved by the people of Colorado and then upon proclamation of the Governor.

**TABLE OF ENACTED HOUSE BILLS  
SECOND REGULAR SESSION, 68TH GENERAL ASSEMBLY**

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE OF DIGEST</b>
1001	Murray, Johnston	Rule Review Evaluation Of Educator Effectiveness	Approved 2/15/2012	2/15/2012	2	1
1002	Sonnenberg, Jahn	The CLEAR Act & Application Permit Rules	Approved 6/4/2012	No Safety Clause	249	74
1005	Pabon, Harvey	Legal Investments For Public Funds	Approved 3/7/2012	3/7/2012	6	75
1006	Todd, Spence	American Red Cross Colorado Chapters Tax Checkoff	Approved 4/26/2012	No Safety Clause	142	148
1008	Acree, Jahn	GA & Public Input Proposed Agency Rules & Fees	Approved 5/17/2012	5/17/2012	182	75
1009	Gerou, Lambert	Federal Funds Transparency Act	Approved 4/16/2012	No Safety Clause	122	76
1010	Baumgardner, Giron	Reissue Lost Mutual Ditch Share Cert	Approved 3/15/2012	No Safety Clause	12	17
1012	Williams A., Guzman	Increase Agency Displacement Expenses Payment Cap	Approved 5/3/2012	5/3/2012	161	154
1013	Fields, Hudak	Interventions For Middle School Students	Approved 3/16/2012	No Safety Clause	23	38
1015	Holbert, Neville	Modifications DORA Sunrise Review Process	Approved 3/15/2012	3/15/2012	17	76
1017	Swerdfeger, Giron	Extend Local Access Health Care Pilot	Approved 4/26/2012	7/1/2012	136	62
1018	Labuda, Tochtrop	FPPA Social Security Pension Modifications	Approved 3/19/2012	No Safety Clause	24	64
1019	Vaad, King S.	Transfer Ports Of Entry To State Patrol	Approved 4/26/2012	7/1/2012	135	77
1022	Sonnenberg, Schwartz	Establish Mines Water Replacement Reqmnt	Approved 3/15/2012	No Safety Clause	15	156
1023	Nikkel, King S.	Fallen Heroes Vehicle License Plate	Approved 4/26/2012	No Safety Clause	134	125
1026	Coram, Roberts	Municipal Prosecuting Attorney Peace Officers	Approved 4/6/2012	4/6/2012	76	24

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1028	Gerou, Steadman	Continue Low-income Energy-related Assistance	Approved 3/24/2012	3/24/2012	60	149
1029	Holbert, Scheffel	Economic Stimulus Personal Property Tax Exemption	Approved 3/24/2012	No Safety Clause	61	64
1031	Peniston, Tochtrop	FPPA Board Authority To Amend Plans	Approved 3/24/2012	No Safety Clause	68	65
1032	Hamner, Nicholson	Continue Forest Restoration Programs 5 Years	Approved 3/24/2012	3/24/2012	69	51
1033	Swalm, Newell	Workers' Comp Admin Audit Fines	Approved 3/22/2012	No Safety Clause	43	121
1034	Looper, Spence	Waste Tire Processor End User Fund	Approved 5/9/2012	5/9/2012	169	100
1036	Kerr J., Boyd	Open Records Act Clarification	Approved 6/7/2012	6/7/2012	269	78
1037	Becker, Tochtrop	Classify Certain Ag Products Wholesale Sales	Approved 6/4/2012	Portions on 6/4/2012 and 7/1/2012	251	149
1038	Looper, Williams S.	Multi-year Class A Trailer Registration	Approved 6/8/2012	6/8/2012	276	126
1041	Labuda, Guzman	Electronic Death Registration System	Approved 6/6/2012	No Safety Clause	266	100
1042	Pace, Schwartz	Income Tax Credit For Estate Taxes On Ag Land	Approved 5/21/2012	No Safety Clause	193	149
1043	Conti, King K.	Concurrent Enrollment For Early High School Grads	Approved 5/24/2012	No Safety Clause	209	38
1045	Bradford, King S.	Spruce Beetle Kill Wood Products Tax Exemption	Approved 5/21/2012	5/21/2012	191	149
1047	Kefalas, Newell	Non-safety Licensing Standards Kinship Foster Care	Approved 3/22/2012	No Safety Clause	42	114
1050	Wilson, Nicholson	Extend Nongame & Endangered Wildlife Tax Checkoff	Approved 3/16/2012	No Safety Clause	20	150
1052	Summers, Boyd	Health Care Work Force Data Collection	Approved 5/29/2012	7/1/2012	228	79
1053	Gardner B., Giron	Victims' Rights Changes	Approved 6/4/2012	No Safety Clause	244	79

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1054	Fields, Boyd	Simplify Procurement DHCPF Health Care Providers	Approved 3/15/2012	3/15/2012	14	109
1055	Schafer S., White	DORA Div Registrations Name Change Rule Authority	Approved 3/22/2012	No Safety Clause	47	80
1058	Joshi, Nicholson	Health Department Infant Eye Prophylaxis	Approved 3/24/2012	3/24/2012	71	101
1059	Looper, King K.	Military Spouse Practice Occupation Profession	Approved 6/8/2012	7/1/2012	271	135
1061	Kagan, Newell	The Skills For Jobs Act	Approved 4/2/2012	No Safety Clause	74	51
1063	Ramirez, Schwartz	Military Veterans Cemetery At Homelake Expansion	Approved 5/3/2012	5/3/2012	149	123
1065	Lee, Nicholson	Deadline Advan Prac Nurse Retain Prescriptive Auth	Approved 4/2/2012	4/2/2012	73	135
1068	McKinley, Grantham	Nonprofit Cemetery Corporation Board Directors	Approved 5/29/2012	No Safety Clause	229	18
1070	Peniston, Hodge	Harmonize Gov Ethics Statutes & Constitution	Approved 5/9/2012	No Safety Clause	167	81
1071	Liston, Jahn	Portable Electronics Insurance	Approved 3/19/2012	No Safety Clause 1/1/2013	25	117
1072	Massey, Bacon	Higher Ed Prior Learning Assessments	Approved 3/24/2012	No Safety Clause	62	52
1073	Brown, Roberts	Number Of Judges In Judicial Districts	Approved 3/9/2012	7/1/2012	11	21
1074	Kerr J., King S.	Judicial Oversight Of Guardians & Conservators	Approved 3/22/2012	3/22/2012	46	132
1077	Gardner B., Tochtrop	FPPA Inv Confidentiality Revisions	Approved 3/19/2012	No Safety Clause	26	65
1078	Vigil, Schwartz	Exempt Drinking Water Cert Designation	Approved 3/22/2012	No Safety Clause	48	62
1079	Barker, King S.	CDPS Peace Officer Designations	Approved 3/16/2012	3/16/2012	21	25
1080	Vigil, Schwartz	Adams State College Name Change	Approved 5/19/2012	5/19/2012	189	52

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1081	Duran, Steadman	Operations Auraria Higher Education Center	Approved 5/24/2012	No Safety Clause	210	52
1083	Sonnenberg, Schwartz	Continue Environmental Agriculture Program Fees	Approved 4/16/2012	7/1/2012	117	101
1084	Fields, Jahn	Penalty For Leaving The Scene Of Traffic Accident	Approved 6/6/2012	No Safety Clause	261	126
1085	Fields, Carroll	Hearsay Exception For Developmentally Disabled	Approved 4/3/2012	No Safety Clause	75	21
1086	Gardner B., Morse	Rule Review Bill	Approved 5/15/2012	5/15/2012	179	1
1089	Court, Steadman	Specific Wording Of Statewide Ballot Title	Approved 3/24/2012	Portions on 5/1/2012 and 1/1/2013	70	57
1090	Pace, Newell	No School Pupil Enrollment Counts On Holidays	Approved 3/22/2012	3/22/2012	44	39
1094	Kerr A., King S.	Parking In Front Of Fire Hydrant Penalty	Approved 4/6/2012	4/6/2012	77	126
1095	Waller, Newell	Verification Of Electronic Court Documents	Approved 3/22/2012	No Safety Clause	49	22
1096	Kerr A., Brophy	Extend Make-A-Wish Foundation Of CO Tax Checkoff	Approved 3/19/2012	3/19/2012	36	150
1097	Summers, Jahn	Food Protection Act Civil Penalties	Approved 4/6/2012	4/6/2012	78	101
1099	McKinley, Tochtrop	Phytoremediation Hemp Remediation Pilot Program	Approved 6/4/2012	7/1/2012	253	101
1100	Summers, Aguilar	Pregnancy & Evidence Of Substance Use	Approved 3/9/2012	3/9/2012	10	112
1104	Swerdfeger, Giron	CO Cancer Fund Tax Checkoff Name Change	Approved 3/24/2012	No Safety Clause	63	150
1105	Becker, Tochtrop	Wind Energy Property Rights	Approved 5/29/2012	No Safety Clause	230	143
1108	Kagan, Scheffel	Dept Transportation Urban Logo Signs	Approved 5/18/2012	No Safety Clause	187	154
1110	Williams A., Carroll	Regulation Of Appraisal Management Companies	Approved 6/8/2012	7/1/2013	277	136

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1114	Hamner, Schwartz	Stalking Mandatory Arrest Protection Order	Approved 5/11/2012	5/11/2012	176	25
1117	Balmer, Nicholson	Local Gov Allow Charitable Giving From Motorists	Approved 3/22/2012	3/22/2012	38	65
1119	Coram, Giron	Success Act To Limit State Agency Fines	Approved 6/6/2012	6/6/2012	264	81
1120	Swerdfeger, Tochtrop	Create Unemployment Insurance Division In DOLE	Approved 3/19/2012	6/1/2012	27	121
1124	Massey, Johnston	Colorado Digital Learning Study	Approved 5/24/2012	5/24/2012	211	39
1125	Ramirez, Steadman	Modify Procedures Regarding Impounded Animal Costs	Approved 4/12/2012	No Safety Clause 9/1/2012	102	25
1126	Gerou, Roberts	On-site Wastewater Treatment Systems	Approved 4/26/2012	No Safety Clause	137	102
1127	Liston, Williams S.	Unemployment Ins Rate Reduction New Employers	Approved 3/19/2012	3/19/2012	29	121
1131	Labuda, Tochtrop	Child Loss Awareness Vehicle License Plate	Approved 5/3/2012	No Safety Clause	146	126
1139	Levy, Guzman	Pretrial Detention Of Children Tried As Adults	Approved 3/15/2012	3/15/2012	18	10
1140	Jones, Newell	Suicide Prevention For Minors Family Education	Approved 5/11/2012	5/11/2012	173	103
1143	Ferrandino, Steadman	Adjust County Reimbursement Rate For Elections	Approved 5/29/2012	5/29/2012	231	57
1144	Fischer, Bacon	Employment Contracts Non-tenure-track Professors	Approved 4/12/2012	No Safety Clause	99	52
1146	Nikkel, Giron	Funding For Dropout Recovery Programs	Approved 5/17/2012	5/17/2012	184	39
1147	Williams A., Foster	Western Tiger Salamander State Amphibian	Approved 3/16/2012	No Safety Clause	19	82
1151	McCann, King S.	Human Trafficking And Prostitution	Approved 5/11/2012	No Safety Clause	174	26
1153	Soper, Lambert	Distinguished Flying Cross License Plate	Approved 5/3/2012	No Safety Clause	145	127

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1155	Massey, Bacon	Improvements In College Completion	Approved 6/4/2012	No Safety Clause	255	53
1158	Baumgardner, Giron	Commercial Livestock Feed Reg By Commr Of Ag	Approved 3/15/2012	7/1/2012	13	2
1162	Todd, Heath	Operation Desert Storm Vehicle License Plate	Approved 5/3/2012	No Safety Clause	150	127
1163	Waller, Morse	Conditional & Provisional Peace Officer Status	Approved 3/22/2012	No Safety Clause	50	82
1168	Young, Morse	Ignition Interlock Device Recodification	Approved 6/8/2012	No Safety Clause	278	127
1169	Gardner B., Brophy	Open Meetings & Secret Ballot Leadership Elections	Approved 3/24/2012	3/24/2012	64	82
1177	Gerou, Hodge	Dev Disab Home Care Allowance Grant Program	Approved 3/22/2012	3/22/2012	45	115
1178	Vigil, Schwartz	Notice For Tax Refund Of Lost Gas Or Special Fuel	Approved 4/6/2012	No Safety Clause 9/1/2012	79	150
1180	Gerou, Hodge	Suppl Approp Dept Of Agriculture	Approved 2/23/2012	2/23/2012	284	3
1181	Gerou, Hodge	Suppl Approp Dept Of Corrections	Approved 4/6/2012	4/6/2012	285	3
1182	Gerou, Hodge	Suppl Approp Dept Of Education	Approved 2/23/2012	2/23/2012	286	3
1183	Gerou, Hodge	Suppl Approp Office To Governor, Lt Gov, OSPB	Approved 2/23/2012	2/23/2012	287	3
1184	Gerou, Hodge	Suppl Approp Dept Of Health Care Policy & Financing	Approved 2/23/2012	2/23/2012	288	3
1185	Gerou, Hodge	Suppl Approp Dept Of Higher Education	Approved 2/23/2012	2/23/2012	289	3
1186	Gerou, Hodge	Suppl Approp Dept Of Human Services	Approved 2/23/2012	2/23/2012	290	4
1187	Gerou, Hodge	Suppl Approp To Judicial Dept	Approved 2/23/2012	2/23/2012	291	4
1188	Gerou, Hodge	Suppl Approp Dept Of Labor & Employment	Approved 2/23/2012	2/23/2012	292	4

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1189	Gerou, Hodge	Suppl Approp Dept Of Law	Approved 2/23/2012	2/23/2012	293	4
1190	Gerou, Hodge	Suppl Approp Dept Of Local Affairs	Approved 2/23/2012	2/23/2012	294	4
1191	Gerou, Hodge	Suppl Approp Dept Of Military & Veterans Affairs	Approved 2/23/2012	2/23/2012	295	5
1192	Gerou, Hodge	Suppl Approp Dept Of Natural Resources	Approved 2/23/2012	2/23/2012	296	5
1193	Gerou, Hodge	Suppl Approp Dept Of Personnel & Administration	Approved 2/23/2012	2/23/2012	297	5
1194	Gerou, Hodge	Suppl Approp Dept Of Public Health & Environment	Approved 2/23/2012	2/23/2012	298	5
1195	Gerou, Hodge	Suppl Approp Dept Of Public Safety	Approved 2/23/2012	2/23/2012	299	5
1196	Gerou, Hodge	Suppl Approp Dept Of Regulatory Agencies	Approved 2/23/2012	2/23/2012	300	6
1197	Gerou, Hodge	Suppl Approp Dept Of Revenue	Approved 2/23/2012	2/23/2012	301	6
1198	Gerou, Hodge	Suppl Approp Dept Of State	Approved 3/8/2012	3/8/2012	302	6
1199	Gerou, Hodge	Suppl Approp Dept Of The Treasury	Approved 2/23/2012	2/23/2012	303	6
1200	Gerou, Hodge	Suppl Approp Capital Construction	Approved 3/1/2012	3/1/2012	304	6
1201	Gerou, Steadman	Mid-year School Finance Adjustments	Approved 3/1/2012	3/1/2012	3	40
1202	Levy, Lambert	Allow HCPF Approps For Quitline Matching Funds	Approved 3/1/2012	3/1/2012	4	82
1203	Gerou, Steadman	Reenact Comprehensive Primary Care Serv Statutes	Approved 3/1/2012	3/1/2012	5	110
1204	McCann, Boyd	Sunset Regulation Hemodialysis Technicians	Approved 4/13/2012	7/1/2012	103	103
1206	Acree, Morse	Sunset Review Cold Case Task Force	Approved 4/12/2012	4/12/2012	90	83
1207	Labuda, Aguilar	Sunset Cover All Children Advisory Committee	Approved 3/24/2012	3/24/2012	65	110

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1209	Gardner B., Carroll	Uniform Electronic Legal Material Act	Approved 4/26/2012	No Safety Clause	138	83
1212	Becker, Hodge	BOCES Multi-district On-line Education Programs	Approved 3/24/2012	7/1/2012	66	40
1213	Fields, King S.	Escape From Community Corrections Program	Approved 5/17/2012	5/17/2012	183	28
1214	Becker, Nicholson	Community College Two-year Degree Programs	Approved 5/24/2012	No Safety Clause	212	55
1215	Gerou, Hodge	Surplus Lines Insurance Fed Conformity	Approved 4/13/2012	No Safety Clause	104	118
1216	Becker, Lambert	Drivers Licensing Services Fund	Approved 4/6/2012	7/1/2012	80	128
1217	Tyler, Aguilar	Owner-user Organization Boiler Inspections	Approved 3/22/2012	No Safety Clause	51	121
1220	Becker, Bacon	CSU Global Campus And CSU Board Of Governors	Approved 4/12/2012	No Safety Clause	100	55
1221	Liston, Tochtrop	Direct Billing For Anatomic Pathology Services	Approved 3/22/2012	No Safety Clause 1/1/2013	41	118
1222	Becker, Hodge	Recreate CDOT Renovation Fund	Approved 4/6/2012	4/6/2012	81	154
1223	Levy, Steadman	Inmates Eligibility For Earned Time	Approved 5/24/2012	5/24/2012	213	19
1224	Becker, Lambert	Creation Of A Consolidated Communications System	Approved 5/9/2012	5/9/2012	168	83
1226	Barker, Aguilar	Surcharge On Crimes Against At-risk Persons	Approved 6/8/2012	No Safety Clause 8/15/2012	279	29
1228	DelGrosso, Steadman	Neighborhood Youth Organizations Background Checks	Approved 4/23/2012	4/23/2012	130	115
1229	Murray, Scheffel	Publication Requirements Legal Notice In Newspaper	Approved 4/6/2012	No Safety Clause	82	62
1231	Ryden, Spence	Access To Driver's Info Private Investigators	Approved 3/16/2012	No Safety Clause	22	84
1233	Labuda, Carroll	Legal Separation Court Appearance Procedure	Approved 3/22/2012	7/1/2012	52	11

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1236	Summers, Jahn	Modify Regulation Charitable Solicitations	Approved 4/26/2012	No Safety Clause 1/1/2013	133	13
1237	Williams A., Harvey	Common Interest Community HOA Records Copies	Approved 5/29/2012	No Safety Clause 1/1/2013	232	144
1238	Massey, Johnston	Ensuring K-3 Literacy Education	Approved 5/17/2012	7/1/2012	180	40
1239	Vaad, Carroll	Special District Approval Requirements	Approved 5/11/2012	5/11/2012	175	66
1240	Kerr A., Bacon	Statutory Changes To K-12 Education	Approved 6/4/2012	6/4/2012	258	43
1241	Ferrandino, Heath	Review Enterprise Zone Designations	Approved 6/6/2012	6/6/2012	262	151
1244	Scott, Foster	SOS Create Inventory Of Local Govs & Agents	Approved 5/11/2012	No Safety Clause	172	84
1246	Becker, Hodge	Reverse Payday Shift State Employees Paid Biweekly	Approved 4/16/2012	4/16/2012	123	85
1247	Gerou, Steadman	Reduce Tobacco Settlement Accelerated Payments	Approved 3/22/2012	Portions on 3/22/2012and 7/1/2012	53	85
1248	Gerou, Lambert	Create Fund For Dept Of Law & Auth Grant Spending	Approved 3/19/2012	7/1/2012	37	85
1249	Gerou, Steadman	State Auditor's Office Tobacco Settlement Funding	Approved 3/24/2012	3/24/2012	72	86
1258	DelGrosso, Jahn	Alternative Fuel Vehicle Charging Facilities	Approved 5/3/2012	No Safety Clause	147	145
1261	Solano, Bacon	Effective Educators Low-performing Schools	Approved 6/4/2012	No Safety Clause	257	44
1262	Gardner B., Roberts	Amend Uniform Commercial Code Secured Transactions	Approved 5/9/2012	No Safety Clause 7/1/2013	170	14
1263	Levy, Steadman	Reduce Barriers To Employment Criminal Records	Approved 5/29/2012	No Safety Clause	233	86
1266	Sonnenberg, Morse	Sunset Continue Bail Bond Agent Regulation	Approved 6/8/2012	7/1/2012	280	119

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1268	Acree, Hudak	Health Facility Safety Inspection Transfer To CDPS	Approved 5/29/2012	Portions on 5/29/2012 and 7/1/2013	234	87
1269	Kerr J., Roberts	FCPA Disclosure Candidate Cmt Spec Dist Election	Approved 4/6/2012	No Safety Clause	83	58
1270	Ryden, Heath	Alcohol Retail Purchase By On-premises Licensee	Approved 5/29/2012	No Safety Clause	235	136
1271	Nikkel, Giron	Juvenile Direct File Limitations	Approved 4/20/2012	4/20/2012	128	11
1272	Duran, Newell	Enhanced Benefits Unemployed Workers In Training	Approved 6/6/2012	7/1/2012	265	122
1273	Pabon, Steadman	Add Approved Facility School To Child Care Credit	Approved 6/8/2012	No Safety Clause	270	151
1274	Swerdfeger, Jahn	Regulation Notaries Public DOS Cash Fund	Approved 5/24/2012	No Safety Clause	214	137
1275	Pace, White	Colorado Wildlife Sporting License Plate	Approved 5/21/2012	No Safety Clause	194	128
1276	Duran, Newell	Child Care Licensure Material Waivers	Approved 5/18/2012	5/18/2012	185	11
1278	Fischer, Renfroe	South Platte Groundwater Study Augmentation	Approved 5/30/2012	5/30/2012	239	156
1281	Young, Steadman	Medicaid Payment Reform Pilot Program	Approved 6/4/2012	6/4/2012	246	110
1282	Ramirez, Nicholson	State Geological Survey Review Of Subdivision Plan	Approved 5/11/2012	No Safety Clause	178	63
1283	Barker, Giron	Consolidate Homeland Security Functions Under CDPS	Approved 6/4/2012	7/1/2012	240	87
1285	Gerou, Jahn	Intergovt Coop Wildland Fire Mitigation	Approved 4/6/2012	4/6/2012	85	63
1286	Massey, Newell	Film Production Activities In Colorado	Approved 5/18/2012	7/1/2012	186	88
1288	Murray, Bacon	Administration Of IT Projects In State Gov	Approved 3/24/2012	No Safety Clause	67	89
1289	Nikkel, Jahn	Auto Insurance Complaints Adverse Action	Approved 4/12/2012	No Safety Clause	95	120

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1290	Brown, Tochtrop	Create Colorado Healthy Landscapes Tax Checkoff	Approved 4/26/2012	No Safety Clause	140	151
1292	Murray, Heath	Update Election Law Administration Timing Process	Approved 5/17/2012	5/17/2012	181	58
1293	Todd, King K.	Recall Elections Modify Procedures & Deadlines	Approved 5/29/2012	5/29/2012	236	59
1294	Liston, Tochtrop	CDPHE Authority Health Care Facilities	Approved 6/4/2012	6/4/2012	252	103
1295	Priola, Tochtrop	Colorado Rockies Vehicle License Plate	Approved 4/9/2012	No Safety Clause	89	128
1297	Gardner B., Tochtrop	Sunset Discontinue Cmt On Anticompetitive Conduct	Approved 4/26/2012	Portions on 4/26/2012 and 9/1/2013	139	137
1299	Singer, Shaffer B.	Lessee Can Claim Innovative Motor Veh Tax Credit	Approved 4/12/2012	4/12/2012	98	152
1300	Gardner B., Aguilar	Sunset Continue Professional Review Committees	Approved 6/4/2012	7/1/2012	245	138
1301	McNulty, Morse	FY 2012-13 Legislative Appropriation	Approved 3/8/2012	3/8/2012	283	7
1302	Massey, Tochtrop	Flight For Life Colorado Special License Plate	Approved 5/24/2012	No Safety Clause	215	129
1303	Schafer S., Spence	DORA Certify Speech-language Pathologists	Approved 6/6/2012	No Safety Clause	263	138
1304	Barker, Newell	Prevention Of Organized Retail Theft	Approved 5/29/2012	5/29/2012	237	29
1307	Kerr J., Roberts	Bd Assessment Appeals Nonlawyer Trustees	Approved 5/24/2012	No Safety Clause	216	152
1310	Gardner B., Carroll	Criminal Proceedings Omnibus Changes	Approved 6/7/2012	6/7/2012	268	29
1311	Summers, Boyd	Sunset Continue Pharmacy Board	Approved 6/8/2012	7/1/2012	281	139
1312	Sonnenberg, Brophy	Pub Util Commn Elec Transmission Lines Certificate	Approved 4/12/2012	4/12/2012	101	145
1313	Szabo, Bacon	Statewide Initiative Title Board Procedures	Approved 4/26/2012	4/26/2012	141	60

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1314	Sonnenberg, Hodge	Oil & Gas Filing Exception	Approved 6/4/2012	No Safety Clause	250	152
1315	Becker, Steadman	Reorganization Of Governor's Energy Office	Approved 5/24/2012	7/1/2012	224	90
1317	Sonnenberg, Schwartz	Parks & Wildlife Commission Composition & Terms	Approved 6/4/2012	6/4/2012	248	130
1318	Brown, Schwartz	Guidelines For Controlled Maintenance Funding	Approved 4/23/2012	No Safety Clause	129	91
1321	Ferrandino, Johnston	Modernization Of The State Personnel System Act	Approved 6/6/2012	No Safety Clause Portions on 9/1/2012 and the date of the official declaration of the vote by the governor	260	92
1323	Coram, Roberts	Montrose Associate County Judge	Approved 4/13/2012	4/13/2012	105	22
1324	Massey, Johnston	Colorado Mesa University	Approved 5/21/2012	5/21/2012	192	55
1326	Acree, Spence	Concerning Assistance To The Elderly.	Approved 5/22/2012	5/22/2012	195	115
1327	Coram, Roberts	Towing Carriers Repeal Bond Impose 5 Yr Revocation	Approved 5/24/2012	5/24/2012	217	145
1328	Priola, Giron	Unif Consumer Credit Code Contracts For Purchase	Approved 5/24/2012	No Safety Clause	218	15
1329	Scott, Nicholson	County Treasurer Becoming Public Trustee	Approved 5/21/2012	No Safety Clause	190	144
1330	Becker, Hodge	Hunting Fishing License Suspension Hearing	Approved 6/4/2012	No Safety Clause	259	130
1331	Brown, Schwartz	Name Change Western State College Of Colorado	Approved 6/4/2012	8/1/2012	254	55
1332	Balmer, Guzman	Licensure Of Anesthesiologist Assistants	Approved 5/29/2012	No Safety Clause	238	142
1334	Becker, Hodge	Severence Tax Funding Agricultural Energy Projects	Approved 5/24/2012	7/1/2012	219	2

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE OF DIGEST</b>
1335	Gerou, Hodge	2012-13 Long Appropriations Bill	Approved 5/7/2012	5/7/2012	305	7
1336	Becker, Steadman	Prison Utilization Study	Approved 5/3/2012	5/3/2012	152	19
1337	Gerou, Steadman	Close Colorado State Penitentiary II	Approved 5/3/2012	No Safety Clause	144	20
1338	Gerou, Hodge	Transfer Of General Fund Surplus To State Ed Fund	Approved 5/3/2012	No Safety Clause	153	94
1339	Becker, Lambert	Colorado Benefits Management System Project	Approved 5/3/2012	5/3/2012	143	94
1340	Becker, Lambert	Nursing Facility Reduction Per Diem Rate	Approved 5/3/2012	5/3/2012	154	111
1341	Gerou, Hodge	TANF Strategic Use Fund Repeal	Approved 5/3/2012	Portions on 5/3/2012 and 4/1/2013	155	116
1342	Levy, Hodge	Work Therapy Program And Fund	Approved 5/3/2012	5/3/2012	156	116
1343	Gerou, Hodge	Transfer From State Rail Bank Fund To General Fund	Approved 5/3/2012	5/3/2012	157	95
1344	Gerou, Hodge	Transfers Of Capital Construction Moneys	Approved 5/3/2012	5/3/2012	160	95
1345	Massey, Bacon	Financing Of Public Schools	Approved 5/19/2012	5/19/2012	188	44
1346	Gardner B., King S.	Sex Offender Registration No Fixed Residence	Approved 5/24/2012	7/1/2012	220	32
1348	Ferrandino, Morse	Legislative Dept Authority Over Space	Became Law 5/8/2012	No Safety Clause	163	61
1349	Baumgardner, Schwartz	Species Conservation Trust Fund	Approved 6/8/2012	6/8/2012	282	130
1350	Waller, Hodge	In-state Status Dependents Armed Forces Members	Approved 6/8/2012	6/8/2012	272	55
1352	Gardner B., Cadman	Lower North Fork Wildfire Commission	Approved 6/4/2012	6/4/2012	241	95
1353	Becker, Steadman	Proportional Reductions Tier 2 Sev Tax Transfers	Approved 5/24/2012	5/24/2012	221	153

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE OF DIGEST</b>
1355	Gerou, Hodge	Transfer Geological Survey To School Of Mines	Approved 6/4/2012	Portions on 6/4/2012 and 1/31/2013	247	56
1357	Brown, Renfroe	Unspent Proceeds Of FML Lease-Purchase Agreements	Approved 5/24/2012	5/24/2012	222	96
1360	Gerou, Steadman	Surplus General Fund Transfer To Econ Dev Fund	Approved 5/24/2012	5/24/2012	223	97
1361	Gardner B., Cadman	Claims Against State Under CGIA	Approved 6/4/2012	6/4/2012	242	97

**TABLE OF ENACTED HOUSE BILLS  
FIRST EXTRAORDINARY SESSION, 68TH GENERAL ASSEMBLY**

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE OF DIGEST</b>
S1002	Liston, Jahn	Unempl Ins Revenue Bonds	Approved 6/8/2012	6/1/2012	2	159

**TABLE OF ENACTED SENATE BILLS  
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<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE OF DIGEST</b>
007	Hudak, Hamner	Group Special License Plate Procedure	Approved 4/6/2012	4/6/2012	88	124
008	Brophy, Sonnenberg	Postpone Repeal Denver Basin Aquifers	Approved 3/8/2012	3/8/2012	7	155
009	Hodge, Swerdfeger	Consolidate Div Water Resources Funds	Approved 5/24/2012	7/1/2012	197	155
010	Hodge, Ferrandino	CBI Gifts Grants Donations Fund	Approved 5/24/2012	No Safety Clause	198	67
011	Spence, Summers	Child Abuse Differential Response Program	Approved 3/24/2012	3/24/2012	55	9
012	King S., Miklosi	DOR Audits Auto Emission Test Centers	Approved 5/9/2012	7/1/2012	164	124
013	Schwartz, Jones	Low-speed Electric Vehicles	Approved 5/3/2012	5/3/2012	148	124
014	Bacon, Levy	Tie FCPA Reporting Schedule Date Primary Election	Approved 1/30/2012	1/30/2012	1	57
020	Aguilar, Summers	Immunity For Reporters Of Overdoses	Approved 5/29/2012	5/29/2012	225	23
022	Williams S., Massey	Maintain Child Care Assistance Working Families	Approved 4/13/2012	4/13/2012	106	113
023	Boyd, Summers	Improve Eligible Persons Access To PACE Program	Approved 4/12/2012	4/12/2012	94	107
024	Harvey, Holbert	Residential Nonprofit Corp Refunds Open Meetings	Approved 3/22/2012	3/22/2012	39	17
026	Cadman, Vaad	Agency Rules With State Mandates On A Local Gov	Approved 5/24/2012	No Safety Clause	199	67
029	Morse, Gardner B.	Enactment Of 2011 CRS	Approved 3/19/2012	3/19/2012	28	147
030	Jahn, Liston	Public Trustee & Foreclosure Sales	Approved 4/12/2012	No Safety Clause 9/1/2012	96	143
031	White, Bradford	Federal Mineral Lease Districts	Approved 4/6/2012	4/6/2012	84	62

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE OF DIGEST</b>
033	Guzman, Massey	Child Fatality Reviews	Approved 4/12/2012	4/12/2012	91	113
034	King S., Miklosi	Repeal Rapid Screen For High-emitting Vehicles	Approved 4/13/2012	No Safety Clause	107	99
035	Hodge, Gardner B.	Spaceflight Entity Limited Liability	Approved 4/19/2012	No Safety Clause	126	21
036	Mitchell, Holbert	Parental Consent For Surveys In K-12 Schools	Approved 6/8/2012	No Safety Clause	273	34
037	King S., Young	Electronic Prescription Controlled Substances	Approved 3/22/2012	3/22/2012	40	23
038	Tochtrop, Priola	Protect Consumers Residential Roofing Work	Approved 6/6/2012	6/6/2012	267	13
040	Bacon, Vigil	Higher Ed Facilities Eligible For Controlled Maint	Approved 4/16/2012	4/16/2012	118	67
041	Spence, Priola	Commercial Vehicle Enter Fund Continuous Approp	Approved 5/9/2012	5/9/2012	165	68
042	Spence, Summers	Child Support Requirements & Federal Law	Approved 3/19/2012	3/19/2012	30	113
043	King K., Stephens	Increase Age To Attend Children's Resident Camp	Approved 3/9/2012	3/9/2012	9	114
044	Guzman, Pabon	Failure To Provide Valid Transit Pass Or Coupon	Approved 6/8/2012	6/8/2012	274	23
045	Hudak, Massey	Higher Ed Associate Degree Transfer Students	Approved 4/18/2012	4/18/2012	124	51
048	Schwartz, Coram	Local Foods Local Jobs	Approved 3/15/2012	3/15/2012	16	99
051	Bacon, Massey	Contract Requirements For School Districts	Approved 5/24/2012	No Safety Clause	200	34
055	White, McCann	9Health Fair Tax Checkoff	Approved 4/16/2012	No Safety Clause	119	148
056	Carroll, Holbert	Court Appointments Domestic Relations Cases	Approved 4/13/2012	7/1/2012	108	9
057	Williams S., Brown	Indigenous Language Instruction	Approved 4/16/2012	No Safety Clause	120	34
059	Brophy, Sonnenberg	Commercial Vehicle Standards Livestock & Weight	Approved 4/16/2012	No Safety Clause	116	124

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060	Roberts, Gerou	Improve Medicaid Fraud Prosecution	Approved 5/9/2012	No Safety Clause	166	107
061	King K., Massey	Charter School Applying Authorizing Revoking	Approved 4/13/2012	4/13/2012	109	35
062	Williams S., Looper	Voting By Military Personnel	Approved 4/12/2012	4/12/2012	97	57
064	Nicholson, Massey	Colorado Children's Trust Fund	Approved 3/24/2012	3/24/2012	56	9
066	Nicholson, Gardner B.	Guardianship Program Eligibility	Approved 4/6/2012	No Safety Clause	86	9
067	Hudak, Holbert	For-profit And Nonprofit Charter Schools	Approved 4/23/2012	No Safety Clause	131	36
068	Guzman, Massey	No Trans Fats In Public School Foods	Approved 6/4/2012	No Safety Clause	256	36
072	Lambert, Stephens	Colorado Mounted Rangers	Approved 3/24/2012	No Safety Clause	57	68
074	Aguilar, Gardner B.	Consumer-directed Care Designee Service Provider	Approved 4/13/2012	4/13/2012	110	108
077	Jahn, Sonnenberg	Repeal Regulation Of Yellow Grease By CDPHE	Approved 4/6/2012	4/6/2012	87	99
078	Hudak, Schafer S.	Protections For At-risk Adults	Approved 5/29/2012	5/29/2012	226	114
079	King S., Stephens	Safe2tell Program Revisions School Safety	Approved 3/24/2012	3/24/2012	58	24
091	Tochtrop, Bradford	Nursing Home Administrator Qualifications	Approved 4/16/2012	No Safety Clause 9/1/2012	121	134
092	Jahn, Liston	Motor Vehicle Video Display	Approved 4/13/2012	7/1/2012	111	125
094	Hodge, Szabo	Clarify State Sales Tax Definition Of Food	Approved 3/9/2012	7/1/2012	8	148
095	Lundberg, Barker	Motor Vehicle Sales Cert Of Title Bond Requirement	Approved 4/13/2012	No Safety Clause	112	125
096	Lambert, Levy	Office Of Information Technology Amend Contracts	Approved 3/24/2012	3/24/2012	59	68

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097	Hodge, Sonnenberg	Streamline Change Of Surface Water Diversion Point	Approved 3/22/2012	3/22/2012	54	155
099	Spence, Todd	Expand Access To Academic Model Juvenile Facility	Approved 4/12/2012	4/12/2012	92	10
102	Brophy, Nikkel	Repeal Crime Of Criminal Libel	Approved 4/13/2012	No Safety Clause 9/1/2012	113	24
110	Steadman, Levy	Funding For AG Insurance Fraud Investigations	Approved 5/3/2012	7/1/2012	158	117
111	Hodge, Levy	Full-time Equivalent Employees Dept Reporting	Approved 3/19/2012	No Safety Clause	31	69
112	Hodge, Levy	Full-time Equivalent Employees Definition	Approved 3/19/2012	No Safety Clause	32	69
113	Lambert, Gerou	Direct Public Assistance Recoveries In Long Bill	Approved 3/19/2012	7/1/2012	33	114
114	Lambert, Levy	Disputed Tobacco Settlement Payments To Gen Fund	Approved 3/19/2012	3/19/2012	34	69
115	Steadman, Becker	Limited Gaming Tax Consider Recipient Testimony	Approved 3/19/2012	No Safety Clause	35	135
118	White, Acree	Repeal 25 Percent Food Threshold Liquor License	Approved 5/24/2012	No Safety Clause	201	135
121	King K., Massey	BEST Program And Charter School Institute	Approved 5/11/2012	5/11/2012	177	36
123	Renfroe, Brown	Enhance Secretary Of State On-line Filing System	Approved 5/11/2012	Portions on 5/11/2012 and 90 days after notice	171	17
124	Harvey, Nikkel	Eliminate Regional Tourism Project Limit	Vetoed 5/4/2012			70
127	Newell, Summers	Medicaid Health Homes Long-term Care Providers	Approved 4/23/2012	4/23/2012	132	108
128	Roberts, Summers	Alternative Care Facility Reimbursement Pilot	Approved 6/8/2012	No Safety Clause	275	108
131	Guzman, Pabon	Duty Search For Designated Beneficiary Agreements	Approved 4/13/2012	4/13/2012	114	132
133	Schwartz, Coram	Recycle Electronic Devices Divert From Landfills	Approved 4/20/2012	No Safety Clause	127	99

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134	Aguilar, Acree	Hospital Payment Assistance Program	Approved 5/7/2012	No Safety Clause	162	100
145	Steadman, Becker	Cap 2011-12 School Land Revenues Transfers	Approved 5/24/2012	5/24/2012	202	70
146	Hodge, Peniston	Limit Acceptance Benefits Reward Official Action	Approved 4/12/2012	4/12/2012	93	70
148	Guzman, Duran	Name Change Metropolitan State College Of Denver	Approved 4/18/2012	7/1/2012	125	51
149	Steadman, Priola	Allow Local Gov Retirement Plan Modifications	Approved 5/29/2012	5/29/2012	227	64
150	Schwartz, Sonnenberg	State Treasurer Auth To Manage State Financing	Approved 5/24/2012	5/24/2012	196	71
152	Cadman, Ferrandino	Procedures For Filing Reports With The GA	Approved 4/13/2012	No Safety Clause	115	72
156	Steadman, Gerou	DPA Authority To Expend Gifts Grants & Donations	Approved 5/3/2012	No Safety Clause	159	72
158	Boyd, Bradford	Consolidate Public Housing Agencies In DOLA	Approved 5/3/2012	5/3/2012	151	73
159	Hudak, Kerr J.	Evaluation Children With Autism Medicaid Waiver	Approved 5/24/2012	7/1/2012	203	109
160	Hudak, Duran	Parent Involvement In Education	Approved 5/24/2012	5/24/2012	204	37
161	Nicholson, Bradford	Reduce Correctional Facility Health Care Costs	Approved 5/24/2012	No Safety Clause	205	19
166	Giron, Priola	Synchronize Econ Dev Reports & Req Annual Report	Approved 6/4/2012	No Safety Clause	243	73
168	Steadman, Gerou	Triggers For General Fund Obligations	Approved 5/24/2012	5/24/2012	206	73
170	Aguilar, Gerou	Personalized License Plate Auctions One Position	Approved 5/24/2012	No Safety Clause	207	125
175	Carroll, Gardner B.	Court Time Periods By Seven Day Periods	Approved 5/24/2012	7/1/2012	208	21

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S001	Cadman, Priola	Registration Fees Special Mobile Machinery	Approved 5/19/2012	No Safety Clause 8/15/2012	3	159
S002	Schwartz, Sonnenberg	Water Conservation Bd Construction Fund Projects	Approved 6/8/2012	5/19/2012	1	160

## ADMINISTRATIVE RULE REVIEW

**H.B. 12-1001** Education - educator effectiveness - rules. Senate Bill 10-191, enacted in 2010, required the general assembly to review and approve the rules adopted by the state board of education implementing a statewide system to evaluate the effectiveness of licensed personnel employed by school districts and boards of cooperative services (statewide system). The act contains the recommendations of the committee on legal services to approve the rules of the state board of education, department of education, adopted on November 9, 2011, to implement the statewide system.

The act postpones the scheduled expiration of the rules on the statewide system, thereby continuing the rules.

**APPROVED** by Governor February 15, 2012

**EFFECTIVE** February 15, 2012

**H.B. 12-1086** Continuation of 2011 rules of executive agencies - continuation of specified 2012 education rules. Based on the findings and recommendations of the committee on legal services, state agency rules and regulations that were adopted or amended on or after November 1, 2010, and before November 1, 2011, are extended; except that certain rules and regulations specifically listed in the act shall expire as scheduled on May 15, 2012. The act also extends rules from the state board of education on the appeal process for educator effectiveness that were adopted in 2012.

**APPROVED** by Governor May 15, 2012

**EFFECTIVE** May 15, 2012

## AGRICULTURE

**H.B. 12-1158** Livestock - commercial feed - rendering and processing - authority of commissioner of agriculture. The act repeals the "Colorado Inedible Meat Rendering and Processing Act of 1967" and grants rule-making authority to the commissioner of agriculture to specify labeling and operating requirements for the production of commercial feed under the existing "Colorado Feed Law".

**APPROVED** by Governor March 15, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1334** Agricultural energy-related projects - funding - appropriation. In 2006, the general assembly approved a transfer of \$500,000 from the operational account of the severance tax trust fund to the agricultural value-added cash fund for 3 years to promote agricultural energy-related projects. In 2009, the general assembly approved a 2-year extension. The act extends the funding for an additional 5 years.

The act appropriates \$500,000 to the department of agriculture for the projects.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** July 1, 2012

## APPROPRIATIONS

**H.B. 12-1180** Supplemental appropriation - department of agriculture. The 2011 general appropriation act is amended to increase the total appropriation to the department of agriculture. The cash funds portion of the appropriation are increased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1181** Supplemental appropriation - department of corrections. The 2011 general appropriation act is amended to increase the total appropriation to the department of corrections. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** April 6, 2012

**H.B. 12-1182** Supplemental appropriation - department of education. The 2011 general appropriation act is amended to increase the total appropriation to the department of education. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased and the federal funds portion is decreased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1183** Supplemental appropriation - offices of the governor, Lt governor, and state planning and budgeting. The 2011 general appropriation act is amended to increase the total appropriation to the offices of the governor, Lt governor, and state planning and budgeting. The general fund portion of the appropriation is decreased and the cash funds and federal funds portions are increased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1184** Supplemental appropriation - department of health care policy and financing. The 2011 general appropriation act is amended to decrease the total amount appropriated to the department of health care policy and financing. The general fund and reappropriated funds portions of the appropriation are decreased and the cash funds and federal funds portions are increased.

The adjustments made to the 2011 general appropriation act by Senate Bill 11-177, concerning the teen pregnancy and dropout prevention program, is amended to clarify that cash funds are from local funds and not from certified public expenditures.

The 2010 general appropriation act is amended to increase the total amount appropriated for the payment of overexpenditures of line item appropriations.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1185** Supplemental appropriation - department of higher education. The 2011 general appropriation act is amended to increase the total appropriation made to the

department of higher education. The cash funds and reappropriated funds portions of the appropriation are increased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1186** Supplemental appropriation - department of human services. The 2011 general appropriation act is amended to decrease the total amount appropriated to the department of human services. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased and the federal funds portion is decreased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1187** Supplemental appropriation - judicial department. The 2011 general appropriation act is amended to increase the total amount appropriated to the judicial department. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

The appropriation made by House Bill 11-1300, concerning the resolution of a disputed claim for a state income tax credit for a donation of a perpetual conservation easement that includes a process that allows a taxpayer to waive an expedited administrative hearing for the purpose of appealing directly to a district court, is amended.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1188** Supplemental appropriation - department of labor and employment. The 2011 general appropriation act is amended to increase the total amount appropriated to the department of labor and employment. The cash funds portion of the appropriation is increased and the federal funds portion is decreased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1189** Supplemental appropriation - department of law. The 2011 general appropriation act is amended to decrease the total amount appropriated to the department of law. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are decreased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1190** Supplemental appropriation - department of local affairs. The 2011 general appropriation act is amended to decrease the total amount appropriated to the department of local affairs. The general fund and reappropriated funds portions of the appropriation are decreased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1191** Supplemental appropriation - department of military and veterans affairs. The 2011 general appropriation act is amended to increase the total amount appropriated to the department of military and veterans affairs. The general fund portion of the appropriation is increased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1192** Supplemental appropriation - department of natural resources. The 2011 general appropriation act is amended to decrease the total amount appropriated to the department of natural resources. The general fund and federal funds portions of the appropriation are increased and the cash funds portion is decreased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1193** Supplemental appropriation - department of personnel and administration. The 2011 general appropriation act is amended to increase the total amount appropriated 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 2010 general appropriation act is amended to increase the total amount appropriated to the department of personnel and administration. The cash funds portion of the appropriation is increased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1194** Supplemental appropriation - department of public health and environment. The 2011 general appropriation act is amended to increase the total amount appropriated to the department of public health and environment. The general fund and federal funds portions of the appropriation are decreased and the cash funds and reappropriated portions are increased.

The appropriation made in House Bill 10-1018, concerning increased authority to regulate waste tires, is amended.

The adjustments made to the 2011 general appropriation act in Senate Bill 11-211, concerning the use of tobacco tax revenue for health-related purposes during a state fiscal emergency, is amended.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1195** Supplemental appropriation - department of public safety. The 2011 general appropriation act is amended to increase the total amount appropriated to the department of public safety. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1196** Supplemental appropriation - department of regulatory agencies. The 2011 general appropriation act is amended to increase the total amount appropriated to the department of regulatory agencies. The general fund and cash funds portions of the appropriation are increased.

The appropriation made in Senate Bill 11-187, concerning the continuation of the regulation of mental health professionals, is amended.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1197** Supplemental appropriation - department of revenue. The 2011 general appropriation act is amended to increase the total appropriation to the department of revenue. The general fund portion of the appropriation is decreased and the cash funds portion is increased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1198** Supplemental appropriation - department of state. The 2011 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 8, 2012

**EFFECTIVE** March 8, 2012

**H.B. 12-1199** Supplemental appropriation - department of the treasury. The 2011 general appropriation act is amended to increase the total appropriation to the department of the treasury. The cash funds portion of the total appropriation is increased.

**APPROVED** by Governor February 23, 2012

**EFFECTIVE** February 23, 2012

**H.B. 12-1200** Supplemental appropriation - capital construction. The capital construction portion of the 2003 general appropriation act is amended to extend the time in which the capital to the university of Colorado health sciences center, center bioethics and humanities, is available.

The capital construction portion of the 2008 general appropriation act is amended to add a new footnote to specify the date in which the appropriation to the university of Colorado at Boulder, visual arts complex, expires.

The capital construction portion of the 2009 general appropriation act is amended to increase the total amount appropriated to the department of higher education and to decrease the amount appropriated to the department of natural resources. The amount appropriated to the Colorado school of mines, Weaver Tower renovation is increased. The amount appropriated to the division of wildlife for various capital construction and controlled maintenance projects are decreased.

The capital construction portion of the 2010 general appropriation act is amended to decrease the amount appropriated to the department of natural resources, division of wildlife

for motorboat access on lakes and streams, infrastructure and real property maintenance, and asset development or improvements.

The capital construction portion of the 2011 general appropriation act is amended to increase the total appropriation to several departments for capital construction projects. A new line is added to the department of higher education, Colorado state university at Fort Collins, for the critical care unit at the veterinary teaching hospital. The Ralph L. Carr Colorado judicial center capital construction project is added. Projects in the department of natural resources, division of wildlife, were repealed or modified.

**APPROVED** by Governor March 1, 2012

**EFFECTIVE** March 1, 2012

**H.B. 12-1301** Legislative appropriation - appropriation to youth advisory council cash fund - year-end reversion to legislative department cash fund. The act appropriates \$34,326,736 for matters related to the legislative department for the 2012-13 fiscal year. In addition, the act appropriates \$8,472 to the youth advisory council cash fund. The state treasurer and controller must transfer to the legislative department cash fund any general fund appropriations to the legislative department for a fiscal year commencing on or after July 1, 2011, that are unexpended and unencumbered as of the close of that fiscal year.

**APPROVED** by Governor March 8, 2012

**EFFECTIVE** March 8, 2012

**H.B. 12-1335** General appropriation - long bill. For the fiscal year beginning July 1, 2012, 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 \$20,366,570,960 of which \$6,583,752,739 is from the general fund portion of the appropriation, \$896,683,201 is from the general fund exempt portion, \$6,196,911,073 is from the cash funds portion, \$1,493,352,169 is from the reappropriated funds portion, and \$5,195,871,778 is from the federal funds portion.

For the fiscal year beginning July 1, 2012, the act provides for the payment of capital construction projects. The grand total for capital construction projects is \$170,326,213 of which \$62,108,178 is from the capital construction fund portion of the appropriation, \$87,677,809 is from the cash funds portion, \$8,626,790 is from the reappropriated funds portion, and \$11,913,436 is from the federal funds portion.

The funds designated to constitute the state emergency fund in the 2011 general appropriation act was amended to increase the amount designated for state properties.

The 2010 general appropriation act is amended to make additional changes to those appropriations made to the departments of education, health care policy and financing, and higher education.

The 2011 general appropriation act is amended to make additional changes to those appropriations made to the departments of education, health care policy and financing, higher education, human services, law, and public safety. The 2011 appropriation for funding capital construction projects was also amended.

The appropriation made in Senate Bill 11-177, concerning the teen pregnancy and

dropout prevention program, was amended to decrease the total amount appropriated for medical services premiums.

**APPROVED** by Governor May 7, 2012

**EFFECTIVE** May 7, 2012

## CHILDREN AND DOMESTIC MATTERS

**S.B. 12-11** Dependency and neglect - child abuse or neglect - differential response pilot program for child abuse or neglect cases of low or moderate risk. The act eliminates the 5-county limit on the number of counties that may participate in the differential response pilot program for child abuse or neglect cases of low or moderate risk (pilot program) and allows the executive director of the state department of human services to select participating counties. The state board of human services will promulgate rules to define and implement differential response and for the administration of the pilot program.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**S.B. 12-56** Court appointments in domestic relations actions - disclosure of conflicts - assessment of initial costs for parental responsibility evaluations - claims of domestic violence and the appointment of a parenting coordinator. The act requires a child's legal representative, a child and family investigator, a parental responsibilities evaluator, a parenting coordinator, and a decision-maker to disclose, at the time of appointment, any familial, financial, or social relationship that the appointed person has or has had with the child, either party, the attorneys, or the judicial officers, and, if a relationship exists, the nature of the relationship. The act contains the time frame for making the disclosure and for objecting to the appointment based upon the contents of the disclosure. The court may confirm the appointment or terminate an appointment and appoint a different person. If the court takes no further action, the appointment is deemed confirmed.

Further, the act permits a court to apportion the initial costs relating to a parental responsibilities evaluation between one or more of the parties and to assess the costs between the parties at the time the evaluation is completed.

Additionally, in appointing a parenting coordinator, the court may consider the effect of any claim of domestic violence by the other party, in addition to documented evidence of domestic violence on the parties' ability to engage in parent coordination.

The act takes effect July 1, 2012, and applies to court appointments made on or after that date.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** July 1, 2012

**S.B. 12-64** Colorado children's trust fund. The act clarifies that Colorado children's trust fund moneys must be used for prevention, rather than intervention, programs, and extends its repeal to July 1, 2022.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**S.B. 12-66** Guardianship assistance program. The act adds persons ascribed by a family as having a family-like relationship with the child or who have had a prior significant

relationship with the child to the type of individuals eligible to participate in the guardianship assistance program.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** August 8, 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. 12-99** Academic model juvenile facility - services for juveniles in temporary custody of a county department of social services. The act allows the academic model juvenile facility that is owned by the state of Colorado and operated pursuant to a contract with a private provider (Ridge View Youth Services Center) to house and serve juveniles who are in the temporary custody of a county department of social services.

The contractor shall work with the department of human services to develop and maintain high-quality programming that is appropriate for and meets the needs of the juveniles placed in the facility.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** April 12, 2012

**H.B. 12-1139** Juveniles tried as adults - pretrial detention - presumption juvenile facility - hearing and factors for detention. The act prohibits a juvenile who is to be tried as an adult from being held in an adult jail or pretrial facility unless the district court, after a hearing, finds that an adult jail or pretrial facility is the appropriate place of confinement for the juvenile. The act sets forth the following factors the district court must consider in making its decision:

- The age of the juvenile;
- Whether, in order to provide physical separation from adults, the juvenile would be deprived of contact with other people for a significant portion of the day or would not have access to recreational facilities or age-appropriate educational opportunities;
- The juvenile's current emotional state, intelligence, and developmental maturity, including any emotional and psychological trauma, and the risk to the juvenile caused by his or her placement in an adult jail, which risk may be evidenced by mental health or psychological assessments or screenings made available to the district attorney and to defense counsel;
- Whether detention in a juvenile facility will adequately serve the need for community protection pending the outcome of the criminal proceedings;
- Whether detention in a juvenile facility will negatively impact the functioning of the juvenile facility by compromising the goals of detention to maintain a safe, positive, and secure environment for all juveniles within the facility;
- The relative ability of the available adult and juvenile detention facilities to meet the needs of the juvenile, including the juvenile's need for mental health and educational services;
- Whether the juvenile presents an imminent risk of harm to himself or herself or others within a juvenile facility;
- The physical maturity of the juvenile; and
- Any other relevant factors.

If the juvenile is held at a juvenile facility and poses an imminent danger to the other juveniles or staff of the facility, the division of youth corrections can petition the court for a hearing to transfer the juvenile to an adult jail.

If the juvenile is ordered held in an adult jail, the juvenile may move for a review hearing at least 30 days after the decision to place the juvenile in an adult jail. The court may set the matter for hearing if the juvenile has alleged facts or circumstances that would warrant reconsideration of the juvenile's placement.

**APPROVED** by Governor March 15, 2012

**EFFECTIVE** March 15, 2012

**H.B. 12-1233** Court entry of decree of legal separation - upon affidavit. The act allows a court to enter a decree of legal separation, by affidavit, without the appearance of the parties, in circumstances where there are no children of the marriage and the parties have entered into a written agreement concerning the division of marital property.

The act takes effect July 1, 2012, and applies to petitions for legal separation filed on or after that date.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1271** Juvenile direct file - eligible juveniles and charges - reverse transfer hearing - juvenile sentencing options. Under current law, a juvenile charged with a specific serious crime can be prosecuted in district court under the district attorney's authority to direct file certain juveniles. This act amends the direct file statute to limit the offenses for which a juvenile may be subject to direct file to class 1 felonies, class 2 felonies, crime of violence felonies or sex offenses if the juvenile has a previous felony adjudication, violent sex offenses, and instances in which the juvenile was subject to certain previous district court proceedings. The act limits direct file to juveniles age 16 or 17.

After a juvenile is charged in district court, the juvenile may petition the adult court for a reverse-transfer hearing to transfer the case to juvenile court. The juvenile must make the request at or before the time to request a preliminary hearing, and the court shall set the reverse-transfer hearing at the same time as the preliminary hearing. If, after a reverse-transfer hearing, the court finds that the juvenile and community would be better served by juvenile proceedings, the court shall order the case to juvenile court. If, after a preliminary hearing, the district court does not find probable cause for a direct-file-eligible offense, the court shall remand the case to the juvenile court.

Under the act, a juvenile's non-felony conviction must be remanded to juvenile court and, when a juvenile sentence is selected, the conviction converts to a juvenile adjudication. A juvenile sentenced under a direct file shall be treated as a juvenile adjudication.

**APPROVED** by Governor April 20, 2012

**EFFECTIVE** April 20, 2012

**H.B. 12-1276** Child care centers - waivers for use of materials. The act allows child care centers (centers) that are subject to child care licensure regulations, including centers that are already licensed, to apply to the department of human services (department) for waivers to use certain materials in conjunction with their curricula (waiver). Centers are required to

adopt policies concerning parental notification of possible safety risks of those materials and the training of instructors in the use of those materials. The state board of human services is directed to promulgate rules concerning the criteria for denying waiver requests, as well as an appeals process for centers to utilize if their waiver request is denied. Whenever practicable, the department shall use the same inspector for multiple visits to a center or a group of commonly owned centers seeking a waiver. The department shall not post any denial of a waiver until the appeals process is final.

**APPROVED** by Governor May 18, 2012

**EFFECTIVE** May 18, 2012

## CONSUMER AND COMMERCIAL TRANSACTIONS

**S.B. 12-38** Residential roofing work - written contract required - right to rescind contract - prohibition against waiving insurance deductible. The act requires residential roofing contractors to sign a written contract with residential property owners that details the following:

- The scope of roofing services and materials to be provided;
- The approximate dates of service;
- The approximate costs of the services based on damages known at the time the contract is entered;
- The roofing contractor's contact information;
- Identification of the roofing contractor's surety and liability coverage insurer and their contact information, if applicable;
- The roofing contractor's policy regarding cancellation of the contract and refund of any deposit, including a rescission clause allowing the client to rescind the contract and obtain a full refund of any deposit within 72 hours after entering the contract; and
- A written statement that if the residential property owner plans to use the proceeds of a property and casualty insurance policy to pay for the roofing work, the roofing contractor cannot pay, waive, rebate, or promise to pay, waive, or rebate all or part of any deductible applicable to the claim for payment for roofing work on the covered residential property.

The roofing contractor must also include on the face of the contract a conspicuous statement indicating that the roofing contractor is to hold in trust any payment received from the property owner until the roofing contractor delivers roofing materials to the residential property site or performs a majority of the roofing work on the residential property.

A property owner who enters into a contract with a roofing contractor to perform roofing work on his or her residential property and who submits a claim to his or her property and casualty insurer for payment for the roofing work may rescind the contract for the roofing work if the insurer denies the claim in whole or in part, as long as the person notifies the roofing contractor within 72 hours after the claim is denied. The roofing contractor must refund any moneys paid by the customer within 10 days after receipt of the cancellation notice. The property owner's right of rescission does not apply when the property and casualty insurer denies, in whole or in part, a claim related to a request for supplemental roofing services if the damage requiring the supplemental services could not have been reasonably foreseen at the time of the initial roofing inspection or the execution of the roofing contract.

When residential roofing work will be paid from the proceeds of a property and casualty insurance policy covering the residential property, the roofing contractor is prohibited from paying, waiving, rebating, or offering or promising to pay, waive, or rebate all or part of any deductible that applies to the claim.

**APPROVED** by Governor June 6, 2012

**EFFECTIVE** June 6, 2012

**H.B. 12-1236** Charitable solicitations - regulation - appropriation. The act makes several changes to the laws governing charitable solicitations. Section 1 of the act excludes grant

writers from the definition of "paid solicitor" unless the grant writer's compensation is computed on the basis of funds raised from the grant. Section 2 specifies that fundraising on behalf of a named individual is not a charitable appeal and therefore the fundraiser does not have to register with the secretary of state.

In addition, section 2 eliminates the need for a charity to request a 3-month extension for the filing of its initial or annual financial report with the secretary of state if the charity has filed for an extension with the internal revenue service.

Section 3 clarifies that only monetary contributions must be deposited with a financial institution. Section 4 requires paid solicitors, near the beginning of a telephone solicitation, to disclose that a contribution is not tax-deductible, if that is the case, before soliciting the donation and to state their full and complete name.

Section 5 appropriates \$41,440 to the department of state from the department of state cash fund for implementation of the act.

**APPROVED** by Governor April 26, 2012

**EFFECTIVE** January 1, 2013

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

**H.B. 12-1262** Uniform Commercial Code - secured transactions. The act enacts amendments to article 9, regarding secured transactions, of the "Uniform Commercial Code", that were adopted in 2010 by the national conference of commissioners on uniform state laws. Article 9 provides the rules governing any transaction (other than a finance lease) that couples a debt with a creditor's interest in a debtor's personal property. If the debtor defaults, the creditor may repossess and sell the property (generally called collateral) to satisfy the debt. The creditor's interest is called a "security interest". The 2010 amendments to article 9 modify the existing statutes to respond to filing issues and other matters.

The act provides greater guidance as to the name of a debtor to be provided on a financing statement. For business entities and other registered organizations, the amendments clarify that the proper name for perfection purposes is the name filed with the state and provided on the organization's charter or other constitutive documents, to the extent of any conflict with the name on an entity database. In particular, the act adopts a "safe harbor" rule by leaving intact the requirement that the financing statement use the debtor's "individual name", but specifying that the name on the driver's license will also be sufficient as well as the debtor's surname and first personal name.

A number of related changes were also made. For example, the 2010 amendments clarify that a change in the name used on a debtor's driver's license or the expiration of the driver's license may qualify as a name change. With respect to trusts, if collateral is held by a statutory trust or in a Massachusetts-type business trust, the trust is a registered organization and the trust's name is the debtor name. For common law trusts that are not Massachusetts-type business trusts, the financing statement must provide the name of the trust as identified in the trust's organic records if it has name indicated there, or otherwise the name of the settlor or testator and sufficient additional information to distinguish a particular trust from others held by that same settlor or testator.

The amendments also deal with perfection issues arising on after-acquired property when a debtor moves to a new jurisdiction. Article 9 currently provides that perfection by filing continues for 4 months after the jurisdiction in which the debtor is located changes. However, this temporary period of perfection applies only with respect to collateral owned by the debtor at the time of the change. Even if the security interest attaches to after-acquired collateral, there is currently no perfection with respect to such new collateral unless and until the secured party perfects pursuant to the law of the new jurisdiction. The amendments change this by giving the filer perfection for 4 months in collateral acquired post-move. A similar change is made with respect to a new debtor that is a successor by merger. The new rule provides for temporary perfection in collateral owned by the successor before the merger or collateral acquired by the successor within 4 months after the merger.

Existing law authorizes the debtor to file a correction statement: A claim that a financing statement filed against it was in fact unauthorized. While this filing has no legal effect on the underlying claim, it does put in the public record the debtor's claim that the financing statement was wrongfully filed. The amendments change this in 2 ways. First, the filing is no longer called a "correction statement", but is instead referred to as an "information statement". Second, the amendments authorize the secured party of record to also file an information statement if the secured party believes that an amendment to its financing statement was not authorized. This change responds to the concerns of secured parties that an amendment to a different financing statement may be inadvertently filed on the secured party's financing statement because the amendment contains an error when referring to the file number of the financing statement to be amended.

A number of additional technical amendments are also included in the act. For example, some extraneous information currently provided on financing statements will no longer be required. A safe harbor for the transfer of chattel paper in conformance with the "Uniform Electronic Transactions Act" is included, and the act clarifies that the broader override of contractual restrictions found in existing law applies with respect to enforcement of a security interest through the sale or strict foreclosure of payment intangibles and promissory notes. Certificates of title for goods are clarified where the certificates of title are, in whole or in part, in electronic form, and greater guidance is given with respect to the notice requirements applicable to electronic dispositions of collateral (specifically, time and "electronic location" of online auctions) when a security interest is enforced by sale or other disposition of the collateral.

The act has a uniform effective date of July 1, 2013, so as to allow states to adopt the amendments uniformly and have them become operative simultaneously, thereby avoiding unnecessary conflicts and confusion with respect to interstate transactions.

**APPROVED** by Governor May 9, 2012

**EFFECTIVE** July 1, 2013

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

**H.B. 12-1328** Uniform Consumer Credit Code - exclusions - pawnbrokers - rates and charges and disclosures of rates and charges. The act clarifies that the pawnbroker exclusion to the "Uniform Consumer Credit Code" applies to all pawnbrokers' rates and charges if the rates and charges do not exceed the fixed price set forth in the laws regulating pawnbrokers. The act also clarifies that the exclusion applies to pawnbrokers' disclosures of rates and

charges, but only for pawnbrokers who are locally licensed or regulated.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 2012

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

## CORPORATIONS AND ASSOCIATIONS

**S.B. 12-24** Nonprofit corporations - residential nonprofits - refund of entrance fees - payments due after termination of residential membership - meetings - notice requirements. The act relieves a residential nonprofit corporation of its current obligations to:

- Refund the entrance fee of a residential member within 90 days after the member's resignation, termination, expulsion, or suspension from the corporation; and
- Hold a member or his or her heirs harmless from liability for any periodic payments due more than 30 days after the member's termination due to death or another reason beyond the member's control.

Meetings of a committee of the board of directors that is not authorized to take final action on the board's behalf are not subject to open meeting and published agenda requirements, but residential members are entitled to regular notice of meetings and a general description of the subject matter via postings at a designated location or on a web site.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** March 22, 2012

**S.B. 12-123** Secretary of state - on-line business filing system - commercial registered agents - business and licensing software - appropriation. Section 1 of the act directs the secretary of state to implement enhancements to the on-line business filing system, including enhancements to user accounts and for registered agents and records management, certifications, the integration of business documents with charitable solicitation documents, and greater search functionality.

Sections 2 through 6 authorize a registered agent to become a "commercial registered agent", which allows a registered agent to file documents relating to multiple entities, thus saving the registered agent time and reducing filing fees. Section 7 allows a reporting entity to change its anniversary month when it files a periodic report, its organic organizational document, or a restatement of its organic organizational document.

Section 8 allows the secretary of state to charge a fee for the licensing or sale of business and licensing software developed by the secretary of state.

The act appropriates \$525,788 from the department of state cash fund to the department of state for implementation of the act.

Several sections of the act take effect ninety days following certification by the secretary of state to the revisor of statutes that the secretary of state has implemented the necessary computer system changes to implement said sections.

**APPROVED** by Governor May 11, 2012

**EFFECTIVE** May 11, 2012

**Note:** As of publication date, the revisor of statutes had not received the certification from the secretary of state.

**H.B. 12-1010** Mutual ditch company - share certificate - reissuance. If a person loses a mutual ditch share certificate, the person may file with the mutual ditch company a request

for reissuance of the certificate, but current law requires the company to wait for 3 years before issuing a replacement certificate. The act eliminates the 3-year period and specifies that a person who is named in the books of the company as a lienholder on the lost certificate is also entitled to file a request for reissuance of a lost certificate.

**APPROVED** by Governor March 15, 2012

**EFFECTIVE** August 8, 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. 12-1068** Special purpose corporations - cemetery companies - oversight - directors - records. The act requires the board of directors of a nonprofit cemetery to include at least one owner of a lot, grave space, niche, or crypt. A nonprofit cemetery is required to make an annual written report of its financial situation and governance and to keep copies of annual reports and other specified records. The report must be available for inspection and copying and be attested and verified. An owner of a lot, grave space, niche, or crypt may attend meetings of the board of directors. The board must provide reasonable notice of board meetings.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** August 8, 2012

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

## CORRECTIONS

**S.B. 12-161** Unused medications - return - donation - department of corrections. Under current law, certain health care facilities and nursing homes are allowed to return certain unused medications, medical devices, and medical supplies to be redispensed to another patient or donated to a nonprofit entity authorized to possess the medication, device, or supply. The act extends this authority to correctional facilities.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-1223** Inmate and parole time computation - earned time - appropriations. The act renders an offender who is sentenced and paroled for a felony offense committed after July 1, 1993, eligible to receive earned time while he or she is reincarcerated after a parole revocation.

An offender who successfully completes a milestone or phase of an educational, vocational, therapeutic, or reentry program, or who demonstrates exceptional conduct that promotes the safety of correctional staff, volunteers, contractors, or other persons under the supervision of the department of corrections, may be awarded as many as 60 days of achievement earned time per program milestone or phase or per instance of exceptional conduct, at the discretion of the executive director of the department of corrections, in addition to any earned time that is already authorized by law. An offender shall not be awarded more than one hundred twenty days of achievement earned time.

The act makes and reduces the following appropriations:

- Decreases the appropriation for the external capacity subprogram by \$331,766.
- Decreases the appropriation for the medical services subprogram by \$24,972.
- Decreases the appropriation for the community services division by \$22,139.
- Appropriates to the department of corrections, for the implementation of the act, the sum of \$378,877 to be allocated as follows:
  - \$84,337 and 2.0 FTE for the offender services subprogram;
  - \$100,640 for the information systems subprogram; and
  - \$193,900 for the education subprogram.
- Appropriates the sum of \$100,640 for allocation to the office of information technology, for the provision of computer center services for the department of corrections related to the implementation of the act.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

**H.B. 12-1336** System-wide department analysis - office of state planning and budgeting and joint budge committee - utilization options. The office of state planning and budgeting (OSPB) will contract for a department of corrections system-wide analysis by July 1, 2012, with a vendor who does not have a known conflict of interest. The OSPB is encouraged to convene an advisory group of interested stakeholders and persons with correctional expertise to assist the OSPB and the joint budget committee (JBC) in developing options based on the study. The OSPB will provide an opportunity for public comment regarding development of

the options.

Using the results of the analysis, the OSPB and the JBC and any advisory group convened will identify, evaluate, and prioritize state and private contract prison-bed utilization options for 5 fiscal years beginning with fiscal year 2013-14. The OSPB will provide the JBC with quarterly updates of the analysis and engage in discussions regarding developing the options. The OSPB will provide the judiciary committees with a status report by January 31, 2013. In developing the options, the OSPB and the JBC shall consider the following factors:

- Public safety;
- The operational needs of the department of corrections;
- Facility characteristics including, but not limited to, the location, physical plant, mission, custody level, and potential for repurposing;
- Inmate classifications, rights, and needs;
- Efficiency and cost of operations;
- Impact on the local community with emphasis on economic impact and impact to public school funding;
- Impact on the public and private workforce;
- Impact on staffing levels on safety, outcomes, turnover rates, and payroll practices, including overtime and compensation policies;
- Impact on relevant stakeholders;
- Effectiveness of programming and outcomes;
- State constitutional limitations related to the state personnel system; and
- Any other relevant factors.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

**H.B. 12-1337** Closure of CSP II - encourage sale or lease - proceeds for certificate of participation payments. The act closes the south campus of the Centennial correctional facility (south campus) for inmate housing purposes but, if necessary, allows the south campus to be maintained to provide support and services to the rest of the Centennial correctional facility. The act encourages the department of corrections to actively pursue options to sell or lease the south campus and requires any proceeds from a sale or lease to be first used towards the payment of the certificates of participation.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** August 8, 2012

**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. 12-35 Liability - spaceflight.** The act limits liability for a spaceflight entity (entity) for any loss, damage, or injury to a spaceflight participant (participant) unless the loss, damage, or injury is intentionally caused or proximately caused by gross negligence on the part of the entity. Before participating in a spaceflight activity, a participant must sign an agreement and warning statement acknowledging his or her understanding of limited liability for the entity.

**APPROVED** by Governor April 19, 2012

**EFFECTIVE** August 8, 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. 12-175 Time intervals - rule of 7 days.** The act changes time intervals for actions due from periods of 10 days or a month, or multiples of those periods, to 7-day periods or periods that are multiples of 7 days to avoid actions being due on weekends.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1073 Judges - first and sixth judicial districts.** The act decreases the number of judges in the first judicial district from 14 to 13 and increases the number of judges in the sixth judicial district from 3 to 4.

**APPROVED** by Governor March 9, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1085 Evidence - hearsay exception for statements of persons with developmental disabilities.** The act creates a statutory exception to the hearsay rule of evidence to admit an otherwise inadmissible out-of-court statement made by a person with a developmental disability in:

- Any criminal or delinquency proceeding in which the person is alleged to have been a victim;
- Instances in which the person's statement describes all or part of any of certain sexual offenses performed with, by, on, or in the presence of the person in a criminal or civil proceeding in which a person is charged with committing a sexual assault, unlawful sexual contact, or sexual assault on a client by a psychotherapist;
- Instances in which the person's statement describes any act of child abuse in any criminal, delinquency, or civil proceeding in which a child is alleged to be a victim of child abuse or alleged to be neglected or dependent; and
- Instances in which the person's statement describes all or part of an offense involving homicide or a related offense or describing an act of domestic violence in any criminal, delinquency, or civil proceeding in which a child is alleged to be a victim of an offense involving homicide or a related offense or a victim of an act of domestic violence.

The new hearsay exception shall apply only if:

- The court finds in a hearing conducted outside the presence of the jury that the

- time, content, and circumstances of the statement provide sufficient safeguards of reliability; and
- Either (1) the statement is a nontestimonial statement or (2) the declarant testifies at the proceedings or, if the declarant is unavailable to testify, the defendant has had an opportunity to cross-examine the declarant in a previous proceeding and there is corroborative evidence of the act that is the subject of the statement.

If such a statement is admitted, the court shall instruct the jury in the final written instructions that during the proceeding the jury heard evidence repeating an out-of-court statement by a person with a developmental disability, that it is for the jury to determine the weight and credit to be given the statement, and that, in making the determination, the jury shall consider the nature of the statement, the circumstances under which the statement was made, and any other relevant factor.

**APPROVED** by Governor April 3, 2012

**EFFECTIVE** August 8, 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. 12-1095** Court procedure - electronic warrants. The act conforms statutory language related to electronic warrants to the language in court rules.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** August 8, 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. 12-1323** Associate county judge - Montrose county. The act requires that the associate county judge for Montrose county have his or her official residence within Montrose county and his or her court chambers in that portion of Montrose county that is included in the southwestern water conservation district.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** April 13, 2012

## CRIMINAL LAW AND PROCEDURE

**S.B. 12-20** Justifications and exemptions from criminal responsibility - immunity for persons who suffer or report in good faith an emergency drug or alcohol overdose event. A person is immune from criminal prosecution for any of the following offenses if the person reports in good faith an emergency drug or alcohol overdose event (overdose event) to a law enforcement officer, to the 911 system, or to a medical provider; the person remains at the scene of the overdose event until a law enforcement officer or an emergency medical responder arrives, or the person remains at the facilities of the medical provider until a law enforcement officer arrives; the person identifies himself or herself to, and cooperates with, the law enforcement officer, emergency medical responder, or medical provider; and the offense arises from the same course of events from which the overdose event arose:

- Class 6 felony and misdemeanor unlawful possession of a controlled substance;
- Unlawful use of a controlled substance;
- Unlawful possession of 12 ounces or less of marijuana or 3 ounces or less of marijuana concentrate;
- Open and public display, consumption, or use of less than 2 ounces of marijuana;
- Transferring or dispensing 2 ounces or less of marijuana from one person to another for no consideration;
- Unlawful use or possession of synthetic cannabinoids or salvia divinorum;
- Possession of drug paraphernalia; and
- Illegal possession or consumption of ethyl alcohol by an underage person.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** May 29, 2012

**S.B. 12-37** Controlled substances - electronic prescriptions. Under current law, a pharmacy is prohibited from dispensing a prescribed schedule II, III, IV, or V controlled substance absent a written prescription from the practitioner prescribing the substance. The act allows a pharmacy to dispense those controlled substances if the practitioner electronically creates and transmits the prescription drug order in conformance with federal law.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** March 22, 2012

**S.B. 12-44** Transit crime - new traffic infraction - fine revenue distribution - record sealing theft of transit - appropriations. The act repeals the crime of theft of public transportation services and creates a class B traffic infraction, failure to present a valid transit pass or coupon, that covers the same prohibited conduct as the former crime. If the violation occurs in Denver, the Denver County court keeps the fine revenue; in all other jurisdictions, the fine revenue is sent to the judicial department.

If a person was convicted of theft of public transportation services by fare evasion prior to its repeal, and the person has completed the sentence at the time the act becomes law, the court that entered the conviction shall seal the conviction by January 1, 2013, or the person may petition the court for sealing if the person wants the conviction sealed before January 1, 2013. If a person was convicted of theft of public transportation services by fare evasion prior to its repeal, but has not completed the sentence at the time the act becomes law, that person can petition for sealing after completing the sentence.

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

- \$14,800 cash funds from the driver's license administrative revocation account in the highway users tax fund to the department of revenue for computer center services That money is then appropriated to the governor's office of state planning and budgeting for allocation to the office of information technology.
- \$2,324 cash funds to the department of revenue for implementation of the act, of which \$2,302 is from collected penalty assessments and \$22 is from administrative processing fees.

For fiscal year 2012-13, the act appropriates \$28,639 and 0.8 FTE to the department of revenue for implementation of this act, of which \$22,224 is from the driver's license administrative revocation account in the highway users tax fund, \$6,355 is from collected penalty assessments, and \$60 is from administrative processing fees.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** June 8, 2012

**S.B. 12-79 Safe-2-tell program - confidential information - school response framework.** The act clarifies the existing structure of the Safe2tell program (program) as a single entity under that name and removes all references in the safe-2-tell statutes to a "hotline" to reflect that the program receives information through various methods of transmission in addition to telephone calls. In addition, the act clarifies that information received by the program through methods established by the program is confidential and is not subject to subpoena except under certain conditions. Materials that are confidential pursuant to the statute are not public records and the attorney general has standing on behalf the of the program to oppose the disclosure of confidential materials.

The act adds the program and interoperable communications providers to the school response framework as community partners.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**S.B. 12-102 Criminal libel - repeal.** The act repeals the crime of criminal libel, effective September 1, 2012.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** September 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. 12-1026 Local government prosecuting attorneys - peace officer status.** The act confers peace officer status on a city attorney, town attorney, senior assistant city attorney, assistant city attorney, chief deputy city attorney, deputy city attorney, special deputy city attorney, prosecuting attorney, senior prosecuting attorney, senior prosecutor, or special prosecutor employed or contracted by a municipality, city, town, statutory city or town, or city and county. The attorney may be certified by the peace officers standards and training board. However, the peace officer status will not be conferred if the attorney also practices

criminal defense or contracts with the local government on less than a full-time basis.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** April 6, 2012

**H.B. 12-1079** Department of public safety - peace officer status - appoint deputy director. The act designates the deputy executive director of the department of public safety and the director of the division of criminal justice in the department of public safety as peace officers who may be certified by the peace officer standards and training board. The act specifically gives the executive director of the department of public safety the authority to appoint a deputy department director.

**APPROVED** by Governor March 16, 2012

**EFFECTIVE** March 16, 2012

**H.B. 12-1114** Stalking - protection order required - hearing to modify protection order. When a defendant is arrested for stalking, the court must enter a protection order and state the terms of the protection order and the defendant must acknowledge the order. In a stalking case, the prosecutor can request a hearing to modify the protection order.

**APPROVED** by Governor May 11, 2012

**EFFECTIVE** May 11, 2012

**H.B. 12-1125** Impounded animals - payment of costs for impoundment, care, and provision of animals - hearing - procedures - refund of moneys paid for costs - when - independent veterinary exam. The act modifies procedural requirements related to the payment of impoundment, care, and provision costs for an animal that has been impounded because of alleged neglect or abuse or other criminal acts involving the animal. Currently, the owner or custodian (owner) of the impounded animal may request a hearing to contest the reasonableness of those costs. The act specifies that the owner must make that request within 10 days after the date of impoundment. Because costs associated with caring for the animal continue to accrue during the pendency of an animal's impoundment, the act requires the hearing to be conducted in a criminal court of competent jurisdiction no later than 10 days after the request.

The act also:

- Upon request by the owner of an impounded animal, requires an impound agency to allow a licensed veterinarian of the owner's choosing and at his or her expense to examine the animal;
- For an owner requesting a hearing, delays the payment of costs until the date of the hearing;
- Expands the scope of the hearing to include a judicial determination as to whether probable cause existed to justify the impoundment;
- Describes circumstances under which a payment for impoundment, care, and provision costs must be refunded to an owner; and
- Clarifies that the criminal law procedures governing impoundments do not apply to matters solely brought in an administrative context.

In order to increase clarity, the act also reorganizes the existing statute governing impounded animals and makes corresponding nonsubstantive amendments to conform

current law to that reorganization.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** September 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. 12-1151** Offenses against the person - human trafficking and slavery. The act repeals the interagency task force on trafficking in persons.

A person is entitled to recover damages and to obtain injunctive relief from any person who commits trafficking in adults, trafficking in children, or coercion of involuntary servitude (a human trafficking crime). A conviction for a human trafficking crime is not a condition precedent to maintaining a civil action.

A building or part of a building, including the ground upon which it is situated and all fixtures and contents thereof, every vehicle, and any real property that is used for a human trafficking crime shall be deemed a class 1 public nuisance and thereby subject to seizure, confiscation, and forfeiture.

Each escort bureau shall provide to each employee of the escort bureau a written notice that includes a statement that human trafficking and coercion of involuntary servitude are prohibited and the name, telephone number, and internet web site address of a local, statewide, or national organization that provides assistance to victims of human trafficking and slavery.

Current law requires each massage parlor to display at all times in a prominent place on the licensed premises a printed card stating that it is illegal for any person under 18 years of age to be on the premises, or for any person to allow any person under 18 years of age to be on the premises, unless he or she is accompanied by his or her parent or has a physician's prescription for massage services. The act requires the card to also state that human trafficking crimes are prohibited and that courts may impose fines or imprisonment for violations of human trafficking crimes. The act also requires each massage parlor to display a card that provides the name and contact information of a state or local organization that provides services or other assistance to victims of human trafficking.

A court shall order expunged all juvenile delinquency records in the custody of the court and any records in the custody of any other agency or official that pertain to a petitioner's conviction for prostitution, soliciting for prostitution, keeping a place of prostitution, public indecency, soliciting for child prostitution, or any corresponding municipal code or ordinance if, at the hearing, the court finds that the petitioner has established by a preponderance of the evidence that, at the time he or she committed the offense, he or she had been sold, exchanged, bartered, or leased by another person for the purpose of performing the offense; or that he or she was coerced by another person to perform the offense. A person is eligible to petition for such an expungement order at any time.

A defendant may petition the district court of the district in which any conviction records pertaining to the defendant's conviction for prostitution, soliciting for prostitution, keeping a place of prostitution, public indecency, or any corresponding municipal code or ordinance are located for the sealing of the conviction records, except for basic identifying

information. If such a petition is filed, the court shall order the record sealed after the petition is filed, the filing fee is paid, and the defendant establishes by a preponderance of the evidence that, at the time he or she committed the offense, he or she had been sold, exchanged, bartered, or leased by another person for the purpose of performing the offense; or that he or she was coerced by another person to perform the offense.

An order entered to seal such conviction records shall be directed to each custodian who may have custody of any part of the conviction records that are the subject of the order. Whenever a court enters an order sealing such conviction records, the defendant shall provide the Colorado bureau of investigation (bureau) and each custodian of the conviction records with a copy of the order and shall pay to the bureau any costs related to the sealing of his or her criminal conviction records that are in the custody of the bureau. Thereafter, the defendant may request and the court may grant an order sealing the civil case in which the conviction records were sealed.

An order sealing such conviction records shall not deny access to the criminal records of a defendant by any court, law enforcement agency, criminal justice agency, prosecuting attorney, or party or agency required by law to conduct a criminal history record check on an individual. An order sealing such conviction records does not vacate a conviction. A conviction sealed may be used by a criminal justice agency, law enforcement agency, court, or prosecuting attorney for any lawful purpose relating to the investigation or prosecution of any case, including but not limited to any subsequent case that is filed against the defendant, or for any other lawful purpose within the scope of his, her, or its duties. If a defendant is convicted of a new criminal offense after an order sealing such conviction records is entered, the court shall order the conviction records to be unsealed. A party or agency required by law to conduct a criminal history record check is authorized to use any sealed conviction for the lawful purpose for which the criminal history record check is required by law.

A petition to seal such conviction records shall include a listing of each custodian of the records to whom the sealing order is directed and any information that accurately and completely identifies the records to be sealed.

Upon the entry of an order to seal the conviction records, the defendant and all criminal justice agencies may properly reply, upon an inquiry in the matter, that public conviction records do not exist with respect to the defendant. Inspection of the records included in an order sealing conviction records may thereafter be permitted by the court only upon petition by the defendant.

Employers, state and local government agencies, officials, landlords, and employees shall not, in any application or interview or in any other way, require an applicant to disclose any information contained in sealed conviction records. An applicant need not, in answer to any question concerning conviction records that have been sealed, include a reference to or information concerning the sealed conviction records and may state that the applicant has not been criminally convicted.

The bar committee of the Colorado state board of law examiners (bar committee) is not precluded from making further inquiries into the fact of a sealed conviction that comes to the attention of the bar committee through other means. The bar committee has a right to inquire into the moral and ethical qualifications of an applicant, and the applicant does not have a right to privacy or privilege that justifies his or her refusal to answer a question concerning sealed conviction records that have come to the attention of the bar committee through other means.

The department of education (department) may require a licensed educator or an applicant for an educator's license who files a petition to seal a criminal record to notify the department of the pending petition to seal. The department has the right to inquire into the facts of the criminal offense for which the petition to seal is pending. The educator or applicant has no right to privacy or privilege that justifies his or her refusal to answer any questions concerning the arrest and criminal records information contained in the pending petition to seal.

Any member of the public may petition the court to unseal any file that has been previously sealed upon a showing that circumstances have come into existence since the original sealing, and, as a result, the public interest in disclosure now outweighs the defendant's interest in privacy.

The office of the state court administrator shall post on its web site a list of all petitions to seal conviction records that are filed with a district court. A district court may not grant a petition to seal conviction records until at least 30 days after the posting. After the expiration of 30 days following the posting, the petition to seal conviction records and information pertinent thereto shall be removed from the web site of the office of the state court administrator.

In regard to any conviction of a defendant resulting from a single case in which the defendant is convicted of more than one offense, records of the conviction for prostitution, soliciting for prostitution, keeping a place of prostitution, public indecency, or any corresponding municipal code or ordinance may be sealed only if the records of every conviction of the defendant resulting from that case may also be sealed.

Court orders sealing records do not limit the operations of the Colorado rules of civil procedure related to discovery, the Colorado rules of evidence, certain statutory provisions concerning witness testimony, or any state or federal court.

A person less than 18 years of age who has been trafficked or coerced into involuntary servitude by an offender is eligible to receive restitution from the offender as part of the offender's sentence for such an offense.

**APPROVED** by Governor May 11, 2012

**EFFECTIVE** August 8, 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. 12-1213** Sentencing - habitual criminals - inapplicability of habitual criminal adjudication to certain persons convicted of escape. Under current law, a person convicted of any class 1, 2, 3, 4, or 5 felony who has been convicted of two felonies within the previous 10 years, or who has been convicted of three or more felonies within any time frame, may be adjudged a habitual criminal. The act renders such an adjudication inapplicable to a person who is convicted of escape or attempt to escape from a place other than a county jail or a correctional facility.

**APPROVED** by Governor May 17, 2012

**EFFECTIVE** May 17, 2012

**H.B. 12-1226** Crimes against at-risk adults and at-risk juveniles - surcharge - respite services - appropriation. The act imposes a surcharge on persons convicted of crimes against at-risk adults and at-risk juveniles. Once collected, the surcharge is transferred to the crimes against at-risk persons surcharge fund (fund) created by the act. The state office on aging (state office) shall distribute moneys from the fund to a fiscal agent who will oversee the award of moneys to programs that provide respite services for caregivers of at-risk adults or at-risk juveniles. The state office shall not expend any moneys until the fund has sufficient moneys to pay the expenses necessary to administer the fund. Programs receiving moneys from the fund must comply with provisions concerning the use of funds and reporting requirements.

The court is permitted to waive some or all of the surcharge if the person convicted of the crime is indigent or unable to pay the surcharge.

The act appropriates \$5,650 from the crimes against at-risk persons cash fund to the department of human services for distribution to the state office.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** August 15, 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. 12-1304** Organized retail theft - false alarm penalty - definitions of theft detection deactivating device and theft detection shielding device. If a person causes a fire or exit alarm to go off or deactivates an alarm, that conduct is an act of false reporting to authorities and is penalized as a class 2 misdemeanor. The definition of a "theft detection deactivating device" and "theft detection shielding device" are expanded.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** May 29, 2012

**H.B. 12-1310** Clarification of procedures - packaging as evidence - earnings garnishment - pretrial services information - bond surety - grand jury witness rights - alternate juror in class 1,2, and 3 felonies - sex offender presentence reports - restitution orders - deferred judgment time period calculation - three felony rule conviction - out-of-state probation - repeal certain sentencing provisions - defines color of authority - sealing rights in minor possession cases - juvenile sentencing - no crime in minor accounting adjustments - DUI sentencing - advise legislature on drug sentencing revisions - bath salts penalty - consolidate drug treatment funding - aggravated juvenile offender sentencing - appropriations. The act creates standards and a procedure for the admissibility of commercial packages for evidence.

The act defines "earnings" for garnishment purposes to collect court fines, fees, costs, restitution, and surcharges. When a garnishment is ordered to collect court fines, fees, costs, restitution, and surcharges, it has priority over all other orders except those for child support, maintenance, or a previous garnishment related to court assessments.

The act expands the information that would be included in the judicial department's annual report regarding the state's pretrial services programs. The reports must now include the total number of pretrial assessments performed and total number of closed cases by

program sorted by outcome.

The act allows a surety to indicate on initial bond documents whether the surety consents to continuation of the bond after a defendant pleads guilty. If the surety does not indicate consent in the initial documents, it may still consent at the time of the plea or within a reasonable time thereafter.

The act clarifies that a witness to a grand jury proceeding has a right to have a court appoint an attorney for him or her, but that the witness may not consult with the public defender.

The act gives a party the right to have the court impanel an alternate juror if the case involves a class 1, 2, or 3 felony or a felony listed under the victim's rights provisions.

A presentence report for each offense committed by a sex offender must contain a sex-offender evaluation if one has not been completed in the last 2 years rather than the last 6 months. A sex-offender evaluation is not required if the new offense is a traffic misdemeanor or if the history of sex offending was a juvenile misdemeanor offense, unless the court requires the sex-offender evaluation.

The act allows a collection investigator to issue an attachment of earnings for a defendant who defaults on a restitution order.

The act changes the calculation for how long a deferred judgment may last from the date of the plea if no presentence report is ordered or to the date when the court considers the presentence report. The deferred period maybe extended for an additional 2 years if the deferred judgment is for a sex offense and good cause is shown. The act extends the time period for a juvenile deferral of adjudication for a sex offense from one year to 2 years with the opportunity to extend it up to 5 years with good cause shown.

For purposes of eligibility for probation, the act clarifies that a plea to a deferred judgment and sentence does not become a conviction until the deferred judgment and sentence is revoked.

The act clarifies that the court cannot charge a probationer for the costs of returning the probationer to Colorado. If a probationer applies to transfer his or her probation to another state, the probationer must pay a \$100 filing fee that is deposited into a fund to cover the costs associated with returning probationers to Colorado.

The act repeals the authority of a court to convert a determinate sentence to an indeterminate sentence for certain crimes related to child prostitution and child pornography.

The act clarifies what "under color of his or her official authority" means as it relates to a peace officer.

The act clarifies the record-sealing rights of a person convicted of minor in possession of alcohol.

The act allows the interest earned by the money in the sex offender surcharge fund to remain in the fund rather than being deposited in the general fund.

The act eliminates the requirement that a sentencing juvenile court make specific

findings and record if the court's sentencing decision deviates from the recommendation of the placement report.

The act clarifies that adjustments to trust funds based on simple accounting errors is not a crime. The act changes the penalties and amounts to correspond to the penalties and amounts for theft.

Under the act, if a defendant is convicted of a second, third, or subsequent DUI and is sentenced to the department of corrections, the court shall not sentence the defendant to probation in order to complete certain court-ordered programs and treatment. The defendant must complete the court-ordered programs and treatment while on parole.

The act expands the types of parole hearings that a release hearing officer may conduct to include those involving inmates convicted of class 4,5, or 6 felonies who are assessed less than high risk.

The act directs the Colorado commission on criminal and juvenile justice (commission), using empirical analysis and evidence-based data and research, to consider the development of a comprehensive drug sentencing scheme for all drug crimes. The sentencing scheme shall consider:

- Development of a sentencing structure that better differentiates drug offenders who are primarily users and addicts from those more serious offenders who are involved in drug distribution, manufacturing, or trafficking;
- Development of resources through changes in the criminal code that will enhance intervention, supervision, and treatment in the community and enhance public safety by addressing drug abuse and addiction and by decreasing crime through drug abuse recovery;
- Methods by which offenders can gain access to assessment-based treatment services that are based on treatment need regardless of the level or classification of the crime;
- Creation of equivalent penalties for crimes that pose similar risks to public safety;
- Enhancement of penalties when behaviors clearly present a public safety risk;
- Development of resources for additional pre-filing diversion programs around the state for drug offenders;
- Use of drug courts and how legislative changes could support more effective use of those resources;
- Relevant negative impacts related to criminal convictions; and
- Any other issues.

By December 15, 2012, the commission shall provide to the judiciary committees of the house of representatives and the senate, or their successor committees, a written report of the commission's recommendations for a comprehensive drug sentencing scheme. If the commission is unable to make any recommendations for consideration, the commission shall state the reasons the commission could not make any recommendations and, if possible, describe the specific areas of disagreement that prevented the commission from making any recommendations.

The act defines cathinones and establishes criminal penalties for possession of cathinones and for distributing, manufacturing, dispensing, or selling cathinones. Any person or entity that sells a product that is labeled as a "bath salt" or any other trademark and

contains any amount of a cathinone commits a deceptive trade practice and is subject to a civil penalty.

The act consolidates the 3 major state funding sources for substance abuse treatment into the correctional treatment cash fund (fund). The act creates the correctional treatment board (board) that will prepare an annual treatment plan that the judicial department shall include in its annual presentation to the joint budget committee. The board shall review information regarding drug treatment programs in the state provided by the department of human services and suggestions from judicial district drug treatment boards before preparing the annual treatment plan.

The drug treatment board for each judicial district recommends allocations of moneys for local drug treatment needs from one of the existing treatment funds. Each judicial district drug treatment board will be expanded to include a community corrections board chair, a local parole officer, a person with expertise in juvenile matters, and a county sheriff, and a member of a drug or similar problem-solving court, if the district has one. The judicial district drug treatment boards will make suggestions to the board regarding assessed local drug treatment needs.

When a juvenile is adjudicated a delinquent for either murder in the first or second degree and adjudicated an aggravated juvenile offender or convicted of a crime of violence, the court may sentence the juvenile consecutively or concurrently for all adjudicated offenses arising from the petition.

The act sets the period of parole for an aggravated juvenile offender who was adjudicated a delinquent for first degree murder at 10 years after the completion of his or her sentence.

The act requires the court to order a psychological evaluation and risk assessment before the hearing on the offender's further placement at age 21 to determine if the juvenile is a danger to himself or herself or others. As part of the hearing, the court will reconsider the length of the remaining sentence. The act adds placement in a correctional facility, the youthful offender system, or a community corrections program or placing the juvenile on adult parole for five years as additional options.

The act decreases appropriations, reappropriates funds, and makes appropriations to implement the consolidation of the drug treatment funds. The act appropriates \$11,840 to the department of corrections for computer services. The act appropriates \$93,750 to the judicial department to implement the interstate probationer return provisions.

**APPROVED** by Governor June 7, 2012

**EFFECTIVE** June 7, 2012

**H.B. 12-1346** Sex offenders - lacks fixed residence registration - registration frequency - data tracking and effectiveness review. Under current law, sex offenders must register based on their residence. The act creates a registration system for offenders who lack a fixed residence. An offender who registers under "lacks a fixed residence", which the act defines, must verify his or her registration with the registering agency every 3 months or every month, depending on the offender's registration requirements. Failure to do so is an unclassified misdemeanor. Law enforcement agencies that receive registrations that include a lack of a fixed residence must report semi-annually the number of such registrations to the department of public safety for 2 years. The department of public safety must assess the effectiveness of

the program after 2 years.

The act clarifies the calculation for the timing of sex offender quarterly registration.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** July 1, 2012

## EDUCATION - PUBLIC SCHOOLS

**S.B. 12-36** Surveys - assessments - parental consent - exceptions. Current law prohibits an employee of a school or school district (employee) from requiring a student to participate in a survey, analysis, or evaluation (document) that addresses or requests certain information unless the student's parent provides written consent for the student's participation. The act adds assessments to the documents for which parental consent is required, but specifically excludes assessments administered to measure students' mastery of school district or state model content standards. In addition to the existing list of information, the employee must obtain parental consent if the document requests a social security number or information concerning the student's or parent's religious beliefs or practices. For a parent's consent to be valid, the employee must make a written copy of the document available for inspection at convenient locations and times. Each public school and school district may allow only minimal use of students' academic time for organizations to gather information from students. The act does not limit a school district's ability to administer a suicide assessment or threat assessment.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** August 8, 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. 12-51** School districts - boards of cooperative services - contracts. The act allows each school district and board of cooperative services (BOCES) to review and revise the policies and procedures it has in place for contracting for services, including educational services, activities, or undertakings and authorizes the school district or BOCES to adopt a policy requiring competitive bidding on contracts for professional services, other than instructional services. The policy may:

- Require school district or BOCES personnel to perform a cost-benefit analysis before recommending that the school district or BOCES contract for a service, activity, or undertaking;
- Require school district or BOCES personnel to implement a formal bidding process;
- Specify criteria that school district or BOCES personnel will consider in recommending a contractor to the school district board of education or BOCES board.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-57** Teachers - authorizations - native American languages. The act creates a teacher authorization for native American language and culture instruction (authorization). The native American languages eligible under such an authorization must be from a federally recognized tribe.

Additionally, the act allows school district boards of education to grant general education or world language credit to a student after successful completion of native

American language course work.

**APPROVED** by Governor April 16, 2012

**EFFECTIVE** August 8, 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. 12-61** Charter schools - application - reauthorization - revocation. The act adds to the minimum requirements for district and institute charter school applications. The new requirements are:

- An executive summary;
- A plan for evaluating student performance and procedures for taking corrective action when necessary;
- A description of the charter school's employment policies;
- A parent and community involvement plan;
- Measures that address whether and how the proposed charter school will address students' transportation and food service needs;
- A facilities plan;
- Student discipline, expulsion, and suspension policies;
- A plan for serving students with special needs; and
- For charter schools that intend to contract with an education management provider, specified information about the education management provider and a copy of the proposed performance contract that includes required material terms.

The act clarifies when a charter application is considered filed with a school district board or with the state charter school institute board (authorizer). The act also extends by 15 days the annual period for filing district charter applications and the length of time an authorizer has to decide whether to authorize a charter. The act streamlines and clarifies the circumstances and timing by which an authorizer may request and the applicant may provide any information that is missing from a charter application. The act extends the allowable initial term of a district charter school's charter to 4 years.

The act requires an authorizer annually to review the charter school's academic and financial performance. The results of the annual meetings form the basis for the eventual decision to revoke or renew the charter school's charter contract. The authorizer provides feedback to the charter school and includes the results of the review in the body of evidence the authorizer uses when deciding whether to renew or revoke the charter and in renegotiating the charter contract. Each authorizer must adopt procedures and timelines for the charter renewal process. At least 15 days before an authorizer considers whether to revoke or renew a charter contract, the authorizer's staff must provide written recommendations concerning the decision to the authorizer and the charter school. If a charter school operates under a turnaround plan for a second consecutive school year, it must meet certain reporting requirements, and the authorizer may revoke the charter if it finds the charter school is not making sufficient improvement. Each authorizer must adopt a policy that establishes procedures for closing a charter school when the charter contract is revoked or not renewed.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** April 13, 2012

**S.B. 12-67** Charter schools - for-profit entities - nonprofit entities. Effective July 1, 2013, the act requires each charter school that was initially chartered on or after August 6, 1997, to incorporate as a nonprofit corporation.

The act prohibits a board of education of a school district or the state charter school institute board (authorizer) from approving a charter application submitted by, or entering into a charter contract with, a for-profit entity. Beginning September 1, 2012, an authorizer may not renew a charter or charter contract with a for-profit entity. A charter school may contract with a nonprofit, not-for-profit, or for-profit education management provider so long as the charter school maintains an independent governing board.

**APPROVED** by Governor April 23, 2012

**EFFECTIVE** August 8, 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. 12-68** School district - boards - powers and duties - children's nutrition - no trans fats in school foods - appropriation. The act prohibits a school of a school district, a district charter school, or an institute charter school from making available to a student a food item that contains any amount of industrially produced trans fat. The prohibition applies to all food and beverages made available to a student on school grounds during each school day and extended school day, including but not limited to a food or beverage item made available to a student in a school cafeteria, school store, vending machine, or other food service entity existing upon school grounds. The prohibition does not apply to any food or beverage that is made available to a student as part of a meal program of the United States department of agriculture; that is made available to a student as part of any fundraising effort conducted by one or more students, teachers, or parents; or that is donated to the school to be given to a student for consumption off of school premises and not during the school day.

The act appropriates to the department of education, for the fiscal year beginning July 1, 2012, the sum of \$6,800 for allocation to the federal nutrition programs for consulting services related to the implementation of the act.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** August 8, 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. 12-121** Charter schools - BEST program - grants - definition of at-risk student - waivers - state charter school institute appropriations. Prior to the passage of the act, a charter school that decided to apply for financial assistance through the building excellent schools today (BEST) program was required to give its authorizer a notice of intent to apply at least 3 months before the application deadline. The act extends the time for the notice to 4 months. The public school capital construction board (BEST board) reviews each application and calculates how much an applicant must provide in matching moneys by applying several factors. The act changes the factors that apply to charter school applicants. The amount of match moneys calculated for charter schools must be comparable to the amounts calculated for school districts in the same year.

The act creates the charter school matching moneys loan program (loan program) to assist charter schools in obtaining up to 50% of the matching moneys required for financial assistance through the BEST program. To be eligible to participate, a charter school must qualify for payments from the state charter school debt reserve fund. An eligible charter school that participates in the loan program must comply with several requirements, including authorizing the state treasurer to withhold the amount of the loan payments from moneys otherwise payable to the charter school and putting 6 months of loan payments into escrow for the benefit of the state. The loans are funded through the lease-purchase agreements the state treasurer enters into for the charter schools' construction projects.

If a charter school chooses to apply for a state or federal, nonformulaic grant, other than a grant under the federal special education law, the state charter school institute (institute), at the charter school's request, may act as the local education agency and fiscal agent for the charter school for purposes of grant management and liability.

The act clarifies the definition of "at-risk student" for purposes of the institute statutes. The state board of education currently, by rule, automatically waives certain rules and statutes for charter schools. The act clarifies that these automatic waivers apply to institute charter schools.

The act allows the institute to retain the full 3% of each institute charter school's per pupil revenues until the end-of-year balance of the account to which these moneys are credited exceeds a certain amount. Rather than the institute being subject to annual appropriations, the act continuously appropriates operational moneys to the institute.

**APPROVED** by Governor May 11, 2012

**EFFECTIVE** May 11, 2012

**S.B. 12-160** Educational accountability - Colorado state advisory council for parent involvement in education. The act amends provisions concerning the membership of the Colorado state advisory council for parent involvement in education (council) appointed by the state board of education as follows:

- The act permits parent council members to be parents of children enrolled in kindergarten and requires parent council members to reflect student populations that are significantly represented in the state. Two of these members must be members of a school accountability committee or a school district accountability committee.
- The act replaces the parent information and resource centers council members with members who represent each of 2 state-based nonprofit organizations that specialize in promoting the involvement of parents of traditionally underserved populations.
- The act replaces the parent training and information centers council members with a single member who represents a nonprofit organization that specializes in promoting the involvement of parents of students with disabilities.
- The act eliminates one member who was a representative from nonprofit organizations that partner with funding providers, state agencies, and service providers.
- The act eliminates a council member who represented an organization that represents parents and students.
- The act eliminates the council member who represented a statewide

organization that represents career and technical education teachers.

The act eliminates the requirement that one of the two persons appointed by the executive director of the department of higher education have expertise in implementing an approved educator preparation program at an institution of higher education in this state. The act also removes the requirement that one of these persons shall have expertise in the secondary-to-higher-education transition programs operated within the state.

For the purposes of membership of school accountability committees, the act defines "student populations that are significantly represented within the school" to mean student populations that each constitute at least 10 percent of the total population of students in the school.

For the purposes of membership of school district accountability committees, the act defines "student populations that are significantly represented within the school district" to mean student populations that each constitute at least 10 percent of the total population of students in the school district.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

**H.B. 12-1013** Middle-school grades - interventions - parent involvement. The act directs school districts to consider adopting procedures by which the public schools of the school district use available data to identify and provide intervention services to students in grades 6 through 9 who are exhibiting behaviors that indicate the students are at increased risk of dropping out of school. Institute charter schools are also directed to consider adopting procedures to identify and provide intervention services to this population of students.

If the school district or institute charter school that adopts the procedures identifies a student who is at increased risk of dropping out of school, it must notify the student's parent and explain the interventions it intends to implement. The parent may approve or reject the interventions, and, following approval, may direct the school district or institute charter school to terminate the interventions at any time. A parent may contact a school district or institute charter school and request interventions for his or her child.

**APPROVED** by Governor March 16, 2012

**EFFECTIVE** August 8, 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. 12-1043** Concurrent enrollment - students who graduate early. Under the act, each public school, in developing an individual career and academic plan for each student, will inform the student and the student's parent or legal guardian concerning concurrent enrollment and, at the student's or parent's or legal guardian's request, assist the student in course planning to enable him or her to concurrently enroll.

In considering applications for concurrent enrollment, a district superintendent, the superintendent's designee, or the chief administrator of a charter school or high school of a board of cooperative services must give priority consideration to qualified students who, by the time they would concurrently enroll, will have completed the high school graduation

requirements.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-1090** Pupil enrollment count day - defined - exceptions. For the purpose of determining the pupil enrollment count of each public school of the state, the act defines "pupil enrollment count day" as October 1 of each year, with the following exceptions:

- In any year in which October 1 is a Saturday, a Sunday, or any other day on which school is not in session, the pupil enrollment count day is the Monday following that Saturday, Sunday, or other day; and
- In any year in which a day of a major religious holiday occurs upon October 1 or upon the Monday directly following October 1 if October 1 falls on a Saturday, Sunday, or other day on which school is not in session, the pupil enrollment count day is the first school day immediately following the conclusion of the holiday.

The act replaces existing statutory references to "October 1" with "pupil enrollment count day" as needed.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** March 22, 2012

**H.B. 12-1124** Digital learning in Colorado - study. The act directs the department of education (department) to commission a study of the issues surrounding integration of digital learning into the statewide system of public education in Colorado. The department will select a Colorado-based entity to complete the study. The study is funded by gifts, grants, or donations. If the department does not receive sufficient moneys to complete the study, it will not commission the study. The study will be completed and submitted to the state board of education, the governor, and the education committees of the general assembly by January 31, 2013.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

**H.B. 12-1146** Concurrent enrollment - dropout recovery programs. The act authorizes a community college, including a junior district college, to agree with a local education provider to create a dropout recovery program through which a student who has dropped out of high school or who is at risk of dropping out of high school can concurrently enroll in the community college and the local education provider to complete his or her high school graduation requirements. The student attends classes exclusively at the community college, and all of the credits he or she earns count toward high school graduation. The dropout recovery program differs from the usual concurrent enrollment program with regard to the student's age and the number and type of course credits authorized.

The community college and the local education provider enter into an agreement that specifies many aspects of the dropout recovery program, including the tuition rate the local education provider will pay on the student's behalf, which rate cannot exceed the student's

share of tuition at a community college. The local education provider will include the student in its pupil enrollment, and the community college, and the local education provider may include additional financial provisions in the agreement.

**APPROVED** by Governor May 17, 2012

**EFFECTIVE** May 17, 2012

**H.B. 12-1201** School finance - total program funding - 2011-12 fiscal year adjustments. The general assembly recognizes that increases in the funded pupil count and the number of at-risk students have increased the amount of total program funding for the 2011-12 budget year. Increases in the amount of property tax and specific ownership tax revenues available to school districts have also decreased the amount of the state share for total program funding for the 2011-12 budget year. Based on these circumstances, the act increases the minimum level of total program funding for the 2011-12 budget year and sets the minimum level of total program funding for the 2012-13 budget year.

The act adjusts the appropriations in the 2011-12 long bill for total program funding and hold-harmless full-day kindergarten funding.

**APPROVED** by Governor March 1, 2012

**EFFECTIVE** March 1, 2012

**H.B. 12-1212** On-line education programs - authorization of on-line education programs by a BOCES. Under current law, a board of cooperative services (BOCES) may authorize either a single-district or a multi-district on-line educational program. The act permits a BOCES to authorize only a multi-district program.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1238** Early literacy education - READ plans - advancement to next grade level - early literacy fund - appropriations. The act repeals the "Colorado Basic Literacy Act" on July 1, 2013, and replaces it with the "Colorado READ Act". Each school district, charter school, and board of cooperative services (local education provider) that enrolls students in kindergarten or first, second, or third grade (early grades) must provide instructional programs and support in reading to ensure that, by the time a student finishes third grade, the student's reading skills are high enough to enable the student to achieve the standards and expectations for fourth grade and beyond.

The state board of education (state board) will promulgate rules that establish the minimum reading competency skill levels for each of the early grades. The department of education (department) will adopt a procedure to collect and review reading assessments, instructional programming in reading, and professional development programs. The department will review the assessments and recommend assessments that meet specified criteria to the state board for approval. The department will create a list of the approved reading assessments that local education providers will use to measure students' reading skills in the early grades and diagnose students' reading skill deficiencies. The department will also create an advisory list of recommended instructional programming in reading that meets specified criteria and a list of recommended professional development programs. The department must have the list of approved assessments available by April 1, 2013, and the advisory lists of recommended instructional programming and professional development programs available by July 1, 2013. The department will continue to review assessments,

instructional programming, and professional development programs and add the assessments that the state board approves to the approved assessment list and add appropriate items to the lists of recommended instructional programming and recommended professional development programs.

Beginning in the spring semester of the 2012-13 school year, each local education provider will begin assessing students in each of the early grades and diagnosing students' specific reading skill deficiencies. If a student's reading skills are below the minimum reading competency skill level, the student has a significant reading deficiency.

Beginning in the 2013-14 school year, if a student has a significant reading deficiency in one of the early grades, the student's teacher and any other personnel selected by the local education provider will, if possible, meet with the student's parent to communicate and discuss specified information and create a reading to ensure academic development plan (READ plan) for the student. The information will include notice that, if the student continues to have a significant reading deficiency at the end of the school year, state law requires the parent, the teacher, and other personnel to meet and consider retention as an intervention strategy and determine whether the student, despite the significant reading deficiency, will be able to maintain adequate academic progress at the next grade level. The local education provider will ensure the parent receives a copy of the READ plan.

A student's READ plan must include a description of the student's specific reading skill deficiencies, goals and benchmarks for achieving reading competency, the specific intervention instruction the teacher will use to help the student progress, and the specific strategies the parent is encouraged to use at home to help the student progress. The READ plan and documentation supporting the READ plan and the student's progress in implementing the plan will be included in the student's permanent academic record.

If a student's reading skills are below grade level, but the student does not have a significant reading deficiency, the local education provider must provide interventions to the student through the response to intervention framework. If a student has a significant reading deficiency, the student's READ plan will include intervention instruction provided through the response to intervention framework. If the student is identified as having a disability, the local education provider will integrate into the student's individualized education program (IEP), as appropriate, the intervention instruction to address the student's reading issues, in lieu of creating a READ plan. The teacher will continue to implement and update the READ plan until the student achieves reading competency.

A student who continues to have a significant reading deficiency in second or subsequent consecutive school years must receive increased reading intervention instruction and supports to improve his or her reading competency.

If, at the end of an early grade school year, a student has a significant reading deficiency, state law requires the parent, the teacher, and other personnel to meet and consider retention as an intervention strategy and determine whether the student, despite the significant reading deficiency, will be able to maintain adequate academic progress at the next grade level. The student's teacher will send the student's parent written notice that the teacher, the parent, and other personnel from the local education provider must meet to decide whether the student will advance. After sending the notice, the personnel from the local education provider will schedule, or make documented attempts to schedule, the meeting. If the parent does not attend a meeting, the teacher and personnel from the local education provider will decide whether the student will advance.

If there is a meeting, the student's parent and teacher and personnel from the local education provider will communicate and discuss specified information with the parent and decide, based on the student's body of evidence and the likelihood that the student will be able to make adequate academic progress, whether the student will advance to the next grade level. The parent will have the final decision as to whether the student advances; except that, beginning in the 2016-17 school year, if the student is finishing third grade and the parent, or the teacher and other personnel if the parent does not attend the meeting, decide the student will advance to fourth grade even though the student has a significant reading deficiency, the superintendent of the school district or a designee, or the school principal if the student is enrolled in a charter school or a school operated by a board of cooperative services, will decide whether the student advances. The local education provider will ensure that the parent and the superintendent or principal receive a written statement of the decisions made concerning whether the student advances and that the written statement is included in the student's academic record. The local education provider will remove the statement from the student's academic record when the student achieves reading competency.

A student is not subject to a decision about whether to advance to the next grade level if the student has an IEP and is eligible to take the alternative statewide assessment or has a disability that substantially impacts the student's progress in developing reading skills; is an English language learner, and the student's significant reading deficiency is due primarily to language; or has already been in the same grade for 2 years.

The act repeals the read-to-achieve fund and replaces it with the early literacy fund (ELF). The ELF consists of any moneys remaining in the read-to-achieve fund as of June 30, 2012; 5% of the tobacco settlement moneys up to \$8 million per year; and, beginning in the 2013-14 fiscal year, up to \$16 million of the interest received on the permanent school fund. In the 2012-13 budget year, the department will expend the ELF moneys on the read-to-achieve grants that are outstanding as of July 1, 2012, and may use any remaining moneys to provide technical support to local education providers. Beginning in the 2013-14 budget year, the department will annually expend the ELF moneys as follows:

- \$1 million to provide literacy support in the form of professional development delivered by experts in literacy on a regional basis to local education providers;
- \$4 million for grants awarded through the early literacy grant program;
- Up to 1% of the moneys in the ELF to offset the costs incurred by the department in administering the act;
- The remaining moneys allocated to local education providers on a per-pupil basis, based on the number of enrolled early grade students with significant reading deficiencies, to provide specified interventions (per-pupil intervention moneys).

The department will administer an early literacy grant program to provide money to applying local education providers to implement literacy support and intervention instruction programs, including professional development, to assist students in early grades to achieve reading competency.

Each local education provider may use its per-pupil intervention moneys to provide a full-day kindergarten program, a summer school literacy program, tutoring services for students with significant reading deficiencies, or other intervention services, as approved by the department, for students with significant reading deficiencies. Each local education provider must ensure that each early grade student with a significant reading deficiency has access to at least one of the interventions provided using per-pupil intervention moneys.

Each local education provider will annually report to the department data that enables the department to determine whether students who receive READ plans achieve reading competency, how long it takes for them to do so, and whether prohibiting a student from advancing to the next grade level has a positive effect on the student's reading skill level. The local education providers will also report the uses of the early literacy grant moneys and per-pupil intervention moneys and the results achieved. The department will report its analysis of the data and the information concerning the use of moneys to the state board, the governor, and the general assembly and will make it available on the department's web site.

Accreditation of school districts and public schools is based partially on student achievement on the statewide assessments. The department, working with the technical advisory panel in the department, will determine the calculation of additional credit for schools, school districts, and the state charter school institute for students who are identified as having significant reading deficiencies while enrolled in the early grades and who score partially proficient, proficient, or advanced on the statewide reading assessment in third or fourth grade. Each public school, each school district, and the institute will include in its performance, improvement, priority improvement, or turnaround plan provisions to address the needs of students enrolled in the early grades who are identified as having significant reading deficiencies.

Prior to the act, a student enrolled in kindergarten was always counted as a half-time student for purposes of school finance. Under the act, a student who is enrolled in kindergarten and who is retained for a second year of kindergarten due to a significant reading deficiency will be counted as a full-time student for purposes of school finance.

For the 2012-13 fiscal year, the act appropriates \$5,411,989 and 9.8 FTE from the ELF to the department for implementation of the act. The act also appropriates a total of \$120,418 from the state education fund to the department for allocation to school districts for the costs of providing education services to students who are held in adult jails. These moneys were previously appropriated from the read-to-achieve fund, which was repealed in the act. The act adjusts the 2012-13 long bill accordingly.

**APPROVED** by Governor May 17, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1240** K-12 education - statutory amendments. The act contains the following statutory changes concerning K-12 education:

- A requirement on the office of legislative legal services to report any introduced legislation concerning education data to the education data advisory committee.
- The date for the adoption of graduation guidelines by the state board of education is extended from December 15, 2011, to May 15, 2013. The provision that the state board of education (board) receive, maintain, and post copies of collective bargaining agreements is repealed.
- The pool of potential sources for gifts, grants, and donations for S.B. 10-191 is expanded by allowing the department of education (department) to accept moneys outside of federal moneys.
- The date for the inclusion of diploma endorsements in performance indicators is extended.
- The criteria for awarding the John Irwin Schools of Excellence Award is

changed to include those schools with the highest level of attainment on the performance indicator concerning student achievement levels.

- Clarification of the difference between an "on-line program" and an "on-line school".
- The military dependent supplemental pupil enrollment aid program is repealed.
- The number of charter school food authorities is increased from 6 to 10 and the deadline for authorizing charter school food authorities is extended to 2016.
- "Ongoing deficit" is defined as it pertains to school district budgets.
- The department will notify a school district board of education if it approves a letter of intent on emergency reserves.
- Removal of the requirement that a school district receiving an impact assistance grant must certify the amount of that grant to the board.
- If a charter school or institute charter school offers a full-day kindergarten program, the supplemental funding will be passed to the charter school or institute charter school.
- If a charter school is permitted by its charter authorizer to operate a kindergarten program, it may also plan, develop, and operate a public preschool program.
- The internet safety policy in schools is updated to include "technology devices", which includes any computer, hardware, software, or other technology that is used for learning purposes and has the ability to connect with the internet.
- The inclusion of Colorado in a consortium of states that focuses on the readiness of students for college and careers through the development of a common set of assessments.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** June 4, 2012

**H.B. 12-1261** National board certification for teachers and principals - low-performing, high-needs schools - stipends - appropriation. The act extends indefinitely the program that, subject to available appropriations, provides stipends to teachers and principals who have received certification from the national board for professional teaching or principal standards and for said teachers and principals who are employed in a low-performing, high-needs schools. Principals are added to the eligible pool of stipend recipients.

The act appropriates \$604,800 from the state education fund to the department of education for payment of the stipends in the 2012-13 fiscal year.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** August 8, 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. 12-1345** School finance - base per pupil funding - district total program funding amount - negative factor - charter school capital construction - boards of cooperative services - children with disabilities - early literacy assessment tool - charter school at-risk supplemental aid - assessment tests for students in grades 9 through 12 - school discipline - appropriation. Funding for public schools from kindergarten through the twelfth grade, as determined by the "Public School Finance Act of 1994" (Act) is modified for the 2012-13 budget year and, in some circumstances, for budget years thereafter, as follows:

**Statewide base per pupil funding.** For the 2012-13 budget year, the statewide base per pupil funding is increased to \$5,843.26 to account for a 3.7% inflation rate.

**Negative factor.** For the 2012-13 budget year, the negative factor is applied to the annual appropriation to fund the state's share of total program funding for all school districts and the funding for institute charter schools (total program funding), but without an additional reduction in the amount of the annual appropriation to fund the state's share of total program funding. For the 2012-13 budget year, the total program funding amount is increased by approximately \$57 million compared with the amount previously required in law to account for increases in student enrollment.

**Charter school capital construction.** For the 2012-13 budget year and each budget year thereafter, the annual appropriation from the state education fund for capital construction costs for all eligible districts and for all eligible institute charter schools is increased by \$1 million for a total of \$6 million.

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

**BOCES - supplemental on-line education services contracts.** Beginning on August 1, 2012, subject to available appropriations, the mountain board of cooperative services (BOCES) shall contract every 3 years, rather than every year, with an entity that sells supplemental on-line education courses to provide the courses to school districts, charter schools, and BOCES that choose to purchase the courses.

**BOCES - assistance for meeting state educational priorities.** Beginning in the 2012-13 fiscal year, a BOCES may receive additional moneys to assist its participating school districts in implementing and meeting the state's educational priorities as determined by the commissioner of education every 3 years. To receive additional moneys, a BOCES must submit a plan to the state board of education (state board) that details how the BOCES will use the moneys to assist its participating school districts in implementing and meeting the state's educational priorities. The department of education (department) will distribute the moneys to the BOCES based on specified requirements and may retain a portion of the moneys to hire a rural school district liaison and to support a rural school district council that the commissioner of education created in the department.

**Children with disabilities.** The definition of "children with disabilities" is clarified to include persons 3 through 8 years old who have been found to be children experiencing developmental delays, as defined in the code of federal regulations.

**Early literacy assessment tool.** By October 1, 2012, the department shall issue a request for proposals for the purchase of an early literacy assessment tool that teachers may use to obtain real-time assessments of the reading skill levels of students enrolled in kindergarten and first, second, and third grades and, based on the assessment results, generate intervention plans and materials. The request for proposals must include software with specified capabilities, training for software use, and a sufficient number of software licenses for each local education provider in the state to use the early literacy assessment tool in all of its kindergarten and first-, second-, and third-grade classes. The department shall select from among the responses and enter into a contract by March 1, 2013. In negotiating the terms of the contract, the department shall include performance measures, which may include student outcomes, as conditions affecting the amounts payable under the contract. The department must provide certain information to local education providers in connection with

the early literacy assessment tool.

**Charter school at-risk supplemental aid.** For the 2012-13 budget year and each budget year thereafter, certain qualified districts, district charter schools, and institute charter schools will receive at-risk supplemental aid (aid) in addition to the at-risk funding received pursuant to the Act as follows:

- A qualifying school district will receive aid if the percentage of at-risk pupils in a district charter school authorized by the qualifying school district before July 1, 2004, is less than the percentage of at-risk pupils in the qualifying school district. The amount of the aid is equal to the difference between 100% of district per pupil revenues and 100% of adjusted district per pupil revenues for each pupil enrolled in the district charter school, not including on-line pupils or pupils enrolled in the ASCENT program.
- A district charter school in a qualifying school district that was initially authorized before July 1, 2004, will receive aid if the percentage of at-risk students in the district charter school exceeds the percentage of at-risk pupils in the qualifying school district. The amount of the aid is equal to the difference between 100% of adjusted district per pupil revenues and 100% of district per pupil revenues for each pupil enrolled in the district charter school, not including on-line pupils or pupils enrolled in the ASCENT program. A school district shall pass through 100% of a district charter school's aid to the district charter school.
- A district charter school in a school district that is not a qualifying district and whose percentage of at-risk pupils exceeds the percentage of at-risk pupils in the chartering school district will receive aid. The amount of the aid is equal to the difference between 100% of adjusted district per pupil revenues and 100% of district per pupil revenues for each pupil enrolled in the district charter school, not including on-line pupils or pupils enrolled in the ASCENT program. A school district shall pass through 100% of a district charter school's aid to the district charter school.
- An institute charter school whose percentage of at-risk pupils is less than the percentage of at-risk pupils in the accounting district will receive aid. The amount of the aid is equal to one-half of the difference between 100% of the accounting district's per pupil revenues and 100% of the accounting district's adjusted per pupil revenues for each pupil enrolled in the district charter school, not including on-line pupils or pupils enrolled in the ASCENT program. The charter school institute shall pass through 100% of an institute charter school's aid to the institute charter school.

If the appropriation to the department of education is insufficient to fund one hundred percent of the aid calculated, the department shall proportionately reduce the aid for each school district, district charter school, and institute charter school.

**Assessment tests for students in grades 9 through 12.** The general assembly recognizes the federal high school testing requirements; recognizes that most states have adopted the common core state standards in mathematics and English language arts; and states its intent and expectation that ACT, Inc., will reconfigure the ACT to align with the common core state standards and thereby enable the states to administer the ACT as the statewide high school assessment that meets the federal high school testing requirements.

Each public school, including each charter school, must assist each student and his or

her parent in creating and maintaining an individual career and academic plan (ICAP) by ninth grade. The school will work with the student to use the ICAP to guide course selections and performance expectations with the goal of ensuring that the student demonstrates postsecondary and workforce readiness upon graduation at a level that enables the student to progress toward his or her postsecondary goals, as identified in the ICAP, without needing remedial educational services.

Starting in the 2012-13 school year, each school district and each charter school that includes grades 9 through 12 may administer to students in those grades the basic skills placement or assessment tests (basic skills tests) that the community colleges use for first-time freshman students. The school district or charter school will receive state funding to reimburse the district or charter school for one administration per student of all of the basic skills test units. If indicated by a student's scores, the school will create an intervention plan for the student to ensure that the student receives the classes and other educational services necessary for the student to demonstrate postsecondary and workforce readiness at graduation at a level that allows the student to advance toward his or her identified postsecondary goals without needing remedial educational services. The school, the student, and the student's parent may agree to concurrently enroll the student in basic skills courses at an institution of higher education if the student is in twelfth grade.

If the school district or charter school that the student attends chooses to administer the basic skills tests, each student's ICAP will include the student's scores on the basic skills tests and the student's intervention plan, if any.

Subject to available appropriations, the department will allocate moneys to school districts and charter schools to reimburse them for the costs of administering the basic skills tests.

When adopting the criteria for endorsed high school diplomas, the state board will establish the criteria for demonstrating postsecondary and workforce readiness at various levels that reflect the postsecondary education options available to students. The beginning date on which schools and school districts will be held accountable for the number of students who receive endorsed high school diplomas is changed because the criteria for issuing endorsed high school diplomas are not yet adopted.

**School discipline.** The statutory grounds for suspension or expulsion of a student are amended to increase the discretion of school administrators and school district boards of education (local boards). The only circumstances under which expulsion remains mandatory are those that involve a student who is found to have brought a firearm to school or possessed a firearm at school. Each school district is encouraged to consider each of many specific factors before suspending or expelling a student, including the student's age, the student's disciplinary history, whether the student has a disability, the seriousness of the student's violation, whether the student's violation threatened the safety of any student or staff member, and whether a lesser intervention would properly address the student's violation.

Each school district accountability committee shall provide input to the local board concerning the creation and enforcement of its school conduct and discipline code (code). Each school district shall take reasonable measures to ensure that each student enrolled in each public school of the school district is familiar with the code. In creating and enforcing a code, each local board shall:

- Impose proportionate disciplinary interventions and consequences, including

in-school suspensions, in response to student misconduct that are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for referrals to law enforcement that are required by state or federal law;

- Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct that are designed to minimize student exposure to the criminal and juvenile justice system. The plans must state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, a crime in which the underlying factual basis involves domestic violence, stalking, or violation of a protection order;
- Ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities; and
- Ensure that, in implementing the code, each school of the school district shows due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of Title IX of the United States Code and other state and federal laws.

A child who is denied admission or expelled as an outcome of a hearing has 10 days after the denial of admission or expulsion to appeal the decision of the executive officer to the local board, after which time the local board has the discretion to grant or deny the appeal. If a student is suspended from school, the suspending authority, to the extent possible, shall provide an opportunity for the student to make up school work during the period of suspension for full or partial academic credit.

On or before January 1, 2014, the peace officer standards and training (P.O.S.T.) board shall identify a training curriculum to prepare peace officers to serve as school resource officers (SROs). To the extent practicable, the training curriculum must incorporate the suggestions of relevant stakeholders. The training curriculum must include a means of recognizing and identifying peace officers who successfully complete the training curriculum.

In assigning peace officers to serve as SROs, each law enforcement agency is encouraged to ensure that the peace officers have successfully completed the SRO training curriculum or will complete the training within 6 months after beginning the assignment. On and after January 1, 2015, each county sheriff and each municipal law enforcement agency of the state shall employ at least one peace officer who has successfully completed the training curriculum.

In providing the training curriculum, the P.O.S.T. board may include provisions to authorize awarding credit to a peace officer who has successfully completed an SRO certification curriculum offered by one or more public or private entities that are identified by the P.O.S.T. board. The P.O.S.T. board may charge a fee to each peace officer who enrolls in the training curriculum. The amount of the fee shall not exceed the direct and indirect costs that the P.O.S.T. board incurs in providing the training curriculum.

If an SRO or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event (on school grounds) arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within 24 hours after the arrest.

If an SRO or other law enforcement officer acting in his or her official capacity on school grounds issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within 10 days after such issuance.

An SRO shall be familiar with the provisions of the code of the school to which he or she is assigned. Commencing August 1, 2013, and continuing each August 1 thereafter, each law enforcement agency employing or contracting with any law enforcement officer who is acting or has acted in his or her official capacity on school grounds shall report to the division of criminal justice (division), in aggregate form without personal identifying information, certain data about the cases handled by the agency on school grounds.

On or before August 1, 2013, and on or before each August 1 thereafter, the district attorney of each judicial district, or his or her designee, shall report to the division certain information about offenses alleged to have been committed by a student that have occurred on school grounds within the judicial district during the preceding 12 months.

The division shall receive the information reported to the division by law enforcement agencies and by district attorneys and provide the information, as submitted to the division, to any member of the public upon request in a manner that does not include any identifying information regarding any student. If the division provides the information to a member of the public, the division may charge a fee to the person. The fee shall not exceed the direct and indirect costs incurred by the division in providing the information.

**Appropriation - adjustments in 2012 long bill.** Appropriations made in the annual general appropriation act to the department for the fiscal year beginning July 1, 2012, are adjusted as follows:

- The state education fund appropriation for the school counselor corps program is increased by \$480,000;
- The state education fund appropriation for state aid for charter school facilities is increased by \$1,000,000;
- The general fund appropriation for the state share of districts' total program funding is increased by \$57,232,000;
- The state education fund appropriation for the state share of districts' total program funding is decreased by \$228,551;
- The state education fund appropriation for hold-harmless full-day kindergarten funding is increased by \$74,671; and
- The state education fund appropriation for facility school funding is increased by \$153,000.

In addition, footnote 8 in the 2012 general appropriation act is amended to adjust the amount of the fiscal year 2012-13 appropriation that may be used for the Accelerating Students Through Concurrent Enrollment (ASCENT) program.

**Appropriation.** For the 2012-13 fiscal year, the act:

- Appropriates \$1,000,000 from the state education fund to the department to reimburse school districts, district charter schools, and institute charter schools for the costs of administering basic skills placement or assessment tests to

- students enrolled in grades 9 through 12;
- Appropriates \$1,300,000 from the state education fund to the department for distribution to BOCES to assist school districts in implementing and meeting the state's educational priorities, for the department to hire a rural school district liaison, and for the department's support of a rural school district council;
- Appropriates \$3,893,627 from audit recoveries credited to the state public school fund to the public school finance unit in the department for the payment of at-risk supplemental aid to school districts, district charter schools, and institute charter schools; and
- Appropriates \$3,000,000 from the state education fund to the department for the early literacy assessment tool contract.

**APPROVED** by Governor May 19, 2012

**EFFECTIVE** May 19, 2012

## EDUCATION - POSTSECONDARY

**S.B. 12-45** Commission on higher education - the award of an associate degree to certain students enrolled in a 4-year institution - notification process. The act requires the commission on higher education (commission) to collaborate with 4-year and 2-year institutions of higher education to develop and coordinate a process to notify a student enrolled in a 4-year institution that he or she may be eligible for an associate degree from a 2-year institution that the student attended prior to transferring to a 4-year institution. To receive notification, a student must have met the residency requirement for the 2-year institution and have accumulated 70 credits at the 4-year institution.

At a minimum, the process for notification shall specify the roles of the student, the department of higher education, and the institutions in the process. The role of the 4-year institutions are limited to providing contact information for the student. The 4-year and 2-year institutions shall agree on the contents of the notification. The 4-year and 2-year institutions shall inform students about the process for the award of an associate degree.

Nothing in the act limits the ability of 4-year and 2-year institutions to develop agreements for the award of an associate degree that are consistent with the intent of the statute.

**APPROVED** by Governor April 18, 2012

**EFFECTIVE** April 18, 2012

**S.B. 12-148** Metropolitan state university of Denver. The act changes the name of Metropolitan state college of Denver to Metropolitan state university of Denver.

**APPROVED** by Governor April 18, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1032** Colorado state university - state forest service - forest restoration program - appropriation. The act continues the forest restoration program, and its associated funding from severance taxes, for 5 years and specifies that the program is no longer a pilot program. The act also extends for 5 years the annual transfers from the operational account of the severance tax trust fund of \$1.45 million to the healthy forests and vibrant communities fund and \$50,000 to the wildland-urban interface training fund, and the \$50,000 is appropriated to the department of public safety.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**H.B. 12-1061** Higher education - report - credential production - workforce projections. The act requires the department of higher education (department), in consultation with the department of labor, the department of regulatory agencies, and any other entity the department deems appropriate, to produce, within the limits of available resources and data, an annual report regarding state workforce projections and education credential production. The report will show the workforce needs that are not being met by state degree and certificate programs and identify institutions, public or private, that may be able to address those workforce needs through new programs or expansion of existing ones. The department

will send the report to every public postsecondary governing board in the state and will work with the department of education to provide the report to the state's public school districts, the Colorado charter school institute, and Colorado private elementary, middle, and high schools. The act repeals July 1, 2016.

**APPROVED** by Governor April 2, 2012

**EFFECTIVE** August 8, 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. 12-1072** Higher education - institutions - academic credit for prior learning. Beginning with the 2013-14 academic year, the act requires each public institution of higher education to adopt and make public a policy or program to determine academic credit for a student's prior learning.

Additionally, the act permits a nonpublic institution of higher education that is accredited by an accrediting agency or association approved by the United States department of education to participate in the review conducted by the department of higher education (department) to determine if the institution's core course requirements comply with the department's general education course guidelines.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** August 8, 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. 12-1080** Adams state college - Adams state university. The act changes the name of Adams state college to Adams state university.

**APPROVED** by Governor May 19, 2012

**EFFECTIVE** May 19, 2012

**H.B. 12-1081** Auraria higher education center. The act clarifies numerous statutory sections that concern the operations of the Auraria higher education center, including, among others, capital construction, risk management, and lease-purchase agreements.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-1144** Higher education - institutions - employment contracts - non-tenure-track faculty. The act authorizes each system of higher education and each campus of each state institution of higher education to employ, with the approval of its chief executive officer, an unlimited number of non-tenure-track, half-time or longer classroom teachers under renewable 3-year employment contracts. The employment contract must include a provision that renders the contract unenforceable if the employing system or campus ceases to be an

enterprise and does not have sufficient financial reserves to satisfy the contract.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** August 8, 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. 12-1155** Admissions - basic skills - performance contracts - authorization of private postsecondary institutions - private occupational schools board - appropriation. Under the act, the Colorado commission on higher education (commission) in establishing academic admission standards for state institutions of higher education (institutions) may take into account the rigor of a student's high school courses.

The act clarifies the commission's authority to adopt a policy concerning basic skills courses (policy) and directs the commission to ensure the policy is aligned with the academic admission standards. The policy sets the procedures for identifying students who need basic skills courses and procedures by which institutions offer those courses. In setting the standards for basic skills requirements, the commission may differentiate the mathematics requirements based on a student's chosen area of study. While only certain institutions may provide basic skills courses, the commission may authorize other institutions to provide supplemental academic instruction for students who enroll in general education, college-level courses but are identified as having limited skill deficiencies. A student who requires basic skills courses must complete the courses by the time the student completes 30 college-level credit hours. The commission will ensure that the student receives written notice identifying the state institutions that offer the basic skills courses and the approximate cost and availability of the courses.

Under the act, the department of higher education (department) will provide its annual report concerning higher education student enrollment and persistence to the department of education, which will post the report on its web site, and the department will distribute student records to the appropriate school districts.

The commission has authority to establish each institution's role and mission and to enter into performance contracts with each institution. The act clarifies that the commission must refer to an institution's role and mission and service area as necessary to interpret, with the institution's governing board, the implications of the role and mission and service area for the institution's performance contract.

The act directs the commission, in preparing its recommendations on a performance funding model for institutions, to analyze the effects of differentiated Colorado opportunity fund stipend amounts and of limiting the funding for credit hours taken in excess of a certain limit.

The act extends the performance contract for the Colorado school of mines (contract) expiration date to the date on which the governor signs a joint resolution passed during the 2013 legislative session to approve a renegotiated contract. The new contract will take effect the day after the joint resolution is signed and will continue in effect until the date on which the governor signs a joint resolution passed during the 2023 legislative session to approve the next contract.

For guidelines for general education courses for all public institutions of higher

education in the state, the act allows the department and the commission, in consultation with the institutions, to make allowances for baccalaureate programs that have additional degree requirements.

The act makes several changes to the existing statutes concerning authorization of private colleges and universities and seminaries and bible colleges (private institutions) in the state, including changing the term "bible college" to "religious training institution". The changes generally clarify the types of institutions that are subject to authorization and specifically require the commission and the department to set procedures for authorizing, renewing, and revoking the authorizations for private institutions. The commission must also set the amount of the fees that a private institution pays for the administration of the authorization process, including a separate fee if a private institution seeks approval of an educator preparation program. Each private institution must also report specified student information.

Each private institution must obtain authorization for each campus, branch, or site that is separately accredited and operates in Colorado. Authorizations for private colleges and universities are based on the institution's accreditation and are subject to renewal every 3 years or on the same schedule that applies for renewing the institution's accreditation, whichever is longer. Authorizations for seminaries and religious training institutions are based on whether the institution continues to meet the definition for seminary or religious training institution. The act clarifies the process and standards for renewing authorizations and the conditions and procedures under which the commission may revoke a private institution's authorization or place the authorization on probationary status.

The act requires a private institution that ceases operation to turn its records over to the department, authorizes the commission to seek a court order to seize the records in certain circumstances, and makes the records subject to the open records statutes. The department must keep the records for specified periods.

Private colleges or universities that meet specified criteria are not required to file a surety or to otherwise demonstrate financial integrity. Each private college or university that does not meet the criteria must demonstrate financial integrity based on evidence that it meets other criteria. If the private college or university cannot demonstrate financial integrity, it must post surety in a specified amount, which surety may be in the form of a bond, that the commission can use to reimburse students for a loss of tuition or fees or to provide services if the institution ceases to operate in Colorado or a student files a claim against the institution. If a private college or university that does not post surety ceases operations in the state, the attorney general may file a claim on behalf of students to recover any unearned, prepaid tuition. Seminaries and religious training institutions are not required to meet any of the criteria, demonstrate financial integrity, or file a surety.

The department must maintain a list of authorized private institutions and establish a process for reviewing and acting on complaints against a private institution. The commission may negotiate reciprocal agreements with other states to assist in implementing authorizations for private institutions.

The act changes the terms of members appointed to the private occupational schools board (board) so that fewer members will be appointed at one time. Under the act, a student enrolled in a private occupational school who has a complaint against the school must first exhaust any complaint procedures that the school has in place before filing a complaint with the board.

For the 2012-13 fiscal year, the act appropriates to the department \$75,500 cash funds from fees paid by private institutions.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** August 8, 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. 12-1214** Community colleges - two-year dental hygiene degree programs. The act allows a Colorado community college to offer a two-year degree program with academic designation in dental hygiene even though there is not a valid student transfer agreement for the degree program.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-1220** Colorado state university - Global campus governance structure - board of governors changes. The act establishes the governance structure for Colorado state university - global campus (CSU global campus), which will be a baccalaureate and graduate on-line university. CSU global campus will be governed by the CSU system board of governors, which is expanded by two advisory members to include one CSU global campus student and one CSU global campus professor.

The act makes several clarifying and conforming changes to the board of governors statutes.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** August 8, 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. 12-1324** Colorado Mesa university - admission standards. The act changes the admission standards for Colorado Mesa university from "moderately selective" to "selective". The number of members of the board of trustees is increased from 11 to 13.

**APPROVED** by Governor May 21, 2012

**EFFECTIVE** May 21, 2012

**H.B. 12-1331** Western state Colorado university. The act changes the name of Western state college of Colorado to Western state Colorado university.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** August 1, 2012

**H.B. 12-1350** Tuition classification - active duty military - dependents. The act allows an institution of higher education (institution) to establish a policy that grants in-state tuition classification to a dependent of an active duty member of the United States armed forces

(dependent) if the dependent enrolls in the institution and graduated from a high school outside of Colorado, so long as the dependent completed at least 2 years at a high school in Colorado within 5 years prior to enrollment in the institution.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** June 8, 2012

**H.B. 12-1355** Colorado geological survey - transfer to Colorado school of mines. The act transfers the powers, duties, and functions of the Colorado geological survey (geological survey) and the office of the state geologist in the department of natural resources (department) to the Colorado school of mines (school of mines). The transfer will occur on January 31, 2013. Prior to the transfer, the department and the school of mines shall enter into a memorandum of understanding concerning the functions and objectives of the geological survey as transferred to the school of mines, the transfer of employees, the transfer of real and personal property, department contracts, and other specific provisions relating to the transfer. The act provides for the transfer of unencumbered and unexpended appropriations to the school of mines.

If the department and the school of mines do not enter into a memorandum of understanding on or before December 31, 2012, the transfer will not occur, and the new statutory provisions created in Colorado school of mines statutes are repealed. The school of mines shall notify the revisor of statutes if the department and the school of mines enter into the memorandum of understanding.

By December 1, 2012, the school of mines shall report to the general assembly concerning the contents of the memorandum of understanding. Additionally, the school of mines shall report to the general assembly, annually, for a period of five years, concerning the duties and functions of the geological survey.

**APPROVED** by Governor June 4, 2012

**PORTIONS EFFECTIVE** June 4, 2012  
**PORTIONS EFFECTIVE** January 1, 2013

## ELECTIONS

**S.B. 12-14** Campaign finance - disclosure - primary elections. In conformity with the 2011 change of the primary election date from August to the last Tuesday in June, the schedule under the "Fair Campaign Practices Act" for making campaign finance disclosures in connection with the primary election is changed to the first Monday in May and on specified Mondays thereafter until the primary election.

**APPROVED** by Governor January 30, 2012

**EFFECTIVE** January 30, 2012

**S.B. 12-62** Military personnel - current and former - voting - internet voting system pilot program - funding - uniformed services elector in hostile fire zone - verbal request for ballot authorized - voter registration - use of veterans identification card permitted. The act allows the internet-based voting pilot program for absent uniformed electors to be implemented with any moneys appropriated for that purpose, rather than requiring the pilot program to be funded solely with gifts, grants, and donations.

Additionally, the act allows a uniformed services elector who is a member of the United States armed forces and who is on active duty in a hostile fire zone to verbally provide a commissioned officer with the information necessary for the officer to request a mail-in ballot on behalf of the uniformed services elector.

Finally, a veteran identification card issued by the veterans health administration within the United States department of veterans affairs with a photograph of the eligible elector is added to the list of acceptable forms of identification for voter registration purposes.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** April 12, 2012

**H.B. 12-1089** Initiative - referred measure - ballot title language - responses. For a statewide ballot title for an initiated or referred measure, section 2 of the act requires a proposition to be described in a ballot title as a "change to the Colorado Revised Statutes" and an amendment to be described as an "amendment to the Colorado constitution".

Section 3 of the act expands the "yes" and "no" responses to a ballot title that are currently used on the ballot to "YES/FOR" and "NO/AGAINST".

**APPROVED** by Governor March 24, 2012

**PORTIONS EFFECTIVE** March 24, 2012

**PORTIONS EFFECTIVE** January 1, 2013

**H.B. 12-1143** State reimbursement of counties - cost of conducting election in which ballot measure on county ballot - appropriation. The act adjusts the rate at which the state is required to reimburse a particular county for the cost of the duties performed by the county clerk and recorder in conducting an election in which a state ballot issue or state ballot question is on the ballot of the county as follows:

- For counties with 10,000 or fewer active registered electors, the act increases the reimbursement rate from 80 cents to 90 cents for each active registered elector as of the time of the election; and

- For counties with more than 10,000 active registered electors, the act increases the reimbursement rate from 70 cents to 80 cents for each active registered elector as of the time of the election.

The act appropriates, out of moneys in the department of state cash fund, to the department of state, for the fiscal year beginning July 1, 2012, the sum of \$233,128, for allocation to the special purpose section for local election reimbursement related to the implementation of the act.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** May 29, 2012

**H.B. 12-1269** Campaign finance - special district election - threshold amount of campaign activity triggering disclosure - clarification of disclosure period. Under current law, a candidate committee in a special district election is not required to file disclosure reports under the "Fair Campaign Practices Act" until the committee has received contributions or made expenditures exceeding \$20. The act increases this threshold amount to \$200 and further clarifies that the relevant time for gauging the amount of contributions received or expenditures made is during the election cycle.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** August 8, 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. 12-1292** Elections - tribal identification allowed - correspondence from elections officials - ability of county clerk and recorders to cancel deficient voter registration applications - use of student election judges - candidate use of nickname on ballots - persons who may assist voters - fees for unaffiliated candidates - in-person ballot requests. The act makes various technical and nonsubstantive changes to elections laws. Current law is amended to alter or clarify elections-related deadlines, update procedures in light of modern elections practices or technology, correct, streamline, or harmonize laws, and recognize the existence of more than 2 major political parties.

Further, the act:

- Adds tribal identification to the list of acceptable elector identification.
- When an elector has provided both an address of record and a deliverable mailing address, requires a county clerk and recorder to use the latter for elections-related communication.
- Makes gender an optional response for a person registering to vote.
- In addition to making an in-person request to submit a change of address, allows an elector to mail such request and aligns the time within which such request must be executed with the deadlines for submitting a mail-in ballot request.
- Because current law is silent as to the ability of a county clerk and recorder to cancel a voter registration application after an applicant has been apprised that his or her application is incomplete, allows county clerk and recorders to cancel such deficient applications after 2 years.
- Repeals the criminal offense of intentional failure to properly deliver voter registration applications.

- Raises from \$500 to \$1,000 the fees to file as an unaffiliated candidate for president or vice president of the United States or congress.
- Expands a candidate's permissible use of a nickname on a ballot from primary elections to all elections, if he or she regularly uses the nickname and if it does not contain any words of the name of a major political party.
- Authorizes any designated election official, rather than solely county clerks and recorders, to use student election judges.
- Conforms state law to federal law by allowing any person to assist voters who need assistance.
- Allows an eligible elector to request his or her ballot in-person after the ballot has been printed but prior to it being mailed and to obtain a mail ballot by making an in-person request after it has been printed but before it is mailed.

**APPROVED** by Governor May 17, 2012

**EFFECTIVE** May 17, 2012

**H.B. 12-1293** Recall elections - procedures. The act amends, updates, and clarifies various laws governing recall elections, including:

- Prohibiting profane or false statements from being included in either a recall petition's statement of grounds or in an elected officer's statement of justification, respectively;
- Changing the appropriate official with whom to file a petition for recall in non-school board recall elections from the district court to the applicable political subdivision's designated election official;
- Specifying procedures for recall petitions and review of recall petitions, directs designated election officials to provide specific reasons for rejecting petitions, and allows a committee that submitted a petition not approved as to form to resubmit a corrected petition or appeal a petition deemed insufficient;
- Changing the event that, for timing purposes, determines whether a recall election must be conducted notwithstanding an officer's resignation;
- Tasking designated election officials, rather than a political subdivision, with setting recall election dates, and applies current law merging certain recall elections with general elections to special district elections, if a special district director is the subject of the recall;
- Establishing procedures for nonpartisan recall elections conducted by mail ballot;
- Specifying the manner in which notices of recall elections must be published;
- Requiring ballots to contain a blank space for electors to use to vote for a write-in candidate;
- Aligning recall elections conducted by mail with other laws pertaining to mail-in and mail ballot voting;
- Specifying a certain period of time within which a write-in candidate must file his or her affidavit of intent;
- Distinguishing between partisan and nonpartisan elections for procedures to nominate a person to succeed an officer sought to be recalled;
- Excluding write-in candidates from the potential successors to be listed on a recall election ballot; and
- Requiring political subdivisions to reimburse county clerk and recorders for reasonable recall election expenses.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** May 29, 2012

**H.B. 12-1313** Initiatives - statewide - title board - composition - procedures. The act makes the following changes related to the statewide initiative title board:

- Clarifies the authority of the secretary of state and attorney general to designate a representative to serve on the title board;
- Requires a person who submits a motion for rehearing to the title board to specify the grounds for the rehearing and requires the motion to be typewritten;
- Specifies that after the title board takes action on a motion for rehearing, no further motions for rehearing may be heard; and
- Codifies case law that appeals of title board decisions must be filed with the Colorado supreme court within 5 business days.

**APPROVED** by Governor April 26, 2012

**EFFECTIVE** April 26, 2012

## GENERAL ASSEMBLY

**H.B. 12-1348** Capitol buildings group - control of legislative space - subbasements, tunnels, and grounds - state office building at 1525 Sherman street - maintenance of legislative spaces. The act clarifies that the existing authority of the general assembly to designate and assign space in the capitol building for the use of the legislative department includes all areas of the subbasements of the capitol building and the legislative services building and access to all tunnels providing access to the subbasements of the capitol building, the legislative services building, and the state office building at 1525 Sherman street. Regardless of any law, rule, or provision of any tenant handbook for the capitol complex facilities, the executive committee of the legislative council (executive committee) may grant members of the general assembly and legislative staff access to the tunnels except in certain circumstances. Once the general assembly has control of space on no more than 2 floors of the state office building at 1525 Sherman street, the department of personnel must designate parking space in the state parking lot at Lincoln street and east Colfax avenue to the general assembly based upon the proportion of space the general assembly controls in the state office building at 1525 Sherman street to the total amount of space in that state office building.

The reference to the state museum building is updated to refer to the legislative services building. The general assembly may designate and assign space on no more than 2 floors of the state office building at 1525 Sherman street after the attorney general and the staff of the attorney general vacate the building and may provide for the furnishing and equipping of the office space on those floors in the building as may be necessary for the use of the legislative department. If any of the space in the legislative services building or the state office building at 1525 Sherman street is assigned to the senate or house of representatives, the executive committee shall allocate the space between the 2 houses. Of the space so allocated, the leadership of each house shall assign the space equitably to the major political parties with which members of each house are affiliated.

The legislative department, acting through the executive committee, is granted control of legislative spaces in the capitol, legislative services building, the state office building at 1525 Sherman street, and specified grounds adjacent to the capitol and the legislative services building, tunnels providing access to the subbasements of the capitol, the legislative services building, and the state office building at 1525 Sherman street, and furniture and fixtures thereof, rather than the department of personnel. The department of personnel will continue to have control of executive spaces in the capitol and the grounds, tunnels, and any other property acquired adjacent to the capitol that is not controlled by the general assembly. In addition, the department of personnel retains responsibility for supervising the provision of maintenance for the state capitol buildings group unless the legislative department, acting through the executive committee, chooses to be responsible for supervising the provision of maintenance for legislative spaces in the state capitol buildings group.

**APPROVED** by Governor May 8, 2012

**EFFECTIVE** August 8, 2012

**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. 12-31** County powers - authority to create federal mineral lease districts - changes to district's and district board of director's powers - allow for further autonomy of the district. The laws regarding the formation of a federal mineral lease district, including changes to the district's and district board of director's powers, are changed to allow the district to be more autonomous from the county creating the district. A federal mineral lease district is an independent body politic, separate and distinct from the county that creates it. Powers of the district and the board of directors are further enumerated. Methods for dissolving a district are established and the membership and terms of the board of directors are clarified. The district may reserve all or a portion of the federal mineral lease funding for use in subsequent years in order to maximize the usefulness of the direct or indirect distribution of funding for the areas socially or economically impacted by the development, processing, or energy conversion of fuels and minerals leased under a federal act.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** April 6, 2012

**H.B. 12-1017** Local access to health care pilot - Pueblo county - extension. Under current law, the authority of the board of county commissioners (board) of Pueblo county to operate, either itself or through a contractor, a local access to health care pilot program in the county expires on July 1, 2012.

The act extends the repeal date for the pilot program and the board's authority for another 5 years, through July 1, 2017.

**APPROVED** by Governor April 26, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1078** Solid wastes - disposal site and facility - certificate of designation - exemption for drinking water treatment facilities. Current law requires a drinking water treatment facility that stores, treats, or processes solid wastes originating at the facility to get a certificate of designation from the local municipality or board of county commissioners. Such facilities are regulated by both the solid and hazardous waste commission and the water quality control commission.

The act exempts these facilities from the requirement to get a certificate of designation as a solid wastes disposal site and facility regardless of when the solid wastes were handled, and allows a drinking water treatment facility to dispose of drinking water treatment residuals that were generated on-site on the facility's property in compliance with the rules of the solid and hazardous waste commission for waste impoundments and solid wastes disposal.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** August 8, 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. 12-1229** Legal notices - publication requirements. The act defines the term "published" for purposes of publishing legal notices and specifies that, in circumstances where there is no newspaper published in a particular county or an adjoining county, a legal

notice may be published in a newspaper having general circulation within the county.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** August 8, 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. 12-1282** Subdivision plan review - board of county commissioners review requirements - geological survey exempt from review requirements upon written request by the board. The Colorado geological survey, upon written request from a board of county commissioners or its authorized representative, is exempt from having to perform an evaluation of the geological factors that would have a significant impact on the land of a proposed subdivision that is under review by the board.

**APPROVED** by Governor May 11, 2012

**EFFECTIVE** August 8, 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. 12-1285** Intergovernmental agreement between local governments and counties to mitigate forest land or wildland fires - requirements for municipalities that own any land area inside county for utility purposes - required consultation with utility providers with facilities in areas subject to agreement. If a municipality owns land for utility purposes 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, then, on or before July 1, 2012, the municipality shall either:

- 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 municipality and county; or
- Enter into an agreement with the Colorado state forest service for the purpose of mitigating forest land or wildland fires affecting the contiguous land areas of the municipality and county, and provide notification of the agreement to any county in which the municipality owns any land area.

In association with the governmental parties entering into any intergovernmental agreement or agreement with the Colorado state forest service, the parties to the agreement are required to consult with any utility providers that have facilities in the areas subject to the agreement to the extent the provisions of the agreement will affect the providers.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** April 6, 2012

## GOVERNMENT - LOCAL

**S.B. 12-149** Defined benefit plans - modification of benefits and age and service requirements. Until July 1, 2017, the board of a defined benefit plan or system created by a local government is authorized to modify the benefits and the age and service requirements for any such plan or system when the board determines the modification is required to ensure the sustainability of the plan or system. Any modifications to the benefits and age and service requirements shall not adversely affect vested benefits already accrued by members of such defined benefit plans or systems, including, but not limited to, members who are retired or eligible to retire as of the effective date of the modifications, unless otherwise permitted under or required by Colorado or federal law.

Boards of defined benefit plans or systems are required to provide written notice to each member, inactive member, and beneficiary that the possibility of a reduction of benefits to ensure the sustainability of the plan or system could occur in the future.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** May 29, 2012

**H.B. 12-1018** Fire and police pension association - social security supplemental plan - repeal of optional affiliation. The act modifies the social security supplemental plan by repealing provisions related to optional affiliation by any employer (social security employer) that covers members under the federal "Social Security Act", as amended, or any county that covers salaried employees whose duties are directly involved with the provision of law enforcement or fire protection, as certified by the county under the federal "Social Security Act", as amended.

With one exception, any social security employer is limited to electing affiliation with the fire and police pension association only as to coverage under the statewide defined benefit plan. A social security employer is allowed to elect coverage under the statewide death and disability plan if the social security employer files with the board of directors of the association a resolution to that effect by the governing body of that social security employer.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** August 8, 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. 12-1029** Incentive payment or credit for property taxpayer - local government authority - new business facility - expand existing business facility. Counties, municipalities, and special districts currently have statutory authority to negotiate for an incentive payment or credit with a taxpayer who establishes a new business facility or expands an existing business facility. The maximum amount of the payment or credit is 50% of the amount of taxes levied by the respective local government upon the taxable business personal property located at or within the business facility and used in connection with the operation of the business facility for the current property tax year.

The act increases the maximum amount of the payment or credit to the total amount

of the taxes levied by the respective local government upon such taxable business personal property.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** August 8, 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. 12-1031** Fire and police pension association - board authority to make amendments to plans. The board of the fire and police pension association is authorized to make amendments to plans for the administration of benefits, so long as the amendments do not result in an actuarial cost to the plans and the board deems the amendments prudent and necessary in order to consistently and uniformly manage the plans under the board's administration.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** August 8, 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. 12-1077** Fire and police pension association - investment confidentiality - modification of definitions. With respect to provisions addressing investment confidentiality, the definition of "investment information" is modified to include information whose release might cause competitive harm to an investment vehicle, investment manager, general partner, fund sponsor, or investment fiduciary. The term "portfolio company" is replaced with the term "investment vehicle" and includes sponsored funds, limited partnerships, and limited liability companies.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** August 8, 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. 12-1117** Solicitation occurring adjacent to roadways - charitable organizations permitted - conditions. The act gives state approval for a local government, in its discretion, to allow charitable organizations to solicit contributions from motorists for charitable purposes on a maximum of 5 days per charitable organization per calendar year.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** March 22, 2012

## GOVERNMENT - SPECIAL DISTRICTS

**H.B. 12-1239** Domestic water or sanitary sewer service - provision by special district - requirement of county approval for expansion of service area. The act prohibits a special district from furnishing domestic water or sanitary sewer service directly to residents and property owners in unincorporated territory of a county that has not approved the district's service plan unless the district notifies the board of county commissioners of the county of its plan to furnish the service and the board approves the plan. The board may hold a public hearing and reasonably require the district to provide information and data before approving such a plan.

The board must also provide public notice of such a plan in the district's proposed expanded service area and allow any owner of property in the proposed expanded service area to request to be excluded from the area. The requirements of the act do not apply if:

- A district provides domestic water or sanitary sewer service only to private property owners who have agreed in writing to receive such service;
- A district provides domestic water or sanitary sewer service within the boundaries of another governmental entity pursuant to an intergovernmental agreement;
- A district provides storm drainage or storm sewer services within the county into which expansion is proposed; or
- As of May 11, 2012, the district is providing or has been approved to provide domestic water service or sanitary sewer service within the unincorporated area of the county into which expansion is proposed.

**APPROVED** by Governor May 11, 2012

**EFFECTIVE** May 11, 2012

## GOVERNMENT - STATE

**S.B. 12-10** Department of public safety - Colorado bureau of investigation - authority to use grants and donations. The department of public safety is authorized to use gifts, grants, and donations to fund the activities of the Colorado bureau of investigation.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-26** State agency - promulgation of rules - state mandate - compliance with existing law - feedback from local governments. Currently, a state agency (agency) is prohibited from promulgating a rule that requires a local government to undertake a specific activity or to provide a specific service that satisfies minimum state standards (state mandate) unless the state provides additional moneys to reimburse the local government for the additional costs. The act includes this requirement in the "State Administrative Procedure Act".

For each proposed rule that includes a state mandate, an agency is required to provide information to the director of the office of state planning and budgeting (director) relating to the rule and consultations with elected officials and other representatives of local governments. The agency is prohibited from conducting a public hearing on the proposed rule unless it receives a written notice from the director that the information complies with the law. The agency must include the information and the director's notice in the agency rule-making record and provide copies of them to the executive committee of the legislative council.

An agency is also required to develop a process to actively solicit the input of elected officials and other representatives of local governments into the development of proposed rules affecting a local government.

The act permits an agency to adopt a temporary or emergency rule without complying with these new requirements, but compliance is required in order for the rule to become permanent.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-40** Capital construction - controlled maintenance funding eligibility - higher education institutions - academic and auxiliary facilities. All academic facilities acquired or constructed, or an auxiliary facility repurposed for use as an academic facility, solely from cash funds held by the institution and operated and maintained from such cash funds or from state moneys appropriated for such purpose that were not previously eligible for controlled maintenance funding will qualify for state controlled maintenance funding subject to specific limitations.

Eligibility for state controlled maintenance funding commences on the date of the acceptance of the construction or repurposing of the facility or the closing date of any

acquisition. Such date of acceptance shall be determined by the office of the state architect.

The office of the state architect is required to collaborate with the department of higher education and the office of state planning and budgeting to develop guidelines regarding the classification of academic facilities and auxiliary facilities. The act provides the two factors that must be considered in the classification and specifies definitions to be used in the guidelines.

**APPROVED** by Governor April 16, 2012

**EFFECTIVE** April 16, 2012

**S.B. 12-41** Department of revenue - commercial vehicle enterprise tax fund - continuous appropriation. The commercial vehicle enterprise tax fund (fund) consists of fines on overweight commercial vehicles. Among other things, moneys in the fund are annually appropriated to the department of revenue to refund sales and use taxes paid related to certain commercial vehicles. The act changes the annual appropriation requirement to a continuous appropriation to the department for the same purpose.

**APPROVED** by Governor May 9, 2012

**EFFECTIVE** May 9, 2012

**S.B. 12-72** Department of local affairs - memorandums of understanding with volunteer organizations - Colorado mounted rangers. The Colorado mounted rangers (rangers) are included among the volunteer organizations that may provide services to a county sheriff, local government, local emergency planning committee, or state agency (state or local agency) pursuant to a memorandum of understanding.

Current law provides that a volunteer organization may provide services to a state or local agency pursuant to a memorandum of understanding in the event of a disaster. The act expands this provision to allow a volunteer organization to provide services in other circumstances as required.

A member of the rangers and any other volunteer organization lending assistance to a state or local agency is an authorized volunteer for the purposes of governmental immunity.

The executive director of the department of public safety; the director of the Colorado bureau of investigation; the executive director of the department of corrections; the division of emergency management; the office of preparedness, security, and fire safety; and a county sheriff, police chief, town marshal, or any other law enforcement organization who enters into a memorandum of understanding pursuant to the provisions of this act with the rangers or a member of the rangers is solely responsible for, and in direct control of, the performance of any ranger, including incurring any and all liabilities for misconduct, and is responsible for addressing any misconduct as if the ranger were a full-time employee of the organization.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** August 8, 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. 12-96** Office of information technology - contract amendments - information technology resources - extension of authority. The office of information technology is

authorized to negotiate amendments to existing contracts entered into by any state agency for information technology resources. Contract amendments may include expanding the scope of the contract to include additional state agencies, extending the term of the contract, and improving cyber security. The act continues the office's authority to amend these types of contracts for an additional 2 years, until June 30, 2014.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**S.B. 12-111** Full-time equivalent employees - departmental reports. The act makes the following changes to a departmental report related to full-time equivalent employees (FTEs):

- The report will be prepared on an annual basis;
- A department is not required to reconcile the number of positions authorized with the number of payroll warrants issued;
- The department of higher education is to report the number of positions authorized at each institution of higher education; and
- Each department will submit its reconciliation or report to the department of personnel, and the department of personnel will submit the report to the office of state planning and budgeting and the joint budget committee.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** August 8, 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. 12-112** Annual general appropriation act - headnote - definition - full-time equivalent employee. For purposes of the headnote definition used in the annual general appropriation act, the definition of full-time equivalent employee (FTE) generally means the budgetary equivalent of a permanent position that is filled for at least 2,080 hours per year. The act allows the hours per year to be adjusted to account for the actual number of work hours in a given fiscal year.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** August 8, 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. 12-114** Tobacco litigation settlement - disputed payments - expansion of definition. Before the enactment of this act, the law had required all tobacco litigation settlement disputed payments to be credited to the state general fund, but it would not have required any disputed payments to be so credited in the future because it defined "disputed payments" to include only payments received by the state between July 1, 2008, and June 30, 2011. The act expands the definition of "disputed payments" to include all payments received by the state on or after July 1, 2008, that otherwise meet the criteria for being disputed.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** March 19, 2012

**S.B. 12-124** Regional tourism projects - approval limit. Current law limits the number of regional tourism projects that the Colorado economic development commission may approve to 2 initial projects plus 2 additional projects in each of the calendar years following the year in which the commission approves 2 initial projects. The act eliminates the 2 project per year limit while retaining the total limit of 6 projects and specifies that a properly submitted pending application must be approved or disapproved without any delay, restart, or material alteration of the review process due to subsequent changes in application submission requirements or application review procedures before the commission may consider new applications that are subject to the new application submission requirements or new application review procedures.

**VETOED** by Governor May 4, 2012

**S.B. 12-145** Public school lands income - cap on 2011-12 transfer to state public school fund. The act caps the 2011-12 state fiscal year transfer of interest and income earned on the investment of moneys in the public school fund to the state public school fund at \$26 million and ensures that for the 2011-12 state fiscal year, after the transfer for purposes of the BEST program, the remaining interest and income earned on the investment of moneys in the permanent school fund remain in the fund and become part of the principal of the fund.

The act ensures that all proceeds from the sale of timber on public school lands, rental payments for the use of the surface of the lands, and rentals or lease payments for minerals on the lands are to be deposited into the permanent school fund to become part of the principal of the fund in the 2011-12 state fiscal year. The 2011-12 state fiscal year transfer from royalties and other payments for the depletion or extraction of a natural resource on public school lands to the state public school fund is capped at \$21 million and a portion of the royalties and other payments for the depletion or extraction of a natural resource on the lands are ensured to be deposited into the permanent school fund to become part of the principal of the fund for the 2011-12 state fiscal year, after transfers to specific state land board funds and the BEST program.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

**S.B. 12-146** Statutory code of ethics - limitations - acceptance by governmental actors of benefits from persons able to be rewarded with official action. The statutory rules of conduct for all public officers, members of the general assembly, local government officials, and employees (covered individuals) are amended to include, as an economic benefit tantamount to a gift of substantial value used in the determination of whether a covered individual has accepted an unethical gift, the acceptance by the covered individual of goods or services for his or her own personal benefit offered by a person who is at the same time providing goods or services to the state or a local government, under a contract or other means, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates a fair and legitimate transaction.

The act adds to the existing list of ethical principles for public officers, local government officials, and employees the principle that public officers, local government officials, and employees are discouraged from assisting or enabling members of their immediate family in obtaining employment, a gift of substantial value, or an economic

benefit tantamount to a gift of substantial value from a person whom the officer, official, or employee is in a position to reward with official action or has rewarded with official action in the past.

The statutory rules of conduct for local government officials and employees are amended to include a prohibition on the acceptance by such an official or employee of goods or services for his or her own personal benefit offered by a person who is at the same time providing goods or services to the local government for which the official or employee serves, under a contract or other means, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates a fair and legitimate transaction.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** April 12, 2012

**S.B. 12-150** State treasurer - authority to manage state public financing - rules. In order to provide more centralized management of the state's public financing structure, section 1 of the act requires the state treasurer to act as the issuing manager for certain approved issuances or incurrences of financial obligations by the state acting by and through any state agency. Section 1 also:

- Specifies that the state treasurer has the sole discretion to manage the issuance or incurrence of such financial obligations, except for certain financial obligations of state institutions of higher education, subject to the criteria established in a state public financing policy to be promulgated as required;
- With respect to any state financial obligation, requires the state treasurer to, at minimum, determine the financing structure and term, decide the market timing, and select or hire, as applicable, the state financing team;
- Requires a state agency to provide written notice to the state treasurer of any anticipated issuance or incurrence of a financial obligation;
- Requires a state agency to provide the state treasurer with the information that the state treasurer considers necessary to act as the issuing manager for the issuance or incurrence of financial obligations and to comply with federal and state securities laws and contractual covenants;
- Requires the state treasurer, in performing his or her duties as the issuing manager, to consider any relevant factors that he or she considers necessary to protect the financial integrity of the state;
- Clarifies that the state treasurer is the elected representative and signatory for all forms required by the internal revenue code to be filed in connection with issuances or incurrences of financial obligations by the state acting by and through a state agency;
- Requires the state treasurer to collaborate with the state controller, the office of state planning and budgeting, bond counsel, the attorney general, and the capital development committee in developing and then promulgating by rule a state public financing policy and provides a list of items that must minimally be included in the policy;
- Requires all state institutions of higher education to report specific information to the state treasurer related to financial obligations, the principal amount of which is one million dollars or more, that the treasurer does not manage on an institution's behalf;
- Requires the department of transportation to report specific information to the state treasurer related to financial contracts or instruments;

- On and after July 1, 2012, requires the issuance or incurrence of every financial obligation that the state treasurer manages to include a specified amount to be paid to the state treasurer and credited to the state public financing cash fund, to be used to reimburse the state treasurer for verifiable costs incurred in performing or overseeing the state's primary issuance compliance and post-issuance compliance responsibilities over the term of a financial obligation; and
- Requires the state treasurer to create and maintain a correct and current inventory of all state-owned real property that is used as leased property or as collateral in any type of financial obligation. The state treasurer must annually provide a copy of the inventory to the capital development committee.

Section 2 of the act requires a certain group of state agencies to notify the state treasurer when they enter into agreements for an exchange of interest rates, cash flows, or payments as provided in law.

Section 3 of the act requires a qualified charter school to provide the state treasurer with certain information when the state treasurer authorizes expenditures from the state charter school debt reserve fund or the state charter school interest savings account of the fund.

The act decreases an appropriation made to the department of personnel for the 2012-13 fiscal year by \$42,961 and 0.5 FTE for the implementation of the act.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

**S.B. 12-152** Administrative Organization Act of 1968 - Information Coordination Act - filing of reports with the general assembly. The act updates the reporting requirements of the "Information Coordination Act", which includes a procedure to be followed whenever an entity is required or allowed to file a report with the general assembly. The act requires the reporting entity to file one electronic copy of the report with the joint legislative library in PDF format rather than 6 hard copies and to provide a hyperlink to the web site where the report is located if the report is directly accessible via the internet. The reporting entity will still file 4 hard copies with the state librarian for the state publications depository and distribution center. If the reporting entity cannot provide an electronic copy of the report, then it must deliver 6 hard copies to the joint legislative library. The joint legislative library thereafter will deliver the electronic or hard-copy report to the legislators, legislative committees, or legislative staff who are to receive it.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** August 8, 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. 12-156** Department of personnel - gifts, grants, and donations - custodial funds - authority to expend. Currently, the executive director of the department of personnel, or a designee of the director, is authorized to accept gifts, grants, and donations for any purpose connected with the work and programs of the department. The act expressly authorizes the

executive director or designee to expend these gifts, grants, and donations that are custodial funds.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** August 8, 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. 12-158** Department of local affairs - division of housing - consolidation of public housing agencies. The division of housing in the department of local affairs (DOLA) is a public housing agency that provides financial and other assistance to individuals in low- and moderate-income households. The division also administers various state housing programs and the supportive housing program, a public housing agency that provides financial and other assistance to persons with disabilities. The act consolidates the 2 public housing agencies so that the division of housing in DOLA is the only public housing agency and serves as the sole state agency for the purpose of administering and distributing financial housing assistance to persons in low- and moderate-income households and to persons with disabilities.

The act requires the division of housing in DOLA to administer the homeless prevention activities program.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

**S.B. 12-166** Office of economic development - reports - annual report required - coordination of reporting dates. The Colorado office of economic development (office) is required to submit a report annually to the general assembly describing the office's programs. The annual report must be made on or before November 1, and the duty to make the annual report continues indefinitely. For reports currently required from the office, the Colorado international trade office, or the economic development commission, the act makes November 1 the date by which the reports must be submitted.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** August 8, 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. 12-168** General fund - transfers - reserve requirement - trigger - delay. There are 2 general fund obligations that apply for each fiscal year in a period of 5 fiscal years. First, there must be a reserve in the general fund that is a specified percentage of the amount appropriated for expenditure from the general fund. Second, a percentage of the total general fund revenues must be transferred to the capital construction fund and the highway users tax fund. The 5-year period of reserve and transfer requirements begins in the fiscal year 2012-13, unless a trigger is not met. The trigger is met if Colorado personal income grows by at least 5% during the 2012-13 fiscal year, which is growth from the calendar year 2011 to the calendar year 2012. If the trigger is not met, then the reserve and transfers are not required until the first fiscal year that there is at least 5% of growth in Colorado personal income based on the equivalent later calendar years. Once the trigger is met, then all 5 years

of the reserve and transfer requirements will apply.

The act eliminates the prior trigger mechanism and suspends the initial reserve and transfer requirements until the first year after the personal income trigger is met. The "personal income trigger" is defined to mean an increase in annual Colorado personal income from one calendar year, starting with 2011, to the next calendar year thereafter by an amount equal to 5% or more. As compared to the prior trigger, this change adds a year between the trigger occurring and the initial reserve and transfer requirements.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

**H.B. 12-1002** Rules - permits - applicability of existing or new rules and written statements of agency interpretation - exceptions. The act creates the "CLEAR Act", which stands for "Creating Level Expectations For Application Review".

The act amends the "State Administrative Procedure Act" (APA) to state that the rules and any written statements of agency interpretation of the statutes of a state agency in effect on the date that a person applies for a new or renewed permit govern the application for a new permit or for renewal of the permit. If the rules or any written statements of agency interpretation governing the agency's permit process or the requirements to qualify for a permit have been amended, the agency must grandfather in the application under the rules and any written statements of agency interpretation in effect on the date of the application, unless the agency determines in writing that:

- The new rules materially affect the health and safety of the public and that use of the rules in effect on the date of application is likely to result in an unsafe situation if the applicant does not comply with new rules; or
- New rules or new requirements are necessary to ensure that the agency and the permit will be in compliance with the requirements of federal law and federal regulations; or
- New rules or new requirements are necessary to ensure that the agency and the permit will not be in conflict with state statutes; or
- New rules or new requirements are necessary to ensure that the agency and the permit will be in compliance with the requirements of a court order.

If the agency determines that one of these four exceptions will occur, the agency must treat the application as pending, provide a written notice to the person that states the reasons the application is incomplete, and give the person a reasonable opportunity to comply with the new law or new requirements.

The act states that if an agency adopts or amends rules that govern or impact the application process or any permit eligibility requirements after a person has applied for a permit or renewal of a permit and while the application is pending with the agency, the person shall have the option to have the application processed under the rules in existence at the time of the filing of the application or under the new rules.

The act defines "permit" as a grant of authority by an agency that authorizes the holder of the permit to do some act not forbidden by law but not allowed to be performed without such authority. "Permit" does not include a professional license issued by a licensing board or agency to conduct a profession or occupation. "Permit" does not include a registration or

certification issued by a board or state agency to an individual to pursue a profession, practice, or occupation. "Permit" does not include a water well permit issued by the state engineer.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** August 8, 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. 12-1005** Public funds - legal investments. The act clarifies that it is legal to invest public funds in any nonsubordinated corporate or bank security that:

- Is denominated in United States dollars;
- Matures within 3 years from the date of settlement;
- At the time of purchase carries at least 2 credit ratings from any of the nationally recognized statistical rating organizations; and
- Is not rated below "A1, P1, or F1" or their equivalents by either rating if the security is a money market instrument such as commercial paper or bankers' acceptance or is not rated below "AA- or Aa3" or their equivalents by either rating if the security is any other kind of security.

The act also prohibits the investment of public funds in a subordinated security issued by or guaranteed by one of several specified federally created and controlled entities and prohibits investment in a security issued by a corporation or bank that is not organized and operated within the United States unless the governing body of the public entity authorizes investment in such securities.

**APPROVED** by Governor March 7, 2012

**EFFECTIVE** March 7, 2012

**H.B. 12-1008** Rules - notice to representative groups of proposed rule-making - notice to general assembly of increases in fees and fines - departmental regulatory agendas. An executive branch agency of state government considering adopting rules shall establish a representative group of participants with an interest in the subject of the rule-making to submit views or otherwise participate in conferences or to participate in the rule-making hearing on the proposals under consideration. If the agency convenes a representative group prior to issuing a notice of proposed rule-making, the agency shall include the group participants in the notice of the actual rule-making hearing.

If an agency proposes a rule to increase fees or fines, at the time of giving notice of proposed rule-making under the State Administrative Procedure Act or within 10 days following the adoption of an emergency or temporary rule that increases fees or fines, the agency shall send a written or electronic notification to each member of the general assembly notifying the members about the proposed rule or about the adoption of an emergency rule and specifying the amount of the increase in the fees or fines.

Principal departments of state government shall submit a departmental regulatory agenda each November 1 to the legislative council staff for distribution to the applicable oversight committee of reference of the general assembly. The departmental regulatory agenda shall include:

- A list of new rules or revisions to existing rules that the department expects to propose during the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- An update and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Each principal department shall present its departmental regulatory agenda to the applicable oversight committee of reference of the general assembly during the departmental presentations on strategic plans and performance-based budgeting held during the first 15 days of the legislative session.

**APPROVED** by Governor May 17, 2012

**EFFECTIVE** May 17, 2012

**H.B. 12-1009** Federal moneys - annual reporting requirements - departments and agencies. The act modifies the information that each department and agency of the executive branch is required to provide in an annual report to the state controller regarding all federal moneys received by the department or agency. A state institution of higher education is excluded from the new reporting requirements.

**APPROVED** by Governor April 16, 2012

**EFFECTIVE** August 8, 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. 12-1015** Sunrise review process - review of proposal to regulate professional group - deadline for applications and issuance of sunrise report - limits on department's ability to decline a sunrise review. Under current law, persons proposing the regulation of a currently unregulated professional or occupational group must submit the proposal to the department of regulatory agencies (department), and the department normally must conduct a sunrise review and analysis of, and issue a sunrise report and recommendations on, the proposed regulation within 120 days after the proposal was submitted. However, the department need not conduct a sunrise review of a proposal if the department finds that:

- The proposed regulatory scheme would regulate less than 250 people;
- The department previously reviewed the same professional or occupational group and determines that it would not change its recommendations contained in the prior review;
- A majority of states regulate the same profession or occupation; or
- The unregulated profession or occupation poses an imminent threat to public health, safety, or welfare, in which case the department is to promptly notify the proponents and the general assembly and recommend regulation of the profession or occupation.

When the department declines to conduct a review, current law requires the department to notify the proponents and the general assembly of its decision, and the proponents may pursue legislation to regulate the profession or occupation during the next

2 regular legislative sessions of the general assembly or, if the notice is issued during a regular legislative session, legislation may be presented during that legislative session as well.

The act modifies the sunrise review process for analyzing proposals to regulate an unregulated professional or occupational group submitted on or after July 1, 2012, as follows:

- Requires regulation proponents to submit a proposal by December 1 of any given year in order to obtain a review and report by October 15 of the following year;
- Requires the department to issue sunrise reports no later than October 15 on proposals submitted by December 1 of the prior year;
- Conditions the department's duty to conduct a review on the receipt of signatures from at least 10 persons requesting the review;
- Eliminates the ability of the department to decline to review a proposal in all cases except when the department finds the profession or occupation poses an imminent threat, or has previously reviewed the same proposal, issued a report less than 36 months before the current proposal was submitted, and finds that its conclusions would be the same as in the initial report, in which case the department may reissue its original report by October 15 of the year following the year in which the proposal was submitted;
- When the department declines a sunrise review because it finds the profession or occupation poses an imminent threat, requires the department to notify the legislative council of the general assembly of its finding and the basis for its finding, and requires the legislative council to conduct a hearing to examine the department's findings and determine whether it concurs; and
- If a report is issued or reissued or an imminent threat finding is made and concurred in by the legislative council during a legislative session, eliminates the ability of proponents to pursue legislation to regulate the profession or occupation during that same legislative session.

The changes to the sunrise process do not affect proposals to regulate a profession or occupation that are submitted prior to July 1, 2012.

The act applies to proposals to regulate a professional or occupational group submitted to the department of regulatory agencies on or after July 1, 2012.

**APPROVED** by Governor March 15, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1019** Motor carrier services division - abolition - transfer of ports of entry, commercial driver's licenses, and international registration plan functions. The act abolishes the motor carrier services division (division) of the division of motor vehicles of the department of revenue (department) and transfers the powers, duties, and functions of the division by **type 3** transfers as follows:

- It transfers the ports of entry section of the division to the Colorado state patrol of the department of public safety.
- It transfers the powers, duties, and functions of the division relating to commercial driver's licenses to the department.
- It transfers the powers, duties, and functions of the division relating to the international registration plan to the department.

The act also defines the term "port of entry officer" and makes multiple appropriations for the 2012-13 fiscal year in order to fund its implementation.

**APPROVED** by Governor April 26, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1036** Colorado Open Records Act - exemption for investigative files - ballots. Investigative files of ongoing civil or administrative investigations conducted by a state agency for cases arising on or after August 19, 2011, are exempt from the "Colorado Open Records Act" (CORA). Records of closed investigations are not exempt; except that the custodian of the records is not required to disclose certain identifying information. Any agency may disclose information during an open investigation if disclosure is in the interest of public health, welfare, or safety.

The act prohibits a designated election official from fulfilling a request under CORA for the public inspection of ballots during the period commencing with the 45th day preceding election day and concluding with the date either by which the official is required to certify an official abstract of votes cast for the applicable candidate contest or ballot issue or ballot question, as applicable, or by which any recount is completed under pertinent statutory provisions, whichever date is later. The denial of public ballot inspection (stay) applies to any internal batch reports generated by a designated election official for the specific purpose of auditing ballots received in the course of conducting an election.

The stay applies to a recount undertaken as provided by law; except that, during the stay period, an interested party may inspect and request copies of ballots in connection with the recount without having to obtain a court order granting such inspection. An interested party may witness the handling of ballots involved in the recount to verify that the recount is being conducted in a fair, impartial, and uniform manner so as to determine that all ballots that have been cast are accurately interpreted and counted but the interested party cannot handle the original ballots. Nothing in the act prohibits an interested party from requesting copies of ballots in connection with a recount, affects the conduct of a recount, or affects the rights of an interested party in connection with a recount.

Public inspection of election records is not restricted; except that, for purposes of the act, election records do not include ballots.

Prior to and later than the stay period, ballots are required to be made available for inspection by the public in accordance with the following requirements:

- The records or ballots must remain in the custody of the official or his or her designee. The official or his or her designee must determine the manner in which the records or ballots may be viewed by the public.
- The designated election official or his or her designee must cover or redact any markings or message on a ballot that may identify the elector who cast the ballot before the ballot is made available for public inspection.
- To protect the privacy of particular electors, any ballots cast by electors within groups of discrete individuals who are more susceptible of being personally identified must be made available for public inspection only to the extent such ballots may be duplicated without identifying elector information. Ballots will not be made available for inspection where the ballot is identical to only 9 or fewer ballots among all ballots used in the same election.
- To protect the privacy of particular electors, the official may present ballots for

- inspection in random order.
- For the purpose of minimizing the costs of making ballots available for public inspection, the person seeking the inspection may indicate the candidate contest, ballot issue, or ballot question for which the person seeks to inspect the ballots.
  - The official making the election records and ballots available for inspection may charge any actual costs to the person requesting the inspection of the records or ballots. If the official selects a person other than an employee of his or her office to conduct the duties required by the act, the actual costs to be charged the person seeking inspection are limited to the actual costs that would have been incurred if the work involved in complying with the requirements of the act was completed by an employee of the official.

The act does not affect the rights of a watcher or the operation of a canvass board.

**APPROVED** by Governor June 7, 2012

**EFFECTIVE** June 7, 2012

**H.B. 12-1052** Department of regulatory agencies - division of registrations - health care work force data collection - appropriation. The act requires the director of the division of registrations in the department of regulatory agencies (director) to implement a system to collect health care work force data from health care professionals who are eligible for the Colorado health service corps, from practical and professional nurses, and from pharmacists. The act requires a voluntary advisory group designated by the director of the primary care office to recommend the structure of the data elements to be collected regarding specific information about each health care professional and his or her practice. The advisory group is repealed on September 1, 2022, pursuant to the sunset law. The director is authorized to accept and expend any gifts, grants, or donations that may be available from any private or public sources for the implementation of the data collection system.

The act appropriates \$36,745 from the division of registrations cash fund to the department of regulatory agencies, of which \$35,520 is appropriated to the governor - lieutenant governor - state planning and budgeting for allocation to the office of information technology.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1053** Victims' rights - new crimes - social security number and address confidentiality - notification of post-conviction DNA testing - accommodation if unable to attend. The act adds the following crimes to those that are included in the victims' rights statute: Trafficking in adults, trafficking in children, first degree burglary, retaliation against a judge, and retaliation against a juror. The definition of victim is expanded to include a grandchild.

The act requires those responsible for criminal justice records to use reasonable efforts to redact social security numbers of victims and witnesses from criminal justice records. In addition, the victim has the right to be notified of how to request protection of their address pursuant to the Colorado rules of criminal procedure, and the district attorney must inform a victim about the availability of the district attorney to seek a court order to protect the victim's address.

Under current law, a victim must be notified by mail and telephone of all critical stages of a criminal proceeding. Electronic communication is added as a communication option.

The act clarifies that a victim has the right to know when the defendant is released from county jail.

The act clarifies the public records about which a victim has a right to be informed, including a victim impact statement.

The act gives a victim the right to know if a subpoena is requested for records of the victim and to be heard before the ruling is made on the subpoena. A victim also has the right to be informed when the offender is transferred to a nonresidential setting or is terminated from a community corrections program.

If a victim is unable to attend a critical stage of the criminal justice process at which the victim has a right to be heard, the victim may request that the court make reasonable arrangements for the victim to provide input beyond a victim impact statement.

The act adds postconviction DNA testing for purposes of establishing innocence to the definition of "critical stages" of the criminal proceeding about which a victim must be notified.

The act clarifies when a victim must be notified of sentence modification matters, including probation modifications or a modification of a protection order.

A victim who turns 18 years of age may request that he or she become a point of contact for victim notification, but the victim's designee may continue to receive notification as well, unless there are extenuating circumstances.

A victim of a crime that was committed before 1993 whose offender is still serving a sentence for the crime may request notification of future critical stages.

A victim will be permitted to provide a victim impact statement when the offender is referred to community corrections, and the victim has the right to provide a written statement. If the defendant is being considered for a direct sentence to community corrections, the victim has a right to make an oral statement to the community corrections board.

Under current law, a victim has one year from the date of injury to apply for victim compensation unless good cause is shown. The act states "good cause" may be, but is not necessarily limited to, circumstances in which the crime was not solved or reported within a year.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** August 8, 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. 12-1055** Department of regulatory agencies - division of registrations - renamed as division of professions and occupations - sunset review of division. Under current law, the division of registrations (division) in the department of regulatory agencies (department) is

tasked with providing supervision and control of boards that examine and license professions and occupations. The division also provides management support to other autonomous licensing boards. The division is headed by a director of registrations, who is appointed by the executive director of the department.

The act renames the division as the division of professions and occupations and directs the revisor of statutes to correct all references to the division within the 3-year period following the effective date of the act. Additionally, the department is required to conduct periodic reviews of the division and its functions in the same manner it conducts reviews of other governmental entities under the sunset process, but the division is not subject to automatic termination under that process.

The act also renames the division of registrations cash fund as the division of professions and occupations cash fund and directs the revisor of statutes to correct all references to the cash fund within the next 3 years.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** August 8, 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. 12-1070** Gift and honoraria reporting for public officials - statutory code of ethics - harmonization of statutory provisions with Amendment 41 of the state constitution. Statutory provisions concerning the reporting of gifts and honoraria, lobbyist disclosure, the statutory rules of conduct for governmental officials and employees, and campaign contributions to members of the general assembly and the governor during the regular legislative session are modified to harmonize those provisions with the requirements of article XXIX of the state constitution, which article is more familiarly known and referred to as "Amendment 41".

**APPROVED** by Governor May 9, 2012

**EFFECTIVE** August 8, 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. 12-1119** Colorado Water Quality Control Act - enforcement of minor violations - limitations. The act prohibits the division of administration of the department of public health and environment (division) from commencing an enforcement action against a violator for a minor inspection-related or paperwork violation of either a provision of the "Colorado Water Quality Control Act" (Act) or of a permit issued under the Act that governs storm water discharges occurring in connection with construction activities unless the division notifies the violator of the violation and the violator fails to cure the violation within a reasonable time as determined by the division. If a violator fails to cure the violation within a reasonable time, the division may assess a penalty of up to twice the amount of the penalty authorized by existing law. The division must:

- Collaborate with the construction industry and other interested persons to develop more responsive and streamlined processes for preventing violations of the Act and permits issued under the Act and for enforcing such provisions when violations occur; and
- Report to the general assembly no later than December 1, 2012, regarding the

results of the collaboration, planned actions to develop more streamlined and responsive processes, and any legislative recommendations that it may have.

**APPROVED** by Governor June 6, 2012

**EFFECTIVE** June 6, 2012

**H.B. 12-1147** State symbol - state amphibian - western tiger salamander. The western tiger salamander is designated as the state amphibian.

**APPROVED** by Governor March 16, 2012

**EFFECTIVE** August 8, 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. 12-1163** Conditional peace officer status - repealed - provisional status. The act repeals the peace officers standards and training board's authority to grant conditional peace officer status. A peace officer may be granted provisional peace officer status if he or she has been a certified peace officer in good standing in another jurisdiction in the last 3 years.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** August 8, 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. 12-1169** Open meetings law - prohibition on action by state or local public body through secret ballot - exceptions - contemporaneous recording of outcome of vote. The act prohibits a state or local public body from adopting any proposed policy, position, resolution, rule, or regulation or from taking formal action by secret ballot unless otherwise authorized in accordance with the provisions of the state open meetings law. The act permits a state or local public body to elect the leadership of that same public body by secret ballot, and authorizes a secret ballot in connection with the election by a state or local public body of members of a search committee, which committee is otherwise subject to the requirements of the open meetings law, but requires the outcome of the vote to be recorded contemporaneously in the minutes of the body. The act is not to be construed to affect the existing powers of a school board to use a secret ballot.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**H.B. 12-1202** Tobacco education programs fund - adjustments to appropriations to departments of health care policy and financing and public health and environment. For fiscal year 2011-12 or any subsequent fiscal year, the act authorizes the general assembly to appropriate moneys from the tobacco education programs fund to the department of health care policy and financing in order to allow the department to obtain federal matching funds for the Colorado quitline program. Appropriations are made to the departments of health care policy and financing and public health and environment for fiscal year 2011-12 through adjustments to the fiscal year 2011-12 long appropriation bill.

Provisions of the act are contingent upon House Bill 12-1184 and House Bill 12-1194 becoming law.

**APPROVED** by Governor March 1, 2012

**EFFECTIVE** March 1, 2012

**Note:** House Bills 12-1184 and 12-1194 were signed by the governor, February 23, 2012.

**H.B. 12-1206** Cold case task force - extend sunset - add forensic pathologist member. In 2007, the general assembly created the cold case task force (task force) and required a sunset review of the task force by July 1, 2012. The task force sunset date is extended to September 1, 2019. A forensic pathologist is added to the task force membership. The governor will appoint the forensic pathologist to the task force, and the appointee will serve a 3-year term.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** April 12, 2012

**H.B. 12-1209** Legal material - electronic records - official publisher - authentication. The "Uniform Electronic Legal Material Act" (act) drafted by the national conference of commissioners on uniform state laws (commissioners), is enacted. "Legal material" means the constitution of this state, the session laws of Colorado, the Colorado Revised Statutes, and a state agency rule.

If legal material is only published electronically, the official publisher is required to designate the record as official, but if it is published in another format, the publisher may make such designation. In either case, if electronic legal material is designated as official, the publisher is required to meet requirements related to the authentication and preservation of the electronic record and the availability of the preserved electronic record.

Electronic legal material in an electronic record that is authenticated by the official publisher is presumed to be an accurate copy of the legal material. This presumption applies to electronic legal material from states that have adopted a law that is substantially similar to the act.

The official comments issued by the commissioners are published with the act.

**APPROVED** by Governor April 26, 2012

**EFFECTIVE** August 8, 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. 12-1224** Public safety - consolidated communications system authority - creation - duties and powers - sunset review. The act creates the consolidated communications system authority (authority). The membership of the authority is defined as the following entities that use the statewide digital trunked radio system (system) as their primary means of public safety wireless communication:

- Law enforcement agencies and fire departments;

- A licensed ambulance or emergency medical service;
- School districts or schools;
- Agencies of a city, county, city and county, special district or other political subdivision of the state;
- Agencies of an Indian tribe;
- Agencies of the state or federal government; and
- Persons or entities eligible to hold an authorization in the public safety radio pool pursuant to rules of the federal communications commission.

The purposes of the authority include:

- Soliciting and receiving appropriations, grants, and other moneys to expand, upgrade, and operate the system;
- Representing its members in matters concerning network growth, maintenance, upgrade, operation, technology, rules, spectrum allocations, and radio frequency licensing;
- Advising the governor and the general assembly of the development, maintenance, upgrade, and operation of the system;
- Identifying and reporting on operational and capital infrastructure and technology needs of the system; and
- Identifying and reporting on funding options for system sustainability.

The authority is prohibited from levying any taxes, assessing any fee on its members, or taking any assets owned by a member without prior agreement. The authority is terminated on July 1, 2018, unless extended through the sunset review process. The income and property of the authority are exempt from all state and local taxes and assessments.

**APPROVED** by Governor May 9, 2012

**EFFECTIVE** May 9, 2012

**H.B. 12-1231** Driver's license information - access by licensed private investigators, investigative agencies, and security services. The act allows for access to information on driver's licenses and motor vehicle registrations to licensed private investigators, licensed private investigative agencies, and licensed security services. This change conforms state law to the federal "Driver's Privacy Protection Act of 1994".

**APPROVED** by Governor March 16, 2012

**EFFECTIVE** August 8, 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. 12-1244** Inventory of local governmental entities - information and updates required - effect of notice served to agent listed in inventory. The act requires the department of local affairs to update its on-line inventory of local governmental entities with certain information, including information about local governmental entity agents authorized to receive notices of claims under the "Colorado Governmental Immunity Act" (CGIA).

Filing a notice of a claim arising under the CGIA with a person listed as an agent in the inventory is deemed to satisfy requirements for filing such notice. Service to the most

recently listed registered agent is deemed valid if the local governmental entity failed to timely update its registered agent information.

**APPROVED** by Governor May 11, 2012

**EFFECTIVE** August 8, 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. 12-1246** State employees - payroll - employees paid on biweekly basis - elimination of annual payday shift - appropriation. As a result of the payday shift effected by Senate Bill 03-197, payment to state employees who are paid on a biweekly basis is delayed from late June to the first working day in July each year. Commencing with the 2012-13 state fiscal year, the act reverses the payday shift for state employees who are paid on a biweekly basis so that such employees will be paid in June in accordance with their regular 2-week payment schedule.

To implement the payday shift reversal, for the fiscal year beginning July 1, 2012, \$2,081,015 is appropriated to various departments.

**APPROVED** by Governor April 16, 2012

**EFFECTIVE** April 16, 2012

**H.B. 12-1247** Tobacco litigation settlement - moneys - annual reductions in amount of accelerated payments. Before the enactment of the act, the law required over 90% of the allocations of tobacco litigation settlement moneys (settlement moneys) for tobacco programs to be made through payments of settlement moneys received in the same fiscal year in which they are allocated (accelerated payments). Because the state receives settlement moneys in the last quarter of each fiscal year, it uses general fund moneys as working capital to operate tobacco programs until it receives each year's settlement moneys. This de facto loan of general fund moneys creates a risk of loss to the general fund if the settlement moneys received in any given fiscal year are substantially lower than anticipated, which might occur if, for example, the state lost an ongoing legal dispute with tobacco manufacturers.

To reduce the risk of loss to the general fund, the act annually reduces the amount of accelerated payments. The act offsets the annual reductions by repealing the short-term innovative health program grant fund, which currently receives 6% of tier 2 settlement program allocations, and requiring the additional tobacco litigation settlement cash fund moneys made available by the elimination of the grant fund to be used to supplement annual allocations of settlement moneys.

**APPROVED** by Governor March 22, 2012    **PORTIONS EFFECTIVE** March 22, 2012  
**PORTIONS EFFECTIVE** July 1, 2012

**H.B. 12-1248** Department of law - legal services cash fund created - authority regarding gifts, grants, and donations. The act creates the legal services cash fund, consisting of moneys paid by state agencies for legal services provided by the department of law (department). Moneys in the fund are annually appropriated for the costs of providing legal services. The act also authorizes the department to accept and expend, consistent with its

duties and the laws of the state, gifts, grants, and donations.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1249** Tobacco litigation settlement - program reviews and evaluations - funding. Current law requires the general assembly to annually appropriate 0.1% of the tobacco litigation settlement moneys received by the state (settlement moneys) to the office of the state auditor for the costs of conducting program reviews and evaluations of the performance of tobacco settlement programs. The funding comes out of and proportionally reduces the amount of settlement moneys received by all tier 1 tobacco settlement programs reviewed and evaluated during a fiscal year. Beginning with the 2012-13 fiscal year, the act replaces the 0.1% appropriation with an annual allocation to the state auditor's office of \$89,000 of settlement moneys.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**H.B. 12-1263** Employment barriers - public employment - licensing and certifications - use of criminal history. If a public agency requires an applicant's criminal history in the hiring process, the agency may not:

- Unless a statute prohibits a person convicted of a specific crime from serving in that position, indicate that a person with a criminal record may not apply; and
- Inquire or determine the applicant's criminal history until the agency determines that individual is a finalist or makes a conditional offer of employment.

If the applicant has an inactive criminal case or the applicant had a criminal conviction expunged or sealed, received a pardon, had the charges dismissed by successfully completing a deferred judgment or sentence, then the agency shall not use that information as a basis to not make an offer of employment or rescind an offer of employment.

If the finalist or applicant has a criminal conviction, the agency must consider the following factors when deciding whether the conviction disqualifies the applicant from the position:

- The nature of the conviction;
- The relationship between the conviction and the specific position for hire and the bearing, if any, the conviction will have on his or her fitness or ability to perform the duties and responsibilities including, but not limited to, whether the conviction was for unlawful sexual behavior and whether the employment would place the applicant in contact with vulnerable persons;
- Any information produced by the applicant or produced on his or her behalf regarding his or her rehabilitation and good conduct; and
- The time that has elapsed since the applicant's conviction.

The act specifies that a regulatory authority cannot consider an individual's criminal history when granting a state license unless there is a specific statutory disqualification. In

all other cases, the agency is governed by the provisions related to public employment.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** August 8, 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. 12-1268** Health facility construction and inspection section - creation in division of fire safety - transfer of duties and moneys relating to health facility compliance with building and fire codes - role of local entities - functions retained by department of public health and environment. Currently, the division of fire safety (division) in the office of preparedness, security, and fire safety within the Colorado department of public safety conducts construction plan reviews and performs inspections of public school buildings to determine compliance with building and fire safety codes. The department of public health and environment (department) is responsible for such reviews and inspections for health facility buildings.

Effective July 1, 2013, and contingent upon the state receiving a modification of its agreement with the United States department of health and human services pursuant to section 1864 of the federal "Social Security Act", the act transfers to the division the department's functions, personnel, and property directed principally for inspections of health care facilities for conformity to building and fire safety standards. When there is no appropriate local building or fire department, upon request from a local jurisdiction, or when necessary for facilities certified or seeking certification by the federal centers for medicare and medicaid services, the division will be responsible for adopting building and fire safety standards, reviewing plans for construction, performing inspections, issuing certificates of occupancy and compliance, and otherwise assessing and enforcing compliance with building and fire safety standards.

To administer its new functions, the health facility construction and inspection section (section) is created under the division. The act sets forth the administrative duties and processes of the division and the section, as they relate to health facilities.

The act leaves intact the existing authority of a local jurisdiction to adopt and enforce concurrent building and fire safety codes and describes the interaction between local and division oversight and regulations. Further, the act clarifies that the department retains the authority to perform health survey work.

The department is prohibited from licensing a health facility unless the division issues to the department a certificate of compliance certifying that the health facility's buildings and structures conform to the building and fire safety standards adopted by the director of the division. Upon receipt of all required documentation, including such certificate, the department must take action regarding the pending application for licensure within 30 days.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** July 1, 2013

**H.B. 12-1283** Department of public safety - reorganization of subdivisions concerned with homeland security, emergency management, and fire - transfer of duties - appropriation. The act reorganizes and renames the entities under the department of public safety (department) that are concerned with homeland security, emergency management, and fire and transfers

to those entities various powers and duties from other state agencies.

The act renames the office of preparedness, security, and fire safety the division of homeland security and emergency management, which division is responsible for coordinating responses across the state to various disasters. This division is comprised of:

- The office of anti-terrorism planning and training, which is renamed the office of prevention and security;
- The new office of preparedness, which is charged with improving homeland security-related communication, identifying opportunities for training efficiencies, coordinating planning efforts, and administering federal grants for homeland security activities; and
- The office of emergency management, which office is relocated from the department of local affairs. This office's duties include developing and administering the statewide all-hazards resource database and statewide resource mobilization system, the scopes of which are expanded to include all types of hazards, rather than fires alone, and add participation from tribal entities and private sector organizations.

For the purpose of advising the governor's homeland security advisor, the act creates the homeland security and all-hazards senior advisory committee and schedules the advisory committee for sunset review.

The division of fire safety, which is currently organized under the office of preparedness, security, and fire safety, is reestablished directly under the department and renamed the division of fire prevention and control. Qualifications for appointees as director of this division are specified, and three funds are created for this division to administer for various purposes. Additionally, the act divests the state forest service in the Colorado state university system of responsibilities for wildfire response, suppression, and management, and transfers these duties to the division of fire prevention and control. Powers and duties retained by the state forest service are clarified.

As a result of the above reorganizations, the act also makes conforming amendments to current law, which amendments include removing obsolete provisions such as references to the Colorado law enforcement training academy, which no longer exists, and updating statutory language. Statutory provisions relating to disaster relief, civil defense workers' compensation and liability, and emergency planning, including creation of the Colorado emergency planning commission, are relocated under the department. Further, the act adds 2 members to the fire service training and certification advisory board to restore the board to its original composition.

The act makes several appropriations for the implementation of the act.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1286** Colorado office of economic development - Colorado office of film, television, and media - modifications to performance-based incentive program - loan guarantee program created - audit requirement - appropriation. Provisions governing the Colorado office of film, television, and media (office) are modified as follows:

- The office is moved to the office of economic development;

- "Television show" is added to the definition of "film";
- The definition of "film" is modified to exclude an obscene film;
- Sound recording is included in allowable payments for qualified local expenditures;
- The payments allowed for each employee or contractor are reduced from \$3 million to \$1 million;
- A loan guarantee program is created for production activities;
- The state auditor is required to complete a performance audit of the office, the performance-based incentive program for film production in Colorado, and the loan guarantee program no later than July 1, 2017;
- In-state production activities are required to be made up of at least 50% Colorado residents in order to claim a performance-based incentive for film production in Colorado (incentive), instead of the previous 25% requirement;
- The amount of the incentive is increased to 20% of the total amount of the production company's qualified local expenditures;
- Except for television commercials and video games, the amount of qualified local expenditures for a production company that does not originate the film production activities in Colorado is increased to \$1 million;
- The Colorado economic development commission is required to approve all conditional approvals of the incentives granted by the office;
- A production company that has received conditional approval for an incentive is required to retain a certified public accountant or a certified public accounting firm licensed to practice in this state to review and report in writing, and in accordance with professional standards, regarding the accuracy of the financial documents that detail the expenses incurred in the course of the film production activities in Colorado, to provide a copy of the certified public accountant's written report to the office, and to certify in writing to the office that the requirements were met; and
- The Colorado office of film, television, and media operational account cash fund is created. The cash fund includes a \$3 million transfer from the general fund on July 1, 2012.

The act appropriates \$3 million out of any moneys in the Colorado office of film, television, and media operational account cash fund to the Colorado office of film, television, and media for the implementation of the act.

**APPROVED** by Governor May 18, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1288** Information technology projects - administration - comprehensive risk assessment - project budgets and plans - staged review process - purchase of services within definition of "capital construction". In connection with the administration of information technology projects in state government:

- Section 3 of the act requires the office of information technology (OIT) to develop a comprehensive risk assessment that will be applied to every new information technology project to assess risk levels related to the project and determine whether the project should be classified as a major information technology project. The act also requires OIT to establish project budgets for projects of all sizes, including major information technology projects. As part of any major information technology project, the act requires the project plan

- to include specified components.
- Sections 3 and 5 of the act require a state agency to consult with and obtain the approval of OIT in connection with any major information technology project that it plans to undertake.
- Section 4 of the act requires OIT's chief information officer to develop a staged review process for information technology projects that ensures a project meets specific requirements and complies with the project plan approved by OIT.
- Section 6 of the act expands the definition of "capital construction" to include the purchase of services from OIT on the condition that the use of such services is the most cost beneficial option or falls within the duties and responsibilities of OIT or OIT's chief information officer.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** August 8, 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. 12-1315** Governor's energy office - Colorado energy office - new name - changes to office's mission - audit requirement - clean and renewable energy fund - innovative energy fund - appropriation. The act changes the name of the governor's energy office to the Colorado energy office (office). As part of the reorganization of the office, the mission of the office is changed to:

- Sustaining the Colorado energy economy and promoting all Colorado energy;
- Promoting economic development in Colorado through energy-market advances that create jobs;
- Encouraging Colorado-based clean and innovative energy solutions that include traditional and renewable energy sources;
- Promoting energy efficiency;
- Increasing energy security;
- Lowering long-term consumer costs; and
- Protecting the environment.

The duties of the office are aligned with the new mission of the office and include the advancement of innovative energy efficiency, renewable energy, and efficiency throughout the state. The office is required to work with communities, utilities, private and public organizations, and individuals to promote:

- The renewable energy standard;
- Clean and renewable energy, such as wind, hydroelectricity, solar, and geothermal;
- Cleaner energy sources such as biogas and biomass;
- Traditional energy sources such as oil and other petroleum products, coal, and natural gas;
- Energy efficiency technologies and practices;
- Cleaner technologies by utilizing traditional, Colorado-sourced energy; and
- New energy technologies.

The state auditor is required to complete a performance audit of the office no later than January 15, 2017.

The office is required to notify the house of representatives and senate committees of reference to which the office is assigned as part of the "SMART Government Act" when changes are made to:

- Any principles, policies, or performance-based goals that the office has outlined in its strategic plan;
- Office policies related to energy transmission; and
- Office policies that positively or negatively impact the energy sector.

The clean energy fund is renamed the clean and renewable energy fund and includes a \$1,560,491 transfer from the general fund on July 1, 2012, and a \$1.6 million transfer from the general fund on July 1, 2013, and each July 1 thereafter through July 1, 2016. The moneys in the clean and renewable energy fund are not to be transferred to the innovative energy fund.

The act creates the innovative energy fund and specifies that the fund consists of moneys from several sources, including a \$1.5 million transfer from severance tax revenues on July 1, 2012, and each July 1 thereafter through July 1, 2016. The moneys in the fund are to be used by the office to advance innovative energy efficiency throughout the state; except that the moneys are limited to efficiency projects and any other projects related to the severance of minerals subject to taxation under state law. The moneys in the innovative energy fund are not to be transferred to the clean and renewable energy fund.

References to the "new energy economy" are changed to the "Colorado energy economy".

The act repeals the Colorado clean energy development authority and the green truck grant program.

Improvements to the efficiency of traditional energy fixtures are included as part of the definition of "renewable energy improvement" for purposes of local improvement districts funded by the clean energy improvement debt reserve fund.

The act makes several appropriations for the implementation of the act.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1318** Capital construction - controlled maintenance funding - state owned facilities - eligibility timing - guidelines developed by state architect. The act requires the state architect to develop, subject to annual review and approval by the capital development committee, guidelines in order to establish when a state-owned, general-funded building or other physical facility is eligible for controlled maintenance funding. The guidelines shall address the timing of such eligibility with respect to the dates on which acquisition, construction, additions, renovations, or corrective repairs of a state-owned, general-funded building or other physical facility occurred.

The guidelines developed by the state architect are required to provide for a waiver of eligibility requirements that a state agency or state institution of higher education may request in writing. If the state architect determines that special consideration is appropriate, he or she shall seek approval from the capital development committee.

The guidelines are also required to be posted on the web site of the office of the state architect.

The act allows the state architect to use moneys in a newly created emergency controlled maintenance account for emergency controlled maintenance funding when the need for such funding is communicated in writing to the state architect by a state agency or state institution of higher education. The state architect must annually provide a status report to the capital development committee that shows spending for emergency controlled maintenance projects from that account.

**APPROVED** by Governor April 23, 2012

**EFFECTIVE** August 8, 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. 12-1321** State personnel system - merit pay - exemptions - appointments from eligible list - state personnel board - temporary employment - bumping rights - layoff plans. The state personnel system (system) is established in the state constitution. The following changes are contingent upon the voters approving an amendment to the constitutional provisions related to the system in 2012:

- **Merit principles.** The act makes changes to reflect that appointments and promotions will be based on a comparative analysis of candidates based on objective criteria instead of competitive tests of competence. Section 9 of the act requires the state personnel director (director) to develop evaluation and examination procedures, describes a comparative analysis and its acceptable forms, and establishes a right to appeal certain decisions of the director relating to the selection and comparative analysis process to the state personnel board.
- **Exemptions.** Section 12 requires the director to establish procedures to approve the exemption of an employee from the system pursuant to the newly created constitutional exemptions.
- **Appointments from eligible list.** Section 9 makes changes to reflect that the number of persons eligible for appointment within the system is increased from the 3 highest persons on the eligible list to the 6 highest.
- **State personnel board.** Section 5 makes changes to reflect the constitutional changes related to the state personnel board and eliminates language that duplicates constitutional language.
- **Temporary employment.** Section 10 reflects the new constitutional limit on the length of temporary employment and establishes a 4-month-waiting period between temporary appointments for the same position.

For persons within the system, the act replaces the performance awards with merit pay. Section 6 establishes the following features of the merit pay system:

- The purpose of the merit pay system is to provide salary increases for employees in the state personnel system based on performance evaluations and salary positions within the appropriate salary range;
- The initial system must include quartiles for the salary range distribution and 3 performance categories, but the director may change the number of distribution zones or performance categories based on a biennial review;

- The director shall establish one or more priority groups of employees that have priority to receive merit pay based on available moneys;
- An institution of higher education is permitted to enact its own merit pay system;
- Merit pay is subject to available appropriations;
- The general assembly is required to appropriate any moneys for merit pay in suitable personal services line items or other line items that include salary appropriations;
- The director must include information about merit pay in the annual compensation report and recommendations; and
- The state employee reserve fund is created with separate accounts for each principal department. If a department does not expend all of the moneys in specified line item appropriations, the state controller and the state treasurer are required to transfer an amount equal to the unused appropriation to the department's account. Moneys in a department's account are continuously appropriated to the department to be used for merit pay, but the director of the office of state planning and budgeting must preapprove such use.

In addition, section 8 requires each department to include the costs of merit pay as part of the costs of personal services in the annual departmental budget requests.

Section 11 makes the following changes related to persons in the system who are separated from state service due to lack of work, lack of funds, or reorganization:

- Bumping rights, which allow a separated employee to take the job from a person with less seniority, are limited to those persons who, as of January 1, 2013, are within 5 years of being eligible for full retirement;
- The director is required to establish by rule procedures for the separation and demotion of certified employees who do not have bumping rights, which procedures give consideration to performance evaluations and seniority;
- All departments are required to consider placing an employee who would otherwise be separated into a funded, vacant position for which the employee is qualified; and
- The director is required to create a layoff plan that may be used by a department to provide postemployment compensation or other benefits to a separated employee, up to a capped amount based on the employee's service time. The plan may include a hiring preference, payments for health benefits, tuition or educational training vouchers, severance pay, or placement on a departmental reemployment list.

Section 3 establishes an exception for the postemployment compensation authorized by the layoff plan established by the director from the current prohibition on such compensation to any government-supported official or employee.

The changes related to merit pay, bumping rights, and layoff plans are not contingent on the voters approving an amendment to the state constitution.

Certain provisions of the act are contingent on House Concurrent Resolution 12-1001 being approved by the voters at the general election in November, 2012.

**APPROVED** by Governor June 6, 2012

**EFFECTIVE** September 1, 2012

**H.B. 12-1338** State funds - general fund surplus - transfer to state education fund. On the date on which the state controller publishes the comprehensive annual financial report of the state for the fiscal year 2011-12, the state treasurer is required to transfer to the state education fund \$59 million from the general fund surplus for the fiscal year 2011-12.

On the date on which the state controller publishes the comprehensive annual financial report of the state for the fiscal year 2012-13, the state treasurer is required to transfer to the state education fund the entire amount of the general fund surplus for the fiscal year 2012-13.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** August 8, 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. 12-1339** Colorado benefits management system - reporting - funding - appropriations. The act authorizes the general assembly to appropriate moneys for the Colorado benefits management system improvement and modernization project (project).

In addition, the act requires the chief information officer of the governor's office of information technology to submit a written report to the joint budget committee on a quarterly basis concerning the project. Each quarterly report shall include an overview of the project and the management structure of the project. Each quarterly report shall also include a general overview indicator of the status for each project component and a detailed update for each project component.

The statute repeals, effective July 1, 2014.

For fiscal year 2011-12, the act appropriates moneys to the following:

- The department of health care policy and financing (HCPF), for allocation to the department of human services (DHS) for medicaid funded programs, office of information technology services;
- DHS, for allocation to the office of information technology services; and
- The governor's office, lieutenant governor, for allocation to the office of information technology.

Moneys not expended prior to July 1, 2012, are further appropriated for the 2012-13 fiscal year to the departments for the same services.

For fiscal year 2012-13, the act appropriates moneys to the following:

- HCPF, for allocation to DHS for medicaid funded programs, office of information technology services, personal services, operating, and centrally appropriated expenses;
- DHS, for allocation to the executive director's office, general administration;
- DHS, for allocation to the office of information technology services, Colorado benefits management system modernizations for personal services expenses, operating expenses, and contract expenses; and
- The governor's office, lieutenant governor, for allocation to the office of information technology.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

**H.B. 12-1343** State rail bank fund - transfer - general fund. The state treasurer is required to transfer to the general fund any unexpended and unencumbered moneys remaining in the state rail bank fund as of June 30, 2012, which amount is equal to \$9,356,000, plus any interest that accrues.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

**H.B. 12-1344** Capital construction - transfers - budget package act. For the 2011-12 fiscal year, the act reduces the transfer from the general fund to the capital construction fund from \$48,171,749 to \$47,671,749 and specifies a new transfer of \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

For the 2012-13 fiscal year, the act transfers \$59,919,309 from the general fund to the capital construction fund and \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

**H.B. 12-1352** Lower north fork wildfire commission - creation - membership - procedures - staff assistance - investigation of causes of wildfire - recommendations for action - report to general assembly. The act creates the lower north fork wildfire commission (commission), which is comprised of the following 5 members:

- 2 members of the house of representatives, one each appointed by the speaker of the house of representatives and the minority leader of the house of representatives;
- 2 members of the senate, one each appointed by the president of the senate and the minority leader of the senate; and
- The executive director of the department of public safety or his or her designee.

The act requires the commission to select a chair from among its members. The commission is required to meet at such time and such place as designated by the chair; except that the first meeting of the commission is required to take place not later than July 1, 2012. A majority of the members of the commission constitute a quorum.

Members of the commission receive no compensation for serving on the commission; except that commission members are entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties. In the case of the legislative members of the commission, in connection with their necessary attendance at meetings of the commission, such members are entitled to receive the amount provided by law for necessary attendance at a meeting of an interim committee.

In accordance with existing legal requirements, meetings of the commission are public meetings.

Any staff assistance required by the commission is to be performed by existing employees of the legislative staff agencies of the general assembly or the department of public safety within existing appropriations.

During the 2012 legislative interim, the commission is required to investigate, report its findings, and make recommendations for legislative or other action on all matters relating to the lower north fork wildfire, including, without limitation, causes of the wildfire, the impact on the affected community caused by the wildfire, the loss of life and financial devastation incurred by the community, the loss of confidence by the community in the response to the emergency by governmental bodies at all levels, and measures to prevent the occurrence of a similar tragedy. In connection with this duty, the commission is required to solicit and accept reports and take testimony at one or more public hearings held for such purposes. The commission may solicit other sources, including, without limitation, representatives from state and local governments and organizations of citizens, to provide testimony, written comments, and other relevant information.

Not later than December 31, 2012, the commission is required to submit a written report of its findings and any recommendations made pursuant to this section for legislative or other action to the judiciary and local government committees of the senate and the house of representatives. Upon the request of any member of the commission, summaries of dissenting opinions shall be prepared and attached to the final report of the commission's findings and recommendations.

The act is repealed July 1, 2014.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** June 4, 2012

**H.B. 12-1357** Federal mineral lease revenues lease-purchase agreement - state-supported institutions of higher education - capital construction projects - unspent proceeds raised through the 2008 lease purchase agreement - unspent institutional shares of the total project cost - capital development committee determination of how to spend. The act requires the state treasurer to ensure that each state-supported institution of higher education submits a certificate of completion no later than August 1, 2012, for each project funded by the lease-purchase agreement entered into by the state treasurer in 2008. After the certificates of completion are received by the state treasurer, the state treasurer and the state controller are required to calculate the amount of unspent proceeds raised through the 2008 lease-purchase agreement and the amount of the unspent institutional shares of the total project costs. The state treasurer and state controller are required to provide the calculation to the capital development committee in writing no later than August 15, 2012, and the capital development committee must hold a public meeting during the interim to decide what the unspent proceeds should be used to fund. The funding is limited to capital construction projects at state-supported institutions of higher education or, so long as such projects are identified as eligible by bond counsel, controlled maintenance projects at state-supported institutions of higher education.

The capital development committee's decision must be communicated to the state treasurer in writing, and the state treasurer is required to ensure that the approved project or projects are funded from the unspent proceeds raised through the 2008 lease-purchase agreement as soon as possible.

The act also makes transfers necessary to provide to state-supported institutions of higher education a proportionate refund of their cash contributions toward the cost of the project.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

**H.B. 12-1360** State funds - general fund - transfer - Colorado economic development fund. On June 30, 2012, the state treasurer is required to transfer up to \$4,000,000 to the Colorado economic development fund from the amount by which the June 2012 estimate of general fund revenue prepared by the office of state planning and budgeting (OSPB) for the 2011-12 fiscal year exceeds the March 2012 estimate of general fund revenue prepared by OSPB for the 2011-12 fiscal year.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

**H.B. 12-1361** Colorado Governmental Immunity Act - waiver of sovereign immunity - claims against state for injuries resulting from prescribed fire - preclusion of rule of law imposing absolute or strict liability - authorization by general assembly of payment of judgment in excess of maximum liability amounts - recommendation by state claims board of additional payment. In connection with the "Colorado Governmental Immunity Act" (CGIA):

- In addition to any other claims for which the state waives immunity under the CGIA, the act waives sovereign immunity in connection with claims against the state in an action for injuries resulting from a prescribed fire started or maintained by the state or any of its employees on or after January 1, 2012.
- The act specifies that it shall not be construed to constitute a waiver of sovereign immunity if the injury arises from any act, or failure to act, of a state employee if the act is the type of act for which the state employee would be or heretofore has been personally immune from liability.
- The act specifies that the state shall also have the same immunity as a state employee for any act or failure to act for which a state employee would be or heretofore has been personally immune from liability.
- Finally, the act also precludes any rule of law imposing absolute or strict liability from being applied in any action against the state for an injury resulting from a prescribed fire started or maintained by the state or any of its employees. No liability is to be imposed in any such action unless negligence is proven.

The act modifies existing law to clarify the requirements under which an amount may be recovered against the state in excess of the maximum liability amounts specified in the CGIA. The bill clarifies existing provisions to specify that the general assembly acting by bill may authorize payment of all or a portion of a judgment against the state that exceeds the maximum amounts.

The act creates an alternate procedure under which the state claims board, after compromising or settling a claim on behalf of the state for the maximum liability limits under the CGIA, is empowered to determine, in its sole discretion, whether to recommend to the general assembly that the general assembly authorize by bill all or any portion of an additional payment. In determining whether to make such recommendation, the claims board is required to consider interests of fairness, the public interest, and the interests of the state. A recommendation made by the claims board shall not include payment for noneconomic loss or injury and is to be reduced to the extent the claimant's loss is or will be covered by another source, including any insurance proceeds that have been paid or will be paid, and an insurer is denied a right of subrogation, assignment, or any other right against the claimant or the state for any additional payment or any portion of such payment that is approved by

the general assembly. Any additional payment or any portion of such payment approved by the general assembly is to be paid from the general fund.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** June 4, 2012

## HEALTH AND ENVIRONMENT

**S.B. 12-34** Emissions testing - repeal of rapid screen. The act repeals the rapid screen program for identifying high-emitting motor vehicles.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** August 8, 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. 12-48** Colorado cottage foods act - nonpotentially hazardous foods - labeling -licensing exemption - liability exemption - sale of eggs. The act creates the "Colorado Cottage Foods Act", exempting small producers of nonpotentially hazardous foods from the licensing requirements placed on retail food establishments and requiring producers to be certified in safe food handling and processing.

The act limits the liability of food banks that distribute food produced pursuant to the "Colorado Cottage Foods Act". The act also limits the liability of schools and nonprofit organizations when their kitchens are used by producers to prepare goods for sale directly to consumers.

A person who produces and sells less than 250 dozen eggs per month on the premises at which the eggs are produced or at a farmer's market or similar venue does not need to be licensed as a seller of eggs.

**APPROVED** by Governor March 15, 2012

**EFFECTIVE** March 15, 2012

**S.B. 12-77** Yellow grease - regulation. The act repeals statutory provisions relating to the regulation by the Colorado department of public health and environment of the collection, transportation, storage, processing, and disposal of yellow grease.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** April 6, 2012

**S.B. 12-133** Solid wastes disposal - electronic devices - recycling - landfill ban. The act prohibits the disposal of certain consumer electronic devices in landfills, effective July 1, 2013. Disposal in landfills located in communities that are not well-served by an electronic device recycling program may be exempted from the ban. Beginning July 1, 2013, state agencies must arrange for the recycling of such devices with a certified recycler. Recyclers and waste haulers have limited immunity. The department of public health and environment must coordinate with existing public and private efforts pertaining to the development and implementation of a public education program regarding electronic device recycling.

**APPROVED** by Governor April 20, 2012

**EFFECTIVE** August 8, 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. 12-134 Hospitals charges for uninsured patients - financial assistance - information - collections protection.** The act requires each hospital to make available to patients, and to communicate to each patient, information about the hospital's financial assistance, charity care, and payment plan policies in a clear and understandable manner and in languages appropriate to its communities. The act also requires hospitals to offer financial assistance to each qualified patient on a community-specific basis. A qualified patient is defined as an uninsured patient who has a family income of not more than 250% of the federal poverty income level, and who received services at a hospital where the Colorado indigent care program is not available.

A hospital is prohibited from charging a patient more than the lowest negotiated rate from a private health plan for emergency and medically necessary services.

Each hospital is required to fulfill specific obligations before sending a bill to a collection agency for payment.

**APPROVED** by Governor May 7, 2012

**EFFECTIVE** August 8, 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. 12-1034 Environmental control - waste diversion and recycling - tires - appropriation.** Currently, the processors and end users fund, which allocates money to encourage recycling, is scheduled to repeal on July 1, 2012. The act extends that date to July 1, 2020. The department of public health and environment (department) is directed to reimburse a processor for waste tires only if the tire-derived product has been sold or moved off-site. The department is also instructed to identify other markets in the state that are able, without taxpayer or waste tire clean up funds, to eliminate illegal tire dumping and to recycle or reuse waste tires in newer technologies.

The act appropriates \$700,000 from the fund to the department for allocation to the waste tire program for reimbursement of processors and end users.

**APPROVED** by Governor May 9, 2012

**EFFECTIVE** May 9, 2012

**H.B. 12-1041 Vital statistics - electronic death registration system - appropriation.** The act directs the department of public health and environment (department) to create an electronic death registration system for purposes of allowing persons responsible for reporting death information to the office of the state registrar of vital statistics to do so electronically. Within 2 years after the act takes effect, the department is to submit a report to the health and environment committee of the house of representatives and the health and human services committee of the senate, or their successor committees, regarding the development and implementation of the electronic death registration system, detailing staffing level and fee modifications since implementation.

The act appropriates \$743,940 in fiscal year 2012-13 to the department, allocated to the center for health and environmental information division, to implement the act, with:

- \$665,000 for operating expenses of the health statistics and vital records subdivision; and

- \$78,940 for management and administration of the office of information technology (OIT) by the information technology subdivision, which funds are reappropriated to the OIT for the provision of project management services to the department.

**APPROVED** by Governor June 6, 2012

**EFFECTIVE** August 8, 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. 12-1058** Department of public health and environment - infant eye prophylaxis - duties of department repealed. Currently, the department of public health and environment is required to name, approve, and provide, free of charge, a prophylaxis to be used in treating the eyes of newly born infants. The act deletes these requirements and requires the health care provider in charge of the birth to treat an infant with a prophylaxis that is in accordance with the current medical standard of care. The act also deletes the penalty provision for a health care provider who violates the statutes relating to infant eye prophylaxis.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**H.B. 12-1083** Water quality control - animal feeding operations dischargers - fees. In 2009, the general assembly increased the maximum annual fee that the water quality control agency in the division of administration of the department of public health and environment may impose upon concentrated animal feeding operations and housed commercial swine feeding operations dischargers under the "Colorado Water Quality Control Act" until July 1, 2012. The act maintains the current fee structure until July 1, 2015, in order to continue the environmental agriculture program.

**APPROVED** by Governor April 16, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1097** Retail food establishments - closure - procedure. The act specifies that, except in the case of a closure due to an imminent health hazard, proceedings to suspend or revoke the license of a retail food establishment may be commenced only after the imposition of other civil penalties. The act also changes the time period for the assessment of a maximum of 3 civil penalties from a calendar year to any 12-month period.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** April 6, 2012

**H.B. 12-1099** Industrial hemp remediation pilot program - committee - report - cash fund - gifts, grants, and donations - appropriation. The act requires the chair of the agriculture, livestock, and natural resources committee in the house of representatives and the chair of the agriculture, natural resources, and energy committee in the senate to appoint 7 members to the industrial hemp remediation pilot program committee (committee). The committee is required to establish an industrial hemp remediation pilot program (pilot program) to study how soils and water may be made more pristine and healthy by phytoremediation, removal of contaminants, and rejuvenation through the growth of industrial hemp. Growing and possessing industrial hemp is permitted for the purposes of the study. The act requires the committee to make a final report of its findings and submit the report to the executive

director of the department of public health and environment. The committee is authorized to accept gifts, grants, and donations for the pilot program. The pilot program is repealed on July 1, 2022.

The act appropriates \$25,000 out of any moneys in the hemp remediation pilot program cash fund to the hazardous materials and solid waste management division in the department of public health and environment for the pilot program.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1126** On-site wastewater treatment systems - rules - cesspools - fees for indirect costs - appropriation. The act modernizes and simplifies the laws related to on-site wastewater treatment systems (OWTS). Section 1 of the act:

- Replaces the terms "individual sewage disposal system" with OWTS and updates other OWTS-related terms and definitions;
- Eliminates references to disposal of sewage to more accurately convey that sewage is treated;
- Explicitly authorizes performance-based approaches to the regulation of OWTSs;
- Removes specific topics and parameters for which the water quality control commission (commission) and local boards of health are required to promulgate rules, thus allowing those entities greater regulatory flexibility to regulate OWTSs;
- Reorganizes existing law for increased clarity, including relocating provisions pertaining to the issuance of variances from OWTS rules;
- Withdraws from local boards of health, and places within the purview of the commission, the authority to specify by rule mandatory tests that must be performed on OWTSs and allows local boards of health to adopt rules requiring additional studies;
- Strikes references to a distinct "emergency use permit" and instead incorporates the ability of a local public health agency to allow use of a malfunctioning OWTS under the terms of, and concurrent with, a repair permit;
- Defines "cesspool", allows existing cesspools to continue to be used, and prohibits the construction of new cesspools;
- Condenses language pertaining to fees that a local board of health may collect for OWTS-related services, and allows the amount of such fees to be sufficient to offset the indirect costs (in addition to direct costs) incurred; and
- Repeals specific provisions relating to, while reaffirming, the authority of a local board of health to prohibit permits for an OWTS when the OWTS will constitute a hazard to public health or water quality.

Section 9 appropriates 0.1 FTE and \$8,530 from the water quality control fund to the department of public health and environment for the implementation of the act.

**APPROVED** by Governor April 26, 2012

**EFFECTIVE** August 8, 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. 12-1140** Suicide prevention coordination - annual report - coordination with health facilities. The Colorado department of public health and environment (department) is designated in statute as the coordinator for suicide prevention programs throughout the state, and part of the department's duties include submitting an annual report to legislative committees listing all suicide prevention programs in the state and describing the department's effectiveness as programs coordinator.

For reports submitted in 2013 and each year thereafter, the act requires the department to include in the annual report any findings and recommendations it has to improve suicide prevention in Colorado.

The act also authorizes the department, in its coordinator role, to collaborate with all facilities that it licenses or certifies to coordinate suicide prevention services. Facilities treating a person who attempts suicide or exhibits suicidal gestures may provide information and educational materials to the person, or in the case of a minor, to parents, relatives, or other responsible persons to whom the minor will be released, regarding the warning signs of depression, risk factors of suicide, methods of preventing suicide, available suicide prevention resources, and other information concerning suicide awareness and prevention. The department is authorized to work with facilities to determine whether and where gaps exist in suicide prevention programs and services.

**APPROVED** by Governor May 11, 2012

**EFFECTIVE** May 11, 2012

**H.B. 12-1204** Department of public health and environment - regulation of hemodialysis technicians - continuation under sunset law. The act continues the regulation of hemodialysis technicians until 2019. The act also clarifies that the department of public health and environment may verify the qualifications of hemodialysis technicians each time it conducts a routine survey of a licensed dialysis clinic and that physicians and nurses who supervise dialysis technicians must be licensed.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1294** Health facilities - regulation by department of public health and environment - limitations on surveys, inspections, fitness reviews, and fee increases - exclusion of certain community clinics - deemed status - creation of health care facility stakeholder forum - required plan to eliminate redundancies in community residential home oversight - appropriation. Under current law, the department of public health and environment (CDPHE) licenses, and establishes and enforces standards for the operation of, health facilities in the state, including hospitals, rehabilitation hospitals, community mental health centers, acute treatment units, facilities for persons with developmental disabilities, nursing care facilities, hospice care, assisted living residences, and home care agencies. CDPHE conducts periodic, announced and unannounced inspections of licensed facilities to ensure compliance with the standards it develops. The state board of health (board) is required to establish, by rule, a schedule of fees to be assessed against health facilities that is sufficient to meet CDPHE's direct and indirect costs in regulating health facilities.

Additionally, under current law, both CDPHE and the department of human services (DHS) jointly regulate community residential homes for persons with developmental disabilities.

Section 1 of the act declares that the legislative intent of the act is to eliminate duplication and unnecessary government oversight in the regulation of health facilities in Colorado.

Section 2 of the act:

- Requires CDPHE to establish, by rule, a schedule for an extended survey cycle or a tiered inspection or survey system, which it must use for health facilities that have been licensed for at least 3 years, have not been subject to any enforcement activity, have no patterns of deficient practices, as documented in the CDPHE inspections and survey reports, and have not been the subject of any substantiated complaints resulting in the discovery of significant deficiencies that negatively affect the life, health, or safety of consumers of the facilities within the prior 3 years;
- Permits CDPHE to expand the scope of an inspection or survey to an extended or full survey if, during a tiered inspection, CDPHE finds deficient practice; and
- Precludes CDPHE from citing a deficiency from an isolated event that can be effectively remedied during the survey or inspection as a deficiency in the survey or inspection report unless the deficiency caused harm, created a life- or limb-threatening emergency, or was caused by abuse or neglect.

Section 3 of the act limits CDPHE's licensure authority over community clinics to those community clinics that:

- Provide health care services on an ambulatory basis;
- Are not licensed as an on-campus department or service of a hospital or listed as an off-campus location under a hospital's license; and
- Either operate inpatient beds for the provision of extended observation and related services for not more than 72 hours; provide emergency services at the facility; or are not otherwise subject to CDPHE licensure but opt to obtain licensure as a community clinic so as to receive donations, grants, government funds, or public or private reimbursement for services rendered.

Under section 3, CDPHE retains authority to license prison clinics regulated by the department of corrections.

Section 4 of the act:

- Requires CDPHE to determine an applicant's fitness to conduct and maintain a health facility based solely on specific fitness information or documentation submitted by the applicant or obtained by CDPHE through its own review or investigation of the applicant, but permits CDPHE to require an applicant to attest to the accuracy of the information it provides as long as the attestation does not require the applicant's affirmation of its general compliance with licensing requirements; and
- Permits CDPHE to conduct a fitness review of a new owner of a facility based on information compiled within 5 years of the date of applications, but requires the new owner to disclose whether, within the 10 years preceding the date of application, the new owner: Has been convicted of a felony or misdemeanor involving moral turpitude; had a state license or federal certification denied, revoked, or suspended in another jurisdiction; or had a civil judgment or

criminal conviction resulting from the operation, management, or ownership of a health facility or other entity, where the judgment or conviction relates to substandard patient care or health care fraud.

- Restricts the ability of CDPHE to conduct a review of an existing owner to those circumstances where the department has new information not previously available or disclosed that bears on the owner's fitness to operate or maintain a health facility or entity.

Under section 5, a licensed health facility that applies to renew its license may submit evidence of its accreditation by an accrediting organization recognized by the federal centers for medicare and medicaid services (CMS), in which case CDPHE is to deem that accreditation as satisfaction of the state licensing requirements. If the state's licensure standards for a particular health facility are more stringent than the standards for national accreditation, CDPHE may conduct a survey of the particular facility that focuses on the more stringent state standards. Additionally, starting one year after CDPHE grants deemed status to a health facility, CDPHE may conduct validation surveys of up to 10% of the total number of accredited health facilities, other than hospitals, and the validation survey of a facility is in lieu of a licensing renewal survey for that facility. Section 5 also permits CDPHE to revoke a facility's deemed status if CDPHE takes an enforcement activity against the facility.

Sections 6 and 7 permit the board to increase provisional or full license fees above the levels set in rules as of the effective date of the sections, but limits these increases to an amount equal to the annual percentage change in the inflation rate. The board retains the ability to lower the fee amounts. Section 7 further requires CDPHE to develop a performance incentive system to provide a reduction in license renewal fees for health facilities that have no significant deficiencies that negatively affect the life, health, or safety of consumers of the facility.

Section 8 establishes the health care facility stakeholder forum (stakeholder forum) in CDPHE, consisting of representatives from various types of provider facilities licensed by CDPHE, consumers, consumer advocates, ombudsmen, and other interested parties. CDPHE is directed to meet with the stakeholder forum at least 4 times annually to discuss and take into consideration the concerns and issues of interest of forum members regarding the development and implementation of rules and other matters that affect all licensed health facilities. The stakeholder forum and the department are to coordinate with and not duplicate work being done by established or statutorily authorized advisory committees or working groups on related issues. Additionally, CDPHE may use the stakeholder forum, when appropriate, to serve as the department's representative group, as required by House Bill 12-1008.

Section 9 modifies the criteria for appointments to the advisory committee on hospital-acquired infections to permit the appointment of 3 health care professionals, rather than 3 registered nurses, who are certified by the certification board of infection control and epidemiology.

Section 10 clarifies that home care placement agencies are not licensed or certified by CDPHE and prohibits home care placement agencies from making such a claim. Noncompliance with this prohibition subjects a home care placement agency to a civil penalty imposed by CDPHE.

For purposes of board rules pertaining to the regulation of home care agencies, section

11 requires the board to establish different requirements that are appropriate based on the type of facility or provider delivering the services to the home care consumer, requires CDPHE and the department of health care policy and financing (HCPF) to work jointly to resolve differing requirements, and requires the board to regulate (PACE) a provider under the program of all-inclusive care for the elderly consistent with the federal requirements the PACE provider is subject to pursuant to its 3-way agreement with CMS and HCPF. CDPHE is allowed to require additional information from a PACE provider with regard to reporting instances of abuse.

Section 12 retains the joint licensure of community residential homes by CDPHE and DHS but requires those two departments and HCPF to develop an implementation plan by December 31, 2012, to resolve differing requirements and eliminate obsolete, redundant rules and reporting, monitoring, compliance, auditing certification, licensing, and work processes pertaining to the regulation of community residential homes. The departments are to study the feasibility of implementing a single, consolidated survey and methods for conducting simultaneous surveys. Additionally, if home care agency personal care services, which are otherwise regulated by CDPHE, are provided by a service agency that delivers services and supports to persons with developmental disabilities, CDPHE and DHS are tasked with inspecting those services simultaneously with their inspection of the community residential home.

The act appropriates \$183,730 and 2.4 FTE to the health facilities and emergency services division in CDPHE for the expenses in the health facilities general licensure program related to implementing the act.

Certain provisions of the act are contingent on House Bill 12-1008 becoming law.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** June 4, 2012

**Note:** House Bill 12-1008 was signed by the Governor May 17, 2012.

## HEALTH CARE POLICY AND FINANCING

**S.B. 12-23** Program of all-inclusive care for the elderly (PACE) - dually eligible persons - enrollment in PACE - rules - marketing and information about PACE. The medical services board (board) is required to adopt rules to allow program of all-inclusive care for the elderly (PACE) providers to contract with an enrollment broker to include the PACE program in its marketing materials to eligible long-term clients.

The term "eligible person", for purposes of the PACE program, is amended to include dually eligible persons. A "dually eligible person" is defined as a person who is eligible for assistance or benefits under both medicaid and medicare.

An eligible person who is enrolled in a managed care organization, an organization contracted with the department of health care policy and financing (department) to provide services in the statewide managed care system, or other risk-bearing entity may elect to withdraw from or terminate such enrollment and enroll in and receive services from a PACE program. The board's rules shall define how such election is made. The effective date of an eligible person's election shall not be more than 30 days after the eligible person's date of election.

The act adds to the list of major functions of the single entry point system informing eligible persons about the benefits of participating in the PACE program as an alternative to enrollment in a managed care organization, an organization contracted with the department to provide services in the statewide managed care system, or other risk-bearing entity.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** April 12, 2012

**S.B. 12-60** Medicaid - fraud - report - county recoveries - appropriations. The act requires the department of health care policy and financing (HCPF) to submit a written report annually to the health and environment committee and the judiciary committee of the house of representatives and to the health and human services and judiciary committees of the senate concerning client fraud in the medical assistance program. In addition, the attorney general's office is required to submit a written report annually concerning provider fraud.

The act also changes the amount of a county's share of recoveries of fraudulently obtained medical assistance when the recovery is initiated by a county department, county board, district attorney, or HCPF on behalf of the county. Instead of sharing one-half of the state funds paid with the state, the county may retain the full amount of the recovery after payment of the federal government's share.

The act makes the following adjustments to the 2012 general appropriations bill:

- Increases the appropriation to HCPF, executive director's office, general administration, personal services by \$5,216 and 0.1 FTE.
- Decreases the appropriation to HCPF, medical services premiums, medical and long-term care services by \$54,156.

**APPROVED** by Governor May 9, 2012

**EFFECTIVE** August 8, 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. 12-74 Consumer-directed services caregivers.** The act authorizes a caregiver to a person eligible for consumer-directed services to be a direct service provider for the eligible person, as well as the person's guardian or conservator.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** April 13, 2012

**S.B. 12-127 Health homes - authorization by department - providers of long-term services and supports - contracting.** The act requires the department of health care policy and financing (department) to allow providers of long-term services and supports to participate, to the extent permitted under federal law, as health homes or as part of health homes under the federal "Patient Protection and Affordable Care Act". The act describes the services that a health home may provide. The health home may consist of a multi-disciplinary team including various providers described in the act.

Further, in integrating dually eligible persons, persons with chronic conditions, and persons in need of long-term care services and supports in an organization with which the department contracts pursuant to the statewide managed care system statutes, the act directs the department to permit providers of long-term care services and supports to contract with organizations contracted with the department as health homes or to provide some or all of the services provided by the organizations contracted with the department.

The act clarifies that in integrating dually eligible clients in an organization with which the department contracts pursuant to the statewide managed care system statutes, dually eligible clients may voluntarily elect to participate in a recognized medicare coordinated care system and may voluntarily elect to participate in the department's medicaid coordinated care system.

**APPROVED** by Governor April 23, 2012

**EFFECTIVE** April 23, 2012

**S.B. 12-128 Alternative care facilities - reimbursement.** The act allows the department of health care policy and financing (department) to establish a program that provides a temporary increase in reimbursement rates for alternative care facilities for medicaid clients discharged from a nursing facility to the alternative care facility. The department shall develop criteria for participation in any program.

In addition, the department may create a program, informed by prior studies, that may include, but need not be limited to, tiered-rate, acuity, and enhanced reimbursements for alternative care facilities and enhanced alternative care services to address the needs of medicaid clients who are at risk of nursing home placement. Any programs created by the department shall be budget-neutral.

As part of its annual reporting requirement, the department shall report to the joint budget committee of the general assembly and the health and human services committee of the senate and the health and environment committee of the house of representatives concerning any programs created by the department.

The section repeals, effective July 1, 2015.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** August 8, 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. 12-159** Medicaid - autism waiver - services - evaluation - appropriation. The act requires that the evaluation of children receiving long-term care services and supports through the medicaid autism waiver program (program) must occur at the time the child begins receiving services, when services terminate, and at least once every six months during the course of services. The evaluations must include norm-referenced and standardized assessment of the child's expressive and receptive communication, the child's adaptive skills, including self-help skills, and the child's maladaptive behavior, including self-injurious and aggressive behavior. A copy of the evaluations must be provided to the child's parents or legal guardian and to the agency responsible for the child's care planning.

The department of health care policy and financing (department) shall annually review the balance in the Colorado autism treatment fund (fund) to determine whether additional eligible children may receive services and supports under the program consistent with federal law.

So long as children who are determined eligible for the program are on a wait list to receive services, the act directs the department to prioritize the delivery of services to those children who are determined to have an imminent need for services, as determined through an objective assessment process.

The department shall conduct an evaluation of the program and the children served through the program that must include information about the improvement in communication and adaptive behavior of children receiving services and supports. The department may contract with an independent program evaluator to review individual treatment evaluations. The act clarifies that moneys in the fund may be used for the evaluation of children receiving services through the program, as well as for the evaluation of the program.

The act appropriates \$6,925 to the department for medical services premiums from the autism treatment fund and from federal funds.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1054** Procurement process - simplification - rules. The act simplifies the procurement process when the department of health care policy and financing (department) has regulatory authority over a program and when the health care provider has already signed a department-approved provider application to provide services under department-administered programs or to bill for services provided under those programs. The act states that the state department-approved provider application serves to fulfill the requirements of a commitment voucher and the state fiscal requirements.

The executive director of the department may promulgate rules to exempt a provider who provides services through a program the department is authorized to administer including medicaid, the children's basic health plan, the Colorado indigent care program, the

school health services program, services funded by the primary care fund, and the health and medical care program for old age pensioners. Eligible providers include health care providers, mental health care providers, pharmacists, home health agencies, and other providers authorized under the applicable department-administered programs who provide health care, health care coordination, or outreach, enrollment, or administrative support services.

**APPROVED** by Governor March 15, 2012

**EFFECTIVE** March 15, 2012

**H.B. 12-1203** Primary care fund - grants for comprehensive primary care services - reauthorized. This act recreates and reenacts statutes that were erroneously repealed that authorized expenditures from the primary care fund for comprehensive primary care services, thereby reauthorizing the department of health care policy and financing to expend funds to provide comprehensive primary care grants to providers who are community health centers or who serve a large percentage of people who are uninsured or medically indigent patients, medicaid patients, or children's basic health plan enrollees.

**APPROVED** by Governor March 1, 2012

**EFFECTIVE** March 1, 2012

**H.B. 12-1207** Covering all children advisory committee - repeal. The act repeals the advisory committee on covering all children in Colorado.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**H.B. 12-1281** Medicaid - collaborative process - payment reform pilot program - managed care contracting. The act directs the department of health care policy and financing (department) to facilitate collaboration among medicaid providers, clients, advocates, and payors in order to improve health outcomes and patient satisfaction and support the financial sustainability of the medicaid program. The executive director of the department may promulgate rules relating to the collaborative process.

The act creates the medicaid payment reform and innovation pilot program (pilot program) in the department to implement payment reform projects in medicaid within the existing medicaid coordinated care system. Contractors of the department's current medicaid coordinated care system may submit payment proposals to the department for the pilot program. A contractor shall work with providers and managed care entities contracted with the contractor to develop the payment project. Payment projects may include, but are not limited to, global payments, risk adjustment, risk sharing, and aligned payment incentives, including, but not limited to gainsharing, to improve quality and to control costs. The department shall select payment projects for inclusion in the pilot program based upon certain criteria. On or before July 1, 2013, the department shall select payment projects and shall respond to contractors who submit payment projects that are not selected for the pilot program, stating the reason why the payment projects were not selected and shall copy the response to certain committees of the general assembly. Payment projects shall be implemented for at least 2 years, but shall not extend beyond June 30, 2016, and certain provisions apply to payments under the pilot program. The department shall seek any federal authorization necessary to implement the pilot program. The department shall report to certain committees of the general assembly concerning the design, implementation, and outcome of the pilot program.

The act requires the department, in requests for proposals occurring on or after January 1, 2015, relating to managed care, to allow for payment proposals that include, but need not be limited to, global payments, risk adjustment, risk sharing and aligned payment incentives, including, but not limited to gainsharing, to improve quality and to control costs. The act includes some of the criteria the department shall consider in awarding contracts under a request for proposal. Global payment is defined for purposes of managed care. After January 1, 2015, the department shall open a competitive bidding process for the department's medicaid coordinated care system within regions of the state and shall analyze the appropriate number of regions and contractors in each region as part of that process.

The act requires the department to report concerning the department's recommendations for streamlining and simplifying the administrative structure for managing contracts relating to medicaid managed care.

The act appropriates \$213,079, including general funds and federal funds, to the department to implement the act.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** June 4, 2012

**H.B. 12-1340** Nursing facilities - per diem rate. The act reduces the general fund portion of the per diem rate paid to nursing facilities by 1 and 1/2 percent, commencing July 1, 2012, through June 30, 2013.

The act adjusts the appropriations made to the department of health care policy and financing for medical service premiums in the 2012 general appropriations act as follows:

- The general fund appropriation is decreased by \$4,512,338.
- The federal funds appropriation is decreased by \$4,512,338.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

## HUMAN SERVICES - BEHAVIORAL HEALTH

**H.B. 12-1100** Substance use - prenatal care - admissibility of evidence. The act makes the results of any information related to substance use obtained as part of a screening or test performed for the purpose of determining pregnancy or providing prenatal care inadmissible in any criminal proceeding.

**APPROVED** by Governor March 9, 2012

**EFFECTIVE** March 9, 2012

## HUMAN SERVICES - SOCIAL SERVICES

**S.B. 12-22** Colorado child care assistance program - pilot program to address the "cliff effect" - repeal. This act creates a pilot program to study whether a different approach to the Colorado child care assistance program can address the "cliff effect" that occurs when an increase in a working parent's income makes the parent ineligible for child care assistance and the increase in wages is not enough to cover the costs of child care without the assistance. County departments of social services may apply to the executive director of the department of human services (department) or a designee to participate in the pilot program. Under the pilot program, instead of discontinuing child care assistance, the county department will continue to provide child care assistance to the parent for a period of up to 2 years after the parent's income exceeds the county-adopted eligibility level and the parent will pay a series of incremental increases in the portion of the parental share of the child care. The executive director or his or her designee may select up to 10 counties varying in size, population, and demographic composition to participate in the pilot program.

Each county department participating in the pilot program shall set its own parental fee schedule for the parent's share of the child care and may consult with the department on setting the parental fee schedule. A family that receives child care assistance during the extended 2-year period is required to report any income changes during the 2-year period and is subject to a redetermination of eligibility after the first 12 months.

A county is encouraged to create public and private partnerships with nonprofit organizations and businesses to find innovative ways to supplement its child care assistance program.

Each participating county will collect data on the pilot program and assist the department in evaluating the pilot program. The department will compile data on the pilot program and submit a report on or before October 1, 2015, to the house health and environment committee and to the senate health and human services committee. The pilot program is repealed on July 1, 2016.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** April 13, 2012

**S.B. 12-33** Child abuse and neglect - child fatality review team. The act defines the terms "near fatalities" and "incidents of egregious abuse or neglect" and adds the review of those events to the responsibilities of the department of human services child fatality review team. Counties are required to notify the department of human services (department) of any suspicious near fatality or incident of egregious abuse or neglect. The department is required to promulgate rules concerning confidential information for different types of incidents. The department is required to disclose to the public within set time frames the receipt of information concerning child fatalities, near fatalities, or incidents of egregious abuse or neglect. The information to be included in the executive summary report posted on the department's web site is detailed and clarified, including confidentiality concerns.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** April 12, 2012

**S.B. 12-42** Child support collection - data collection - asset seizure. The act authorizes the state department of human services (department) to identify for another state, upon request and through a data match system (system), any assets owned by a person who owes child

support in another state. The department is further authorized to seize such assets through levy or other appropriate processes.

The department and financial institutions are required to enter into agreements to implement the system. The data match required through the system shall be conducted quarterly.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** March 19, 2012

**S.B. 12-43** Children's resident camps - ages of children. The act raises the upper age limit in the child care licensing statute for attending a children's resident camp from younger than 17 years of age to include children who are younger than 19 years of age and to include a person who is 19 or 20 years of age if, within 6 months prior to attending the children's resident camp, the person has attended or has graduated from high school.

**APPROVED** by Governor March 9, 2012

**EFFECTIVE** March 9, 2012

**S.B. 12-78** Protective services for at-risk adults - elder abuse task force. The act amends statutory provisions concerning the mistreatment, self-neglect, and exploitation of at-risk adults. Each county department shall require each protective services employee to complete a fingerprint-based criminal history records check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation.

The elder abuse task force (task force) is created to:

- Study the problem of mistreatment and exploitation of at-risk adults; and
- Prepare certain recommendations for the consideration of the general assembly, including but not limited to recommendations concerning how to require certain persons, on and after September 1, 2013, to report known or suspected mistreatment or exploitation of at-risk elderly adults.

All appointments to the task force shall be made on or before June 15, 2012. The task force shall submit a written report of its findings and recommendations to the health and human services committee of the senate and to the health and environment committee of the house of representatives on or before December 1, 2012. The task force is repealed, effective November 2, 2013.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** May 29, 2012

**S.B. 12-113** Public assistance recoveries - state's share. The act clarifies that the amount of the state's share of recoveries for public assistance paid for child support and maintenance that is redirected to the counties will be specified in a footnote in the annual general appropriations act.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1047** Foster care - kinship foster care - licensing standards. The act allows a county director of social services, or his or her designee, to waive certain non-safety licensing

standards for kinship foster care if certain conditions are met and to limit or restrict a license for kinship foster care. The state board of human services is directed to promulgate rules to define "kinship foster care" and for the waiver of certain non-safety licensing standards for kinship foster care.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** August 8, 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. 12-1177** Home care allowance grant program - rules - report - appropriation - repeal. Effective January 1, 2012, persons were prohibited from receiving both home care allowance benefits and benefits under a home- and community-based waiver. The act establishes a new grant program (program) in the department of human services (department) to provide to certain individuals with developmental disabilities receiving benefits under either the home- and community-based supported living services or the children's extensive support waiver a home care allowance benefit consistent with benefits received by persons under the home care allowance program. The grants may be made retroactive to January 1, 2012. The act authorizes the state board of human services to adopt rules to implement the program.

The act directs the department to submit a written report to certain committees of the general assembly on the program and to solicit feedback from individuals receiving grants under the program and from their families.

The program is repealed, effective July 1, 2017, unless extended by the general assembly.

The act reduces the appropriation to the department of human services in the 2011 general appropriation (Senate Bill 11-209) for home health care by \$469,612 and appropriates \$469,612 for the new grant program.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** March 22, 2012

**H.B. 12-1228** Licensing - neighborhood youth organizations. The act expands the list of methods by which a neighborhood youth organization that is seeking to obtain a license can satisfy the requirements of criminal history background checks for its employees and volunteers. Each acceptable method must be able to determine whether the person being investigated has been convicted of felony child abuse or a felony offense involving unlawful sexual behavior. The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

**APPROVED** by Governor April 23, 2012

**EFFECTIVE** April 23, 2012

**H.B. 12-1326** Services for elderly - recommend increase in old age pension - reinstate dental program - use unused money from senior homestead exemption to increase services - appropriations. The Colorado constitution specifies that the award under the old age pension program shall be \$100 per month and authorizes the state board of human services (state board) to adjust the award to more than \$100 per month if living costs have changed. The state board has adopted rules that set the monthly standard assistance at \$699. The act

encourages the state board to raise the monthly standard assistance for the old age pension to \$725.

A program for dental care for persons eligible for the old age pension is expanded to include persons who are qualified medicare beneficiaries who are not eligible for long-term care services.

The act directs that moneys unused from the amount estimated for the senior property tax exemption be transferred into a new account in the older Coloradans cash fund for distribution to area agencies on aging to provide additional senior services.

The act increases the estimate of expenditures from the old age pension cash fund to pay for the recommended increase in the old age pension assistance. The act appropriates \$3,022,800 and 1.0 FTE to the department of public health and environment to reinstate the dental assistance program for seniors.

**APPROVED** by Governor May 22, 2012

**EFFECTIVE** May 22, 2012

**H.B. 12-1341** Colorado works - long-term works reserve - repeal statewide strategic use fund. The act provides for the reversion of unencumbered and unexpended funds in the Colorado works statewide strategic use fund on December 30, 2012, to the Colorado long-term works reserve and repeals the statewide strategic use fund and the strategic allocation committee, effective April 1, 2013.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

**H.B. 12-1342** Work therapy program - fund - appropriation. The act creates the work therapy program to provide training and employment opportunities for persons at certain facilities operated by the department of human services. The act establishes a fund to receive payments under the program.

The act appropriates \$467,116 and 1.5 FTE from the work therapy cash fund to the department of human services for allocation to the work therapy program for expenses related to the implementation of the act.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

## INSURANCE

**S.B. 12-110** Insurance fraud - investigations - funding - fee schedule - regulation of workers' compensation insurers - appropriation. The act requires the commissioner of insurance to establish a tiered fee schedule based upon the prior year's direct written premiums, gross contract funds, or charges received in Colorado by each regulated insurance entity. The act requires the fees to be transmitted to the insurance fraud cash fund to pay for insurance fraud investigations and prosecutions by the attorney general's office. The tiered fee schedule is set to approximate the direct and indirect costs of the investigations and prosecutions of insurance fraud.

The act allows the department of law to give the same attention to all workers' compensation companies, including Pinnacol Assurance. The act moves the insurance fraud cash fund from the division of insurance in the department of regulatory agencies to the department of law.

The act appropriates \$196,677 and 2.0 FTE to the department of law.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1071** Property insurance - portable electronics insurance - limited license to sell required. The act requires a vendor of portable electronics to hold a limited license to sell or offer portable electronics insurance. The limited license authorizes an employee or authorized representative of the vendor to sell or offer coverage to customers at each vendor location.

Each vendor is required to make written materials available to customers that disclose that portable electronics insurance may provide duplicate coverage; state that the purchase of coverage is not required; summarize the material terms of the insurance; summarize the process for filing a claim; and state that the coverage may be cancelled at any time.

The act outlines the criteria that a person must meet in order to sell portable electronics insurance without a limited license and the billing and collections procedures for vendors.

Each vendor who violates the terms for selling portable electronics insurance is subject to fines and suspension or revocation of the privilege of selling the insurance. A vendor is permitted to terminate coverage with the required notice upon discovery of fraud or misrepresentation by the customer, for nonpayment of the premium, if the customer no longer has active service with the vendor, or if the customer exhausts the aggregate limit of liability. The act outlines notice requirements for correspondence between the vendor and the customer.

The commissioner of insurance is required to prescribe an application for insurance and accept applications from the vendors. Each vendor is required to pay a fee to the commissioner for a limited license.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** January 1, 2013

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

**H.B. 12-1215** Nonadmitted Insurance Act - compliance with federal Nonadmitted and Reinsurance Reform Act of 2010. The act makes the following changes to the "Nonadmitted Insurance Act" to comply with requirements of the federal "Nonadmitted and Reinsurance Reform Act of 2010", commonly referred to as "NRRRA":

- Adds definitions of the terms "affiliate", "affiliated group", "control", "federal act", "home state", "independently procured insurance", "multistate risk", "nonadmitted insurance", and "person";
- Authorizes the division of insurance to collect insurance premium tax on surplus lines insurance more frequently than once per year;
- Subjects surplus lines insurance procured without a broker to taxation as the sale of this type of insurance rather than as unauthorized insurance, as is the case under current law; and
- Requires the collection of insurance premium tax on surplus lines insurance at the full rate except for multistate policies where the risk involves states with which Colorado has entered into a compact or multistate tax-sharing agreement to share the tax, in which case the premium tax rates will be determined according to the terms of those arrangements.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** August 8, 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. 12-1221** Health insurance - pathology services - direct billing required. The act requires clinical laboratories and physicians that provide anatomic pathology services to submit claims for payment for pathology services only to the patient; the insurance carrier; the hospital or clinic that ordered the service, or the referring laboratory, unless the laboratory is from a physician's office or group practice that does not perform the professional component of the anatomic pathology service; or a governmental agency on behalf of the recipient of services.

Licensed health care practitioners are prohibited from charging for anatomic pathology services unless the services were personally delivered by the practitioner or under the direct supervision of the practitioner. Laboratories that refer to another physician or laboratory for consultation or histologic processing are exempt from the personal delivery and direct supervision requirement, unless the laboratory that makes the referral does not perform the professional component of the service.

The term "anatomic pathology services" is defined to include histopathology or surgical pathology, cytopathology, hematology, subcellular pathology or molecular pathology, and blood-banking services performed by pathologists.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** January 1, 2013

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

**H.B. 12-1266** Licenses - regulation - producers - bail agents - continuation under sunset law - appropriation. The regulation of bail bonding agents as an occupation is repealed, but the regulation of bail bonding as insurance is continued until September 2017 with the following changes:

- Clarifying that a bail premium is earned by a compensated surety upon a defendant's release from custody;
- Imposing business reporting requirements that detail the number of bail bonds posted by each insurance producer, the number of bonds discharged by a court by types of discharge, and the number of times a defendant asks for another bond on account of a new criminal charge;
- Authorizing adding to the business reports information concerning the number of defendants returned to court or custody by the insurance producer and the number of consents of surety filed with the court after a failure to appear;
- Requiring that the division of insurance (division) advise state courts about how to determine whether a person is licensed to furnish bonds and issue credentials to a person who may act as a bail bond agent under the law;
- Authorizing license discipline of an insurer for financing another cash bonding agent or professional cash-bail agent;
- Prohibiting giving kick-backs from bail bond fees to law enforcement or judicial officers for arresting or holding a person in custody;
- Requiring a bail insurance company to write bail bonds through a licensed insurance producer; and
- Moving illegal business practices from the professions and occupations statutes to the criminal law statutes.

The regulation of cash bonding agents and professional cash bail agents is moved from profession and occupation statutes to the insurance statutes, changed from licensure to registration, and simplified with the following changes:

- Authorizing the commissioner of insurance to set the registration expiration and renewal date and fees, with a 60-day-grace period;
- Authorizing the division to set the registration application fee;
- Imposing business reporting requirements that detail the number of bail bonds posted by each agent, the number of bonds discharged by a court by types of discharge, and the number of times a defendant asks for another bond on account of a new criminal charge;
- Authorizing adding to the business reports information concerning the number of defendants returned to court or custody by the agent and the number of consents of surety filed with the court after a failure to appear;
- Exempting an agent from discipline for being posted for 45 days by a court for delinquency on paying a bond;
- Specifying that the one percent premium tax is used to finance the regulation of bail bonding;
- Requiring the division to be an authorized signatory with right of survivorship on qualification-to-practice bonds, but directing the division to release the bond when any outstanding liability is satisfied after 7 years following a license or registration expiration or 3 years after death of an agent;
- Clarifying that the registrant can be fined from \$300 to \$1,000 for violations;
- Changing the standard for discipline from knowingly to strict;
- Setting procedures for disciplining registrants;
- Requiring the disgorgement of profits for unregistered practice; and

- Moving the provisions dealing with illegal business practices from the professions and occupation statutes to the criminal law statutes.

\$3,930 is appropriated to the department or regulatory agencies to implement the act.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1289** Motor vehicle insurance - adverse actions of insurers - complaints to division of insurance. The act changes the process that allows auto insurance policyholders to file formal protests with the insurance commissioner against certain adverse actions of insurers to a complaint process. The complaint process affords auto insurance policyholders similar rights to those under the formal protest process while making the process more flexible and streamlined for policyholders and insurers.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** August 8, 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

**H.B. 12-1033** Worker's compensation - compliance audits - conditions on imposition of administrative fines. The act specifies that the director of the division of workers' compensation may not impose an administrative fine on an insurer or self-insured pool as a result of a compliance audit for late reporting of an injury, occupational disease, or fatality when the late reporting resulted from the insurer or self-insured pool not having notice or knowledge of the injury, occupational disease, or fatality in sufficient time to comply with the reporting period. The act permits the director to impose a fine if the director finds that the late reporting constituted a knowing or repeated pattern of noncompliance with the reporting requirements and was not caused by the insurer's or self-insured pool's lack of notice or knowledge of the injury, occupational disease, or fatality.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** August 8, 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. 12-1120** Department of labor and employment - unemployment insurance division - creation - administer unemployment compensation program. The division of employment and training (E&T division) in the department of labor and employment (department) is currently tasked with administering both the unemployment compensation program and the work force development program within the department. The act creates a new division of unemployment insurance (UI division) within the department and tasks the UI division with administering the unemployment compensation program. The E&T division is relocated to a new article in the statutes and is tasked with administering the work force development program.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** August 8, 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. 12-1127** Unemployment insurance - rate - new employers - eliminate rate increase. The current unemployment insurance premium rate for new employers is 0.0170 percent. In legislation enacted in 2011 (House Bill 11-1288), once solvency in the unemployment insurance fund is achieved, the rate for new employers would increase. The act eliminates this rate increase and keeps the rate at 0.0170 percent after solvency in the unemployment insurance fund is reached. The act also adds language omitted from House Bill 11-1288 to specify that the new employer rate continues to be determined at the unrated level or the computed rate, whichever is higher.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** March 19, 2012

**H.B. 12-1217** Boiler inspections - owner-user inspection organizations - liability insurance. The act allows an owner or user of boilers or pressure vessels who maintains a regularly established inspection department, and whose organization and inspection procedures meet the requirements of the national board of boiler and pressure vessel inspectors rules to conduct inspection of its nonexempt boilers and pressure vessels, to utilize qualified

inspection personnel. In order to be qualified to inspect its own boilers and pressure vessels, the owner or user must apply to the director of the division of oil and public safety, meet specific requirements, and provide information to the director. The act also requires an individual or organization that performs boiler inspections to carry liability insurance.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** August 8, 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. 12-1272** Unemployment insurance - enhanced benefits - expanded eligibility and approved training programs - annual report - appropriation. The act extends the availability of enhanced unemployment insurance benefits through June 30, 2014, for an eligible claimant participating in an approved training program targeted at training the claimant for an occupation. The division of employment and training (division) in the department of labor and employment is authorized to obligate up to \$8 million during the 2012-13 and 2013-14 fiscal years to pay enhanced unemployment compensation benefits to eligible claimants during that period.

"Eligible" claimants are defined to include, in addition to those receiving regular unemployment insurance benefits, those claimants receiving extended unemployment insurance benefits or benefits under a military or federal claim. Additionally, the act expands the types of approved training programs to include employer-based and entrepreneurial training programs and expands the list of training program providers to include employers and entities that provide apprenticeship or entrepreneurial training.

Current law requires the division to submit an annual report to the joint budget committee, the business, labor, and technology committee of the senate, and the economic and business development committee of the house of representatives, or their successor committees, regarding the status of the enhanced unemployment insurance compensation benefits program and its outcomes. The act modifies the specific components of the report as follows:

- Eliminates the requirement that the demographic analysis of participants include the number of claimants per North American industry classification system code;
- Eliminates the requirement that the division include an analysis of the training provided to program participants; and
- Deletes the requirement that the report include an identification and analysis of state and local administrative costs for administering the program and instead requires the report to include a return on investment calculation to determine the benefits and fiscal contributions of program participants who become employed. Participating employers must provide information to the division to enable it to conduct the calculation.

The act appropriates \$47,198 from the employment support cash fund to the department of labor and employment to implement the act.

**APPROVED** by Governor June 6, 2012

**EFFECTIVE** July 1, 2012

## MILITARY AND VETERANS

**H.B. 12-1063** State and veterans nursing homes - Homelake military veterans cemetery - appropriation. The act authorizes the military veterans' cemetery at Homelake, Colorado, (cemetery) and directs the state department of human services (department) to maintain the cemetery.

The act establishes within the state treasury the Homelake military veterans cemetery fund (fund) and authorizes the department to accept gifts, grants, and donations for the fund.

The act requires the department to adopt procedures whereby persons who are eligible for burial and interment at the Colorado state veterans center in Homelake may reserve plots in the cemetery.

An appropriation of \$2,500 from the Homelake military veterans cemetery fund is made to the department of human services, for the fiscal year beginning July 1, 2012, for allocation to the Homelake state veterans nursing home for expenses related to the implementation of the act.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

## MOTOR VEHICLES AND TRAFFIC REGULATION

**S.B. 12-7** Group special license plates - procedure. The act requires a nonprofit organization requesting a group special license plate to obtain the department's written notification that the organization has complied with the requirements for a group special license plate before seeking legislative action to authorize the new license plate. The nonprofit organization must verify that it has collected the signatures of at least three thousand people who have committed to purchase the proposed license plate.

The department of revenue is allowed to make available group special license plates and alumni association plates that have not reached the minimum number of plates issued until the inventory of those plates is exhausted.

The act also repeals the requirement that an applicant for a Denver firefighters' special license plate or an Elks special license plate provide evidence to the department of their membership in such organization.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** April 6, 2012

**S.B. 12-12** Emissions inspection - audits - frequency - risk-based audits. The act implements the recommendations of the legislative audit committee regarding the department of revenue's audits of facilities that conduct automobile emission inspections. Specifically, federal environmental protection agency rules require such inspections at least twice per year while current state law generally requires them every 90 days; the act conforms state law with federal law. Current law requires the department to conduct performance audits on each test lane at enhanced inspection centers and equipment audits on each lane at all types of inspection centers; the act requires such audits to be conducted at least twice per year on each lane at the facilities. Finally, the act authorizes the department to conduct risk-based audits for stations and facilities employing inspectors or mechanics suspected of violating rules.

The act will be implemented within existing appropriations.

**APPROVED** by Governor May 9, 2012

**EFFECTIVE** July 1, 2012

**S.B. 12-13** Low-speed electric vehicles - operation on roadways - golf cars. The act allows the operation of low-speed electric vehicles on a state highway having a speed of 40 miles per hour under certain conditions. The act also allows these vehicles to cross a roadway with a speed limit equal to 40 miles per hour. The act amends existing law to raise the age limit for driving golf cars on streets from age 14 to 16.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

**S.B. 12-59** Commercial vehicles - inspections - agriculture. The act exempts from compliance with commercial vehicle standards a motor vehicle or motor vehicle and trailer combination that weighs less than 26,001 pounds, is not operated in interstate commerce, does not carry hazardous materials, does not carry sixteen or more passengers, and is used

for agricultural purposes.

**APPROVED** by Governor April 16, 2012

**EFFECTIVE** August 8, 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. 12-92** Equipment - video displays. Currently, it is illegal to have a screen that receives a television broadcast at any point forward of the driver's seat or visible to the driver. The act allows the screen to be forward of the driver's seat so long as visual entertainment is not visible to the driver and clarifies that it is the display of video programming, not the reception of television, that triggers the prohibition.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** July 1, 2012

**S.B. 12-95** Registration - evidence of ownership - documents required for transfer of title - rules. The act clarifies the requirements for transfer of title to a motor vehicle when the certificate of title is not available by specifying that a bill of sale alone is not a valid substitute for the certificate of title but that the executive director of the department of revenue may specify, by rule, other documentation that may be accepted.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** August 8, 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. 12-170** Special license plates - registration - license plate auction group - positions. Currently, a personalized plate may have 2 to 7 positions for letters or numbers. The act allows the license plate auction group to sell personalized plates of one position.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-1023** Special license plates - registration - fallen heroes - appropriation. The act creates the fallen heroes license plate. A person becomes eligible to use the plate by donating \$50 to the Colorado chapter of the concerns of police survivors. 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 to the information technology division of the department of revenue, and that sum is reappropriated to the office of state planning and budgeting for allocation to the office of information technology for the provision of programming services to the department of revenue related to the implementation of the act. In addition, \$17,760 is appropriated from the license plate

cash fund to the division of motor vehicles for the purchase of license plates.

**APPROVED** by Governor April 26, 2012

**EFFECTIVE** August 8, 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. 12-1038** Taxation - registration - interstate commercial trailers and semitrailers - appropriations. The act creates an alternate registration for interstate commercial trailers and semitrailers if the owner is based in a jurisdiction other than Colorado or, if the owner is based in Colorado, the trailer or semitrailer is at least 10 years old. The registration does not expire until the trailer is sold or transferred. The owner notifies the department of revenue (department) when the trailer is sold or transferred. The department will issue a report in 2014 making recommendations as to the cost-effectiveness of this system of registration.

The expiration tabs and stickers for class A motor vehicles is eliminated.

The act sets the specific ownership tax at \$95.50 and the registration fee at \$24.50. Of the fee, the department or authorized agent that registers the vehicle retains \$2.00, the department transfers \$1.50 of the fee to the county for the county road and bridge fund, the statewide bridge enterprise special revenue fund is credited with \$5.00, the Colorado state titling and registration account is credited with \$0.50, the license plate cash fund is credited with \$2.50, and the highway users tax fund is credited with \$13.00.

\$163,147 is appropriated from the Colorado state titling and registration account to the department of revenue to implement the act.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** June 8, 2012

**H.B. 12-1084** Accidents involving death or personal injuries - duties. Under current law, a driver of any vehicle directly involved in an accident resulting in injury or worse to any person is required to remain at the scene of the accident until the driver has fulfilled certain statutory requirements. The penalty for leaving the scene of an accident resulting in serious bodily injury to any person is increased from a class 5 felony to a class 4 felony.

**APPROVED** by Governor June 6, 2012

**EFFECTIVE** August 8, 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. 12-1094** Parking in front of a fire hydrant - penalty in unincorporated county. The act makes the fine \$50 for parking in front of a fire hydrant in an unincorporated area of a county.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** April 6, 2012

**H.B. 12-1131** Special license plates - registration - child loss awareness - appropriation. The act creates the child loss awareness 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.

\$20,720 is appropriated from the license plate cash fund and the Colorado state titling and registration account of the highway users tax fund to implement the act.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** August 8, 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. 12-1153** Special license plates - registration - distinguished flying cross - appropriation. The act creates a special license plate to identify that an owner of a motor vehicle has received the distinguished flying cross. Current law requires 2 one-time fees of \$25 in addition to the normal motor vehicle fees for the license plate. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

\$3,396 is appropriated from the license plate cash fund and Colorado state titling and registration account of the highway users tax to implement the act.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** August 8, 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. 12-1162** Special license plates - registration - operation desert shield and desert storm - appropriation. The act creates the operation desert shield or desert storm license plate to identify that the owner of the motor vehicle is a veteran of operation desert shield or desert storm. 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.

\$4,936 is appropriated from the highway users tax fund and the license plate cash fund to implement the act.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** August 8, 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. 12-1168** Interlock devices - nonsubstantative recodification - administrative revocation stay standard. The act repeals and reenacts, with amendments, the statute authorizing the department of revenue to require ignition interlock devices for persons driving with an interlock-restricted license. The act also relocates statutory provisions regarding crimes related to ignition interlock devices to the interlock statute.

The act removes suffering irreparable harm as factor in issuing a stay of revocation

when a person's driver's license is revoked based on an administrative determination.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** August 8, 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. 12-1216 Driver's licenses - issuance - funding.** The act extend for 3 years the current diversion, from the highway users tax fund to the licensing services cash fund, of revenue collected for examinations for driver's licenses and for the issuance or renewal of instruction permits, driver's licenses, and identification cards. In addition, it permits the use of funds in the motorist insurance identification account to be used for expenses incurred by the department of revenue in licensing drivers and issuing identification cards for 3 more years. The long bill is adjusted to account for the continued diversion of funds.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1275 Special license plates - registration - wildlife sporting plate - appropriation.** The act creates the wildlife sporting license plate. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25, a one-time fee of \$10, and an annual renewal fee of \$25. Of the one-time fees, \$25 is credited to the highway users tax fund, \$25 to the licensing services cash fund, and \$10 to the wildlife cash fund. The renewal fee is also credited to the wildlife cash fund. The money in the wildlife cash fund is used for grants to create or enhance shooting ranges and projects to improve fishing opportunities.

\$85,840 is appropriated out of the highway users tax fund and the license plate cash fund to implement the act.

**APPROVED** by Governor May 21, 2012

**EFFECTIVE** August 8, 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. 12-1295 Special license plates - registration - Colorado Rockies - appropriation.** The act creates the Colorado Rockies special license plate. A person becomes eligible to use the plate by donating \$52.80 to the Colorado Rockies baseball club foundation. 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.

\$20,720 is appropriated from the highway users tax fund and the license plate cash fund to implement this act.

**APPROVED** by Governor April 9, 2012

**EFFECTIVE** August 8, 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. 12-1302** Special license plates - registration - flight for life - appropriation. The act creates the flight for life Colorado license plate. A person becomes eligible to use the plate by donating \$25 to flight for life Colorado. 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.

\$20,720 is appropriated from the highway users tax fund and the license plate cash fund to implement the act.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 2012

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

## NATURAL RESOURCES

**H.B. 12-1317** Parks and wildlife commission - composition - member qualifications - geographical representation - terms - strategic plan. Senate Bill 11-208 combined the wildlife entities and parks and outdoor recreation entities and functions under the department of natural resources. In so doing, the existing wildlife commission was merged with the existing board of parks and outdoor recreation to form a 16-member parks and wildlife board (board).

Effective July 1, 2012, the act replaces the board with the new parks and wildlife commission (commission). The commission is comprised of 11 voting members and 2 nonvoting ex officio members (the executive director of the department and the commissioner of the department of agriculture). The voting members are appointed by the governor with the consent of the senate and must represent certain areas of experience or knowledge. Initial term lengths are staggered to reduce the impact to the board that results from member turnover. At least 4 voting members must be appointed from west of the continental divide, and the governor is directed to make appointments that achieve a balanced representation of the diverse areas of the state.

The commission is required to submit a 5-year strategic plan to specified committees of reference of the general assembly. Components of the plan are specified.

The act makes conforming amendments to various statutes to replace references to obsolete predecessor entities with references to the commission. The commission's authority to set parks fees is extended until September 1, 2017.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** June 4, 2012

**H.B. 12-1330** Wildlife - law enforcement and penalties - hunting suspensions - petitions - appropriation. The act authorizes a person under a hunting or fishing license suspension to petition the parks and wildlife board (commission) once every 5 years to end the suspension after half of a 10-year suspension or after 15 years for a lifetime suspension. A person is limited to 3 appeals. The commission may end the suspension if the person is unlikely to offend again, has not violated the wildlife statutes again, and the suspension is the person's first. The commission may consider nonwildlife offenses. Before ending the suspension, the commission may order a person to pay a fee of up to \$300, perform up to 40 hours of service on wildlife or park projects, or attend educational courses. The provisions sunset after 5 years with a review and recommendations made by the commission.

\$23,419 is appropriated to the department of natural resources (department) to implement the act. \$3,028 is reappropriated to the department of law for the provision of legal services to the department.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** August 8, 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. 12-1349** Species conservation trust fund - program eligibility list- elimination of separate operation and maintenance and capital accounts. 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 \$4,000,000 from the trust fund for certain activities, programs, and species as follows:

- \$500,000 for the Upper Colorado River Endangered Fish Recovery Program
- \$1,000,000 for Native Fish Conservation - Capital Projects
- \$715,000 for Native Terrestrial Wildlife Conservation
- \$720,000 for Native Aquatic Wildlife Conservation
- \$565,000 for Wildlife Disease Management and Adaptation Landscape
- \$500,000 for the Colorado Natural Areas Program

The act deletes an earlier appropriation of \$500,000 for the Arkansas Darter Instream Flow Water Rights Lease.

The act combines the operation and maintenance account and the capital account of the trust fund.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** June 8, 2012

## PROBATE, TRUSTS, AND FIDUCIARIES

**S.B. 12-131** Personal representatives and trustees - fiduciary responsibilities to search for valid, unrevoked designated beneficiary agreements. A personal representative in any probate proceeding regarding a decedent's estate shall not be surcharged for making distributions to devisees or heirs at law that do not take into consideration a designated beneficiary agreement (DBA) if:

- The personal representative has made a search in every county in which the personal representative has actual knowledge that the decedent was domiciled at any time during the 3 years prior to the decedent's death for a valid, unrevoked DBA in which the decedent granted the right of intestate succession; and
- The personal representative has not received actual notice nor has actual knowledge of the existence of a valid, unrevoked DBA in which the decedent granted the right of intestate succession.

A personal representative or trustee is not individually or personally liable for making a distribution of property to devisees or heirs at law that does not take into consideration the right of a party to a DBA to inherit property due to a valid, unrevoked DBA if the personal representative or trustee complied with the fiduciary duty to search for the existence of a DBA and does not have actual notice or actual knowledge of the existence of a valid, unrevoked DBA in which the decedent granted a right of intestate succession.

**APPROVED** by Governor April 13, 2012

**EFFECTIVE** April 13, 2012

**H.B. 12-1074** Guardians and conservators - judicial oversight - access to state agency data to locate guardians, conservators, incapacitated persons, and protected persons. The clerk of the court with jurisdiction over a guardianship of an incapacitated person or over a conservatorship of a protected person, or the clerk's designee, is authorized access to data maintained by other state agencies in order to research the whereabouts of and contact information for a guardian, conservator, incapacitated person, or protected person when a guardian or conservator has failed to file required reports with the court or has failed to respond to court orders. The act specifies which types of data may be accessed. The court may access the data only to obtain contact information for the guardian, conservator, incapacitated person, or protected person. The judicial department and the courts shall not access data maintained pursuant to the address confidentiality program.

The court is required to preserve the confidentiality of the data obtained from state agencies and use the data only for the purposes of researching the whereabouts of the guardian, conservator, incapacitated person, or protected person. Notwithstanding the provisions of the open records law, documents and information obtained by the court pursuant to an investigation are not public records and shall be open to public inspection only upon an order of the court based on a finding of good cause; except to the extent they would otherwise be open to inspection from the providing state agency.

The judicial department and other state agencies may enter into agreements for the sharing of this data with the applicable court.

The act amends the statute on acceptance of office that a nominee signs prior to appointment as a guardian or conservator to include an acknowledgment that the nominee

understands that Colorado law allows the court to access personal contact information held by state agencies if the nominee fails to file required reports or fails to respond to a court order.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** March 22, 2012

## PROFESSIONS AND OCCUPATIONS

**S.B. 12-91** Nursing home administrators - qualifications for serving on board of examiners - qualifications for licensure - minimum required training. In order to qualify to serve on the board of examiners of nursing home administrators (board), current law requires nursing home administrator (NHA) members to be engaged in particular areas of discipline in the profession and to have been actively engaged in the profession for at least 5 years.

The act eliminates the requirement that NHAs practice in a specific discipline area, other than the requirement that at least one board member come from nonprofit facility administration, in order to serve on the board, but permits the governor to appoint any qualified NHA to that position on the board if, after a good-faith attempt, the governor is unable to find a qualified NHA from nonprofit facility administration to serve on the board. Additionally, the act reduces the period during which an NHA must be engaged in the profession from 5 to 3 years in order to be eligible to serve on the board.

Under current law, an NHA applying to take the NHA licensure examination must have either successfully completed the administrator-in-training (AIT) program; completed a bachelor's degree in public health administration; or completed an associate's degree in a health care-related field and have at least 2 years experience in administration in a nursing home or hospital. Under board rules, to satisfy the experience-in-administration component, an applicant must be supervising and exercising reasonable control over at least 5 subordinates.

The act:

- Adds as qualifying degrees for NHA licensure a master's degree in management or business administration or a bachelor's degree in business or public administration;
- For purposes of satisfying the experience requirement, supercedes the board rules requiring an applicant to supervise at least 5 subordinates and instead specifies that an applicant must supervise an unspecified number of subordinates and reduces the required amount of experience supervising subordinates from 2 years to one year.

Additionally, current law requires an AIT program participant to complete 2,000 hours of training before he or she is eligible to take the NHA licensure examination. The act reduces the required training period to 1,000 hours.

Finally, the act eliminates the requirement that a person licensed as an NHA in another state or territory must possess substantially equivalent credentials and qualifications, thereby allowing a person licensed in another state who has passed both a national NHA examination and an examination in the other state to obtain a Colorado license if the person passes the Colorado NHA licensure examination.

The act is to be implemented within existing resources, with no additional state moneys appropriated to carry out its purposes.

**APPROVED** by Governor April 16, 2012

**EFFECTIVE** September 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. 12-115** Limited gaming - gaming tax - determination of rates - factors to be considered. The limited gaming control commission must consider the impact on recipients of limited gaming tax proceeds, including those from extended limited gaming, when adopting or amending any rule governing the taxes on limited gaming activity.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** August 8, 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. 12-118** Hotel and restaurant alcohol license - time period for determining if at least twenty-five percent of income is from sale of meals. The act specifies that the time period for determining whether an establishment with a hotel and restaurant alcohol license makes at least 25% of its gross income from the sale of meals is at least one year.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-1059** Licensing, certification, or registration - military spouses - rules. The act authorizes the spouse of an active-duty military service member stationed in Colorado to practice in a regulated profession or occupation for one year if the spouse is licensed, registered, or certified to practice in another state; there is no other reason to deny the license; and the person consents to be governed by Colorado law. The occupations of engineering, surveying, architecture, using and selling fireworks, optometry, medicine, and real estate are not included. If applying for authority to continue to practice in Colorado, the applicant must notify the agency that the person is practicing in Colorado and include the contact information for the applicant's employer. If the agency denies the application, the agency notifies the employer. The director of the division of registrations may promulgate rules to implement the act.

An agency may accept continuing medical education, training, or service in the armed services in satisfaction of Colorado continuing education requirements.

A service member or spouse who is an emergency medical service provider certified or licensed in another state is exempt from certification in Colorado. The term "emergency medical technician" is changed to "emergency medical service provider" to align with the trend in other states.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1065** Advanced practice nurses - extension of deadline to retain prescriptive authority. Pursuant to legislation in 2009, the standards for advanced practice nurses (APNs) to obtain prescriptive authority were modified to require APNs, in addition to obtaining specified levels of education and experience, to develop an articulated plan for safe prescribing that documents how the APN will collaborate with physicians and other health care professionals in his or her practice of prescribing medications. Under the 2009

legislation, APNs who were granted prescriptive authority prior to July 1, 2010, were permitted to retain that authority but were required to develop an articulated plan of safe prescribing within one year, or by July 1, 2011.

The act requires the state board of nursing (board) to extend the deadline by which an APN with prescriptive authority granted before July 1, 2010, is required to develop an articulated plan if the APN submits the following to the board before September 30, 2012:

- An application and required fee;
- A signed verification indicating that as of July 1, 2011, the APN had either developed an articulated plan or had an existing collaborative agreement with a physician in place; and
- Any other information or documentation required by the board.

The board cannot extend the deadline beyond September 30, 2012.

**APPROVED** by Governor April 2, 2012

**EFFECTIVE** April 2, 2012

**H.B. 12-1110** Appraisal management companies - regulation by division of real estate - requirements for licensure - appropriation. The act authorizes the board of real estate appraisers (board) to regulate appraisal management companies. Appraisal management companies must be licensed by the board. The act sets forth the requirements for registration and exemptions for certain types of activities. The board is reorganized to include one member who is an officer or employee of an appraisal management company and the number of public members is reduced from two to one. The act establishes requirements for owners and controlling persons of appraisal management companies, including a requirement that certain persons submit information, including fingerprints, for criminal history record checks. The act sets forth prohibited activities and grounds for disciplinary action against appraisal management companies and owners and controlling persons. The act establishes administrative and criminal penalties for violations, and the board has the power to administer the provisions of the act.

Active real estate appraisers, other than appraisers employed by state or local government, must maintain errors and omissions insurance. Appraisal management companies must post a surety bond with the board in the amount of \$25,000.

The act appropriates \$265,104 and 2.0 FTE from the division of real estate cash fund to the department of regulatory agencies for implementation of the bill, and \$62,839 and 0.5 FTE are reappropriated from that amount to the department of law for the provision of legal service for the department of regulatory agencies. In addition, \$23,700 is appropriated from the Colorado bureau of investigation identification unit fund to the department of public safety for fingerprint-based criminal history checks related to the implementation of the act.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** July 1, 2013

**H.B. 12-1270** Alcohol beverage regulation - cap on retail purchases by hotels, restaurants, and bars - increase in annual maximum. Current law limits the amount of alcohol beverages persons licensed to sell alcohol beverages for consumption on a licensed premises may purchase at retail, rather than from a licensed alcohol beverage wholesaler. For hotel and restaurant licensees, the limit is \$1,000 worth of alcohol beverages per year; for all other

on-premises licensees, the limit is \$500 worth of alcohol beverages per year.

The act increases the limit to \$2,000 worth of alcohol beverages per year for persons licensed to sell alcohol beverages for on-premises consumption, which includes hotels, restaurants, taverns, retail gaming taverns, brew pubs, clubs, and racetracks.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** August 8, 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. 12-1274** Notaries public - regulatory changes - electronic filing - changes to notary seal - appropriation. The act modifies the secretary of state's regulation of notaries public by:

- Allowing, in the secretary of state's discretion, electronic filing of applications and renewals;
- Clarifying the disciplinary and nondisciplinary actions that the secretary of state may take against a notary public;
- Disallowing the use of a seal embosser; and
- Updating the information a notary public includes on his or her official notary seal and requiring the seal to be rectangular.

The act also transfers fees collected in connection with the regulation of notaries public from the notary administration cash fund, which fund is repealed, to the department of state cash fund.

For purposes of implementing electronic filing of applications and renewals, the act appropriates \$22,400 to the department of state for allocation to information technology services for contract programming services. The act also adjusts appropriations made in the long bill to account for the repeal of the notaries administration cash fund.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-1297** Medical professionals - professional review activities - committee on anticompetitive conduct - continuation under sunset law. The act extends the statutory authorization for the committee on anticompetitive conduct until September 1, 2013, and expresses support for constructive discussion among licensed professionals and other interested parties regarding the proper role, structure, and functions of the committee if it is continued beyond that date by House Bill 12-1300.

**APPROVED** by Governor April 26, 2012

**PORTIONS EFFECTIVE** April 26, 2012

**PORTIONS EFFECTIVE** September 1, 2013

**NOTE:** House Bill 12-1300 was signed by the Governor June 4, 2012.

**H.B. 12-1300** Physicians - physician assistants - advanced practice nurses - professional review committees - continuation under sunset law - inclusion of physician assistants and advanced practice nurses - entities authorized to establish committees - registration of committees - immunity - confidentiality - publication of aggregated data - appropriation. The act implements the recommendations made by the department of regulatory agencies (DORA) pursuant to DORA's 2011 sunset review report of professional review committees and the committee on anticompetitive conduct.

Sections 1 and 2 of the act continue the functions of professional review committees for 7 years, until 2019.

Sections 3 to 7 authorize professional review of physician assistants and advanced practice nurses.

Section 6 expands the list of entities that may establish professional review committees to include certain professional societies, provider networks, and health care institutions. Section 6 also specifies that the sharing of professional review records and information with regulators and other professional review entities does not waive the professional review privilege or violate applicable confidentiality provisions.

Section 8 requires entities that conduct professional review activities to register with the division of registrations in DORA and report on their activities, and directs the division to publish summary data in aggregated form. Section 8 also directs the division to maintain, on its web site, a current list of all registered professional review committees. If an entity fails to register and report as required, the entity and its governing board lose the qualified immunity that would otherwise apply for acts and omissions occurring during the period of noncompliance.

The act also corrects inconsistent references to peer review and professional review and makes nonsubstantive clarifications and corrections to statutory language.

A total of \$9,175 is appropriated as follows: \$6,222 to the division of registrations in DORA for personal services; \$682 to the division for operating expenses; and \$2,271 to the department of law for legal services as necessary to implement the act.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1303** Speech-language pathology - regulation of providers - exemptions - discipline - sunset review - appropriation. On and after July 1, 2013, the act requires speech-language pathologists to obtain a certification from the division of registrations (division) in the department of regulatory agencies in order to practice speech-language pathology in Colorado. The director of the division is tasked with oversight, regulation, and discipline of speech-language pathologists. The act sets forth the qualifications for certification, requires speech-language pathologists to maintain continuing professional competency, and establishes grounds and procedures for disciplining speech-language pathologists.

An exemption from the certification requirement is provided for school speech-language pathologists who are licensed, and speech-language pathology assistants who are authorized, by the Colorado department of education and who are paid solely by an administrative unit or state-operated program, as those terms are defined in the "Exceptional Children's Educational Act". The act also grants exemptions from certification and discipline

for:

- A professional who is otherwise regulated under state law;
- A speech-language pathology student acting under appropriate instruction and supervision;
- A person participating in a clinical fellowship for purposes of satisfying the minimum experience required for certification as long as the person is acting under appropriate supervision; and
- A legally qualified speech-language pathologist from another state or country providing services in this state on a temporary basis.

The act clarifies that a certified speech-language pathologist may not engage in the practice of medicine or dentistry or any other profession for which licensure, certification, or registration is required by state law.

Each certified speech-language pathologist is required to develop a written plan to ensure the security of patient medical records and must attest to the director, upon initial and renewal certification, that he or she has developed the plan. Certified speech-language pathologists are also required to comply with the requirements of the "Michael Skolnik Medical Transparency Act of 2010", under which health care professionals must report information pertaining to their professional practice, including disciplinary proceedings, malpractice claims, and employment contracts, to the director.

The regulation of speech-language pathologists is subject to sunset review and repeal in 2017.

The act appropriates \$111,148 and 1.1 FTE from the division of registrations cash fund to the department of regulatory agencies to implement the act, and those moneys are allocated as follows:

- \$57,428 and 1.1 FTE for division of registrations personal services;
- \$27,971 for division of registrations temporary contract labor;
- \$7,909 for division of registrations operating expenses;
- \$16,656 to purchase legal services, which amount is reappropriated to the department of law to provide legal services to the department of regulatory agencies; and
- \$1,184 to purchase computer center services, which amount is reappropriated to the governor's office of information technology to provide computer center services to the department of regulatory agencies.

**APPROVED** by Governor June 6, 2012

**EFFECTIVE** August 8, 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. 12-1311** Pharmacists and prescription drug outlets - regulation by state board of pharmacy - continuation under sunset law - implementation of recommendations in sunset report - expansion of persons who may supervise interns - tiered fines for violations of prescription drug monitoring program - appropriations. The act implements the recommendations of the sunset review and report on the Colorado state board of pharmacy as follows:

- Continues the state board of pharmacy (board) and its functions and the regulation of the practice of pharmacy through September 1, 2021;
- Repeals the rehabilitation evaluation committee, which is tasked with reviewing applications to participate in the pharmacy peer health assistance program and making recommendations to the board. The functions of the rehabilitation evaluation committee are transferred to the board.
- Expands the definition of an "other outlet" that registers with the board to include ambulatory surgical centers, medical clinics operated by hospitals, and licensed hospices that have facilities in Colorado that are registered by the board and that engage in the compounding, dispensing, and delivery of drugs or devices for administration to patients while being treated in the facility. Additionally, federally qualified health centers are added to the definition of "other outlet".
- Creates a specialized prescription drug outlet (PDO) registration under which a registered PDO may engage in compounding, dispensing, and delivering drugs and devices to, and may provide pharmaceutical care to residents of, a long-term care facility. Also permits PDOs to supply starter doses, as defined by board rule, to facilities approved by the board.
- Establishes a new hospital satellite pharmacy registration to require a satellite that is located in a facility that is under the same management and control as a registered PDO but that has a different address to obtain a separate registration from the board, thereby allowing the hospital satellite pharmacy to obtain its own registration from the federal drug enforcement agency;
- Allows the board to exempt wholesalers that distribute veterinary prescription drugs from the pedigree requirement, regardless of whether the wholesaler exclusively distributes veterinary prescription drugs;
- Permits a licensed veterinarian to issue an oral prescription order to a wholesaler if the prescription order is for a drug that is not a controlled substance or is a schedule III, IV, or V controlled substance, in which case the veterinarian must provide a written prescription to the wholesaler within 3 business days after issuing the oral order. A licensed veterinarian is subject to discipline by the state board of veterinary medicine if he or she fails to provide a written prescription within 3 business days.
- Permits the board to issue letters of admonition to registrants as a disciplinary tool;
- Deletes the requirement that the board send confidential letters of concern to licensees and registrants by certified mail, thereby allowing the board to determine the manner in which to transmit the letter to the licensee or registrant;
- In cases where the employment of a PDO's pharmacist manager is terminated and the PDO must apply to transfer the former pharmacist manager's registration to the new pharmacist manager, extends the deadline for applying for the registration transfer and payment of the fee from 14 days to 30 days after termination of the former pharmacist manager;
- Repeals the requirement that a pharmacist or pharmacy intern actually experience impaired practice before he or she is allowed to apply to the board for participation in a pharmacy peer health assistance program, thereby allowing participation by a pharmacist or pharmacy intern who recognizes a potential for the existence of a problem that may impair his or her practice;
- Allows a practitioner who determines that an equivalent drug should not be substituted for the prescribed drug and who is issuing an electronically generated prescription order to indicate the "dispense as written" by electronic

- means, including use of an electronic signature;
- Removes as grounds for discipline the mere existence of a physical or mental illness and instead authorizes discipline only if the pharmacist or pharmacy intern fails to notify the board of a physical or mental illness or condition that affects his or her ability to safely practice pharmacy; fails to act within the limitations of the illness or condition; or fails to comply with the limitations agreed to under a confidential agreement with the board;
- Authorizes the board to enter into a confidential agreement to limit the practice of a pharmacist or pharmacy intern who has a physical or mental illness or condition that impedes his or her ability to practice with reasonable skill and safety.

In addition to implementing many of the sunset review recommendations, the act also modifies statutes regulating the practice of pharmacy as follows:

- Permits an intern engaged in the practice of pharmacy within the curriculum of a school or college of pharmacy to be supervised by a registered manufacturer or other regulated individual, as determined pursuant to board rule;
- Modifies the definition of "intern" to include the following: A person enrolled in a board-approved professional degree program of a school or college of pharmacy who is currently licensed by the board to engage in the practice of pharmacy and who is satisfactorily progressing toward meeting pharmacist licensure requirements; a person licensed as a pharmacist in Colorado or another state or territory who is in good standing and making clinical rotations of the nontraditional pharmacy program at the university of Colorado or similar program; a person who is a graduate of an approved professional degree program of a college or school of pharmacy or is a graduate who has obtained education equivalency through a board-approved foreign pharmacy graduate certification and who is currently licensed for purposes of obtaining practical experience required for licensure; or a person who is a qualified applicant awaiting examination for licensure as a pharmacist or who meets board requirements for licensure;
- While current law specifies that only a PDO or other outlet may compound or dispense a prescription, permits initial interpretation and final evaluation to be conducted at a location other than a PDO or other outlet if performed in accordance with board rules;
- Establishes a tiered fine structure for the board to use when imposing fines against registrants for violating requirements of the electronic prescription drug monitoring program.

The act also recodifies and relocates the laws regulating pharmacists and the practice of pharmacy by the board from its current location in statute to a new article and relocates laws pertaining to the licensing of addiction programs and researchers by the department of human services to that department. The act contains numerous conforming amendments related to the recodification and relocations of these laws.

The act appropriates \$225,108 and 1.0 FTE to the department of regulatory agencies to implement the act, including:

- \$181,055 and 1.0 FTE for personal services;
- \$6,110 for operating expenses;

- \$8,251 for travel;
- \$6,600 for board expenses; and
- \$23,092 to purchase legal services, which moneys are reappropriated to the department of law.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1332** Anesthesiologist assistants - license required - educational requirements - examination - fee. The act prohibits an individual from practicing as an anesthesiologist assistant without a license issued by the Colorado medical board (board), effective July 1, 2013. In order to be licensed as an anesthesiologist assistant, an applicant must be at least 21 years of age and have successfully completed an education program for anesthesiologist assistants that conforms to standards delineated by the commission on accreditation of allied health education programs and approved by the board; successfully completed the national certifying examination for anesthesiologist assistants that is administered by the national commission for certification of anesthesiologist assistants; and submitted an application to the board in the manner designated by the board and paid the appropriate fee established by the board.

The act allows a physician who specializes in anesthesiology to delegate medical tasks to a licensed anesthesiologist assistant. The tasks are limited to the medical functions that constitute the delivery of or provision of anesthesia services as practiced by the supervising physician.

The act subjects an anesthesiologist assistant to the same standards for licensing, unprofessional conduct, and discipline that exist for physician assistants.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** August 8, 2012

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

## PROPERTY

**S.B. 12-30** Foreclosure sales - public trustee - administrative changes. The act makes the following changes related to a foreclosure sale:

- Requires an electronic payment to an account of a public trustee to be in compliance with conditions placed on the account by the public trustee;
- Requires a holder of an evidence of debt (holder) or the attorney for a holder, when commencing a foreclosure, to file a statement identifying the loan servicer of the evidence of debt, if any;
- Requires a public trustee to include in a combined notice the following statement in bold: "If a sale is continued, the deadline to file a notice of intent to cure by those parties entitled to cure may also be extended";
- Establishes a form for the cure statement, which is a statement of all sums necessary to cure the default that caused the foreclosure;
- Modifies procedures related to the cure statement;
- Permits a rule 120 hearing notice, which relates to a court order authorizing a sale of the foreclosed property, to be presented to the occupant of the residential property, if a person at the residence is impeding posting;
- Adds a line for a confirmation deed fee and a confirmation deed recording fee to the bid form submitted by a holder, which fees are collected by and paid to an officer from the proceeds of a foreclosure sale;
- Modifies foreclosure procedures for a property that is part of a bankruptcy proceeding;
- Requires a public trustee to post notice about excess proceeds from a foreclosure sale (excess proceeds) on the trustee's web site;
- If the excess proceeds are at least \$25, requires the public trustee to make reasonable efforts to identify the owner's current address;
- Requires an officer to retain excess proceeds, instead of transferring them to the county treasurer;
- After 5 years, requires any excess proceeds greater than or equal to \$25 to be transferred to the state treasurer as unclaimed property for purposes of the "Unclaimed Property Act", instead of depositing the proceeds in the county general fund;
- Clarifies that an assignment of a lien must always be attached to the notice of intent to redeem by a lienor;
- Modifies when an officer is required to execute and record a confirmation deed and specifies the conditions under which an assignee must be listed as the grantee on the deed; and
- Specifies the procedures for releasing a deed of trust that has been recorded in the wrong county.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** September 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. 12-1105** Wind energy property rights - wind energy agreements - reversion - taxation. The act establishes a nonseverable wind energy right in real property. The act defines "wind energy agreement" as a lease, license, easement, or other agreement to develop wind-powered energy generation. Unless the parties agree otherwise, all wind energy

interests revert to the owner of the surface estate if the wind energy production has ceased for a period of 15 years or if the generation of electricity has not begun within 15 years. The act specifically exempts equipment used in the development of wind energy from personal property tax until the equipment is first used.

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** August 8, 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. 12-1237** Common interest communities - unit owners' associations - management - records to be kept - disclosure - exceptions. The act adopts, with some revisions, suggested language from the uniform law commission concerning the records required to be kept by a unit owners' association concerning the finances, board meeting minutes, and other affairs of a common interest community under the "Colorado Common Interest Ownership Act".

**APPROVED** by Governor May 29, 2012

**EFFECTIVE** January 1, 2013

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

**H.B. 12-1329** Mortgages and trust deeds - office of the public trustee - duties - budget - audit - procurement. The public trustee of each county is required to adopt a budget pursuant to the requirements of the "Local Government Budget Law of Colorado" and to submit the budget to the board of county commissioners of the county in which he or she serves.

The office of the public trustee of any trustee who is appointed by the governor is subject to an individual annual audit under the provisions of the "Colorado Local Government Audit Law".

Each public trustee who is appointed by the governor is subject to the state "Procurement Code" for any purchase of \$20,000 more and for any multi-year purchase agreement; except that, if the procurement rules established for the county in which the public trustee serves require an open and competitive bidding process, the public trustee may apply the county procurement rules.

**APPROVED** by Governor May 21, 2012

**EFFECTIVE** August 8, 2012

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

## PUBLIC UTILITIES

**H.B. 12-1258** Alternative fuel vehicle charging facilities - nonregulation - sale by public utilities. The act specifies that sellers of electricity, natural gas, or liquefied petroleum gas as fuel for alternative fuel vehicles are not regulated as public utilities. Generating electricity for sale as fuel for alternative fuel vehicles does not make the seller subject to regulation as a public utility if the seller generates the electricity on the property where the alternative vehicle charging facilities are located and the electricity is generated from a renewable resource.

The act specifies that the sale of electricity or natural gas by a public utility to the owner of an alternative vehicle charging facility is a retail transaction. Regulated expenditures and investments made by a public utility to accommodate alternative vehicle charging facilities are equal in priority to all other infrastructure necessary to serve any customer of the public utility in its service territory, but are subordinate to the safety and reliability obligations of the utility.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** August 8, 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. 12-1312** Public utilities commission - certificate of public convenience and necessity - commission not to consider location and alignment of proposed electric transmission lines. The act clarifies that the public utilities commission, in determining whether or not to grant a certificate of public convenience and necessity for proposed electric transmission lines and associated facilities not constructed in the ordinary course of business, shall not consider land use issues such as the location or alignment of the proposed lines and associated facilities because a local government can address the land use considerations through its land use regulations.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** April 12, 2012

**H.B. 12-1327** Towing carriers - permits - fees- repeal of bond requirement - verification of permit - special license plates - appropriation. Section 1 of the act specifies that the current \$150 application fee for a towing carrier permit is waived for carriers that hold a \$50,000 surety bond as required under prior law, until the bond expires. Section 2 clarifies that the permit fee is payable annually and repeals the requirement for the \$50,000 surety bond. Section 2 also provides that a towing carrier that fails to pay a fine for violating applicable statutory or regulatory requirements is subject to:

- Immediate revocation of its operating authority; and
- A prohibition on reapplying for new authority for a period of 5 years.

The 5-year period of disqualification applies to the towing carrier and to its owners, principals, officers, members, partners, directors, and affiliated companies.

Finally, section 2 states that a towing carrier's facilities and vehicles are subject to inspection by the public utilities commission (PUC) or the state patrol.

Section 3 directs the PUC to create a document or electronic verification system so that the department of revenue can confirm that a towing carrier has valid operating authority. Section 4 establishes a special license plate for tow trucks, similar to the special plates currently in use for taxicabs and limousines, to be implemented beginning in 2013.

The act appropriates \$11,840 from the license plate cash fund and \$12,210 from the Colorado state titling and registration account of the highway users tax fund to the department of revenue for implementation of the act.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

## STATUTES

**S.B. 12-29** Enactment of 2011 Statutes. The act enacts the softbound volumes of Colorado Revised Statutes 2011 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

**APPROVED** by Governor March 29, 2012

**EFFECTIVE** March 29, 2012

## TAXATION

**S.B. 12-55** Income tax return form - voluntary contribution to 9Health Fair fund - queue - minimum amount of contributions - when applicable. The act places the 9Health Fair fund income tax checkoff, which previously appeared on state individual income tax return forms but was removed for failing to receive the minimum level of contributions, at the end of the queue of other tax checkoffs so when the revisor of statutes receives certification that there is a space on the income tax return form, the next voluntary contribution in the queue will appear on state individual income tax return forms. The act also clarifies when such returning funds must begin to receive the minimum level of contributions.

**APPROVED** by Governor April 16, 2012

**EFFECTIVE** August 8, 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. 12-94** Sales tax - definition of food. The act clarifies the definition of "food" used in state sales tax laws to ensure that the treatment for state and local sales tax purposes of a food product sold for domestic home consumption by a vendor, including but not limited to a grocery store, supermarket, convenience store, or drugstore, does not change solely due to the location of the food product within the vendor's store or the manner in which the vendor markets the food product.

**APPROVED** by Governor March 9, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1006** Income tax return form - voluntary contributions - American red cross Colorado disaster response, readiness, and preparedness fund - creation - queue - repeal. The American red cross Colorado disaster response, readiness, and preparedness fund (fund) is created in the state treasury. For the 5 income tax years following the year in which the executive director of the department of revenue certifies to the revisor of statutes that there is a space on the income tax return form and that the American red cross Colorado disaster response, readiness, and preparedness 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 (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.

Finally, 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 the American red cross Colorado chapters.

**APPROVED** by Governor April 26, 2012

**EFFECTIVE** August 8, 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. 12-1028** Severance tax trust fund - operational account - energy-related assistance to low-income households - funding extension. The act extends the funding through 2018-19 from the operational account of the severance tax trust fund to provide energy-related assistance to low-income households through direct bill payment assistance and home energy-efficiency improvements.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** March 24, 2012

**H.B. 12-1037** Sales tax - classification of agricultural items - wholesale sales. The act classifies the sales of certain agricultural items as wholesale sales rather than retail sales. The effect of such a classification is that the following sales will not be subject to sales tax:

- Sales of agricultural compounds and spray adjuvants to be consumed by, administered to, or otherwise used in caring for livestock;
- Sales of semen for agricultural or ranching purposes; and
- Sales of pesticides that are registered by the commissioner of agriculture for use in the production of agricultural and livestock products.

"Spray adjuvants" are defined as products that are used to increase the effectiveness of a pesticide.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** June 4, 2012

**H.B. 12-1042** Income tax - credit - inherited agricultural property - estate tax. The act establishes an income tax credit for a person who inherits agricultural land located within the state that is based on the Colorado estate taxes that are attributable to the transfer of the agricultural land. The tax credit is subject to the following requirements:

- If more than one person inherits the land, the credit is apportioned among all beneficiaries;
- If the credit exceeds the income taxes owed, the excess is refundable to the taxpayer;
- If the land is reclassified in the 10 years after the credit is claimed, the taxpayer is required to repay the credit, with interest, to the state as part of an amended income tax return; and
- The credit is only effective if congress enacts legislation that has the effect of delaying the state estate tax. After the delay is over and there is a state estate tax again, the credit may be claimed.

**APPROVED** by Governor May 21, 2012

**EFFECTIVE** August 8, 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. 12-1045** Sales and use tax - beetle kill exemption - extension of repeal - inclusion of spruce beetles. Wood and wood products from trees killed or infested in Colorado by the

mountain pine beetle are exempt from sales and use tax. The act specifies that the exemption also includes trees killed or infested in Colorado by the spruce beetle and extends the expiration of the exemption to July 1, 2020.

**APPROVED** by Governor May 21, 2012

**EFFECTIVE** July 1, 2012

**H.B. 12-1050** Income tax return form - voluntary contribution to nongame and endangered wildlife fund - extension. The act extends, through the tax year commencing January 1, 2016, the period for which state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the nongame and endangered wildlife fund.

**APPROVED** by Governor March 16, 2012

**EFFECTIVE** August 8, 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. 12-1096** Income tax return form - voluntary contribution to Make-A-Wish Foundation of Colorado fund - extension. The act extends, through the tax year commencing January 1, 2016, the period for which state income tax return forms include a line whereby individual taxpayers may make a voluntary contribution to the Make-A-Wish Foundation of Colorado fund.

**APPROVED** by Governor March 19, 2012

**EFFECTIVE** March 19, 2012

**H.B. 12-1104** Income tax return form - voluntary contribution - Colorado cancer fund - date of repeal. The Colorado breast and women's reproductive cancers voluntary contribution on the state income tax return form is changed to the Colorado cancer fund voluntary contribution, and the duration of time that the fund appears on the form is altered to 5 years unless continued by the general assembly acting by bill.

**APPROVED** by Governor March 24, 2012

**EFFECTIVE** August 8, 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. 12-1178** Gasoline tax - special fuel - lost or destroyed - tax refund or credit - notice deadline. Under current law, a distributor or transporter is entitled to a refund or credit for the tax paid or accrued on gasoline or special fuel that is lost or destroyed by fire, lightning, flood, windstorm, explosion, accident, or other cause beyond the control of the distributor or transporter of the gasoline or special fuel. In order to claim this refund or credit, the distributor or transporter is required to notify the department of revenue (department) within 7 days of the loss or destruction.

The act increases the deadline for notifying the department to 30 days from the loss

or destruction.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** September 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. 12-1241** Urban and Rural Enterprise Zone Act - task force to review effectiveness - report - possible modification - annual documentation. An enterprise zone review task force is created to review the effectiveness of the "Urban and Rural Enterprise Zone Act". The 15 members of the task force are required to review the criteria for designation of an enterprise zone, the tax credits available in order to assess their effectiveness in achieving the purposes of the enterprise zones, and all other issues related to enterprise zones that the task force finds necessary. The act specifies that the task force must report its progress, findings, and recommendations to the finance committees of the house of representatives and the senate, the economic and business development committee of the house of representatives, and the business, labor, and technology committee of the senate, on or before November 1, 2013. The task force is subject to a sunset review of advisory committees prior to its repeal on July 1, 2014. Additionally, the director of the Colorado office of economic development (director) and the Colorado economic development commission (commission) are required to review the enterprise zone designations at least once every 5 years to ensure that the existing zones continue to meet one of the three criteria. The director and the commission are allowed to modify existing enterprise zone designations based on the review. If it is determined that existing enterprise zone designations need to be modified, the modification shall not be undertaken in a high unemployment period. All enterprise zones are required to submit annual documentation of efforts to improve economic conditions.

**APPROVED** by Governor June 6, 2012

**EFFECTIVE** June 6, 2012

**H.B. 12-1273** Income tax - child care contribution income tax credit - eligible child care facilities - approved facility schools. For income tax years commencing on and after January 1, 2013, the act includes approved facility schools that are also affiliated with a licensed or certified hospital in the state and are also nonprofit organizations as eligible child care facilities for purposes of the child care contribution income tax credit; except that, subject to other limitations in the law, any credit for a monetary contribution made to an approved facility school in the income tax year commencing on or after January 1, 2013, but before January 1, 2014, shall not be claimed until the income tax year commencing on or after January 1, 2014.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** August 8, 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. 12-1290** Income tax return form - voluntary contributions - Colorado for healthy landscapes fund - creation - queue - repeal. The Colorado for healthy landscapes fund (fund) is created in the state treasury. For the 5 income tax years following the year in which the executive director of the department of revenue certifies to the revisor of statutes that there is a space on the income tax return form and that the Colorado for healthy landscapes 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 (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.

Finally, 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 the Colorado weed management association, the nonprofit organization that acts as fiscal manager for Colorado for healthy landscapes.

**APPROVED** by Governor April 26, 2012

**EFFECTIVE** August 8, 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. 12-1299** Income tax - innovative motor vehicle tax credit - lessee entitled to claim. For income tax years commencing on or after January 1, 2012, it is the motor vehicle lessee, not the lessor, that is entitled to claim the innovative motor vehicle tax credit.

**APPROVED** by Governor April 12, 2012

**EFFECTIVE** April 12, 2012

**H.B. 12-1307** Property taxation - valuation - appeals - board of assessment appeals - trusts - representation. The act authorizes a trust to be represented in a proceeding before the board of assessment appeals by an attorney admitted to practice law in this state, by the trustee of the trust, or by the trustee's designee.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** August 8, 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. 12-1314** Severance tax - oil and gas - filing requirement - exception - department - estimate of taxes owed - limitation - appropriation. The act creates an exception to the requirement that everyone subject to the severance tax on oil and gas must file a return with the department of revenue. This exception applies to any person who has less than \$250 withheld by all unit operators or first purchasers in a taxable year and whose withholding is greater than or equal to the taxes owed by the person for the taxable year.

In addition, if any person fails to file a report related to the severance tax, the executive director of the department of revenue may estimate the amount of tax, interest, and penalties due and mail the estimate to the last-known address of the person. If, within 10 days of receiving the estimate, the person fails to file a correct report and payment, the estimate becomes the amount payable to the state. The act prohibits the executive director from sending this estimate to a person who has less than \$250 withheld by all unit operators or first purchasers for the taxable year, unless the executive director has good cause to believe that such person does not qualify for the filing exception.

\$14,800 is appropriated to the governor, lieutenant governor, and state planning and budgeting for allocation to the office of information technology for the implementation of the act.

**APPROVED** by Governor June 4, 2012

**EFFECTIVE** June 4, 2012

**H.B. 12-1353** Severance tax - operational account - tier 2 transfers - change to transfers in the event of revenue shortfalls. Tier 2 transfers from the operational account of the severance tax trust fund occur in 3 installments on July 1, January 4, and April 1. Prior law provided that in case of revenue shortfalls, as projected in the revenue estimate prepared by the staff of the legislative council, the January and April installments were to be proportionally reduced. The act changes the automatic proportional reduction mechanism to commence with the July installment so that the effect of a proportional reduction to the entire transfer is spread over 3 installments instead of 2.

The 15% reserve is also to be used to offset any proportional reduction as follows:

- Up to one-third of the reserve for the July installment;
- Up to one-third of the reserve for the January installment; and
- Any remaining reserve for the April installment.

The April installment may now also include an increase to offset proportional reductions made in the July and January payments if revenue estimates indicate that the amount of severance tax revenues are sufficient to fund such increased installments and still meet the reserve requirement in current law.

The required tier 1 operating appropriations portion of the total reserve calculation for the 2012-13 fiscal year is reduced by \$1 million.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** May 24, 2012

## TRANSPORTATION

**H.B. 12-1012** Projects that displace private activities - increase in maximum amount of displacement expenses reimbursement to be paid. For a project administered or overseen by the department of transportation, the act increases from \$10,000 to \$50,000 the maximum amount of actual reasonable expenses to be paid by the department in connection with the reestablishment at a new site of a farm, nonprofit organization, or small business displaced by the project.

**APPROVED** by Governor May 3, 2012

**EFFECTIVE** May 3, 2012

**H.B. 12-1108** General - roadside advertising - logo signs - urban areas. The act repeals restrictions on the placement of department of transportation logo signs in urbanized areas on the interstate system.

**APPROVED** by Governor May 18, 2012

**EFFECTIVE** August 8, 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. 12-1222** Renovation fund - recreation - continuous appropriation - uses. The department of transportation renovation fund was repealed in 2007 with a balance still remaining in the fund. The act recreates the fund and specifies that it consists of the prior remaining balance. The moneys in the fund are continuously appropriated to the department of transportation to pay for the renovation of property of the department and to make payments under any lease-purchase agreement authorized pursuant to House Bill 04-1456.

**APPROVED** by Governor April 6, 2012

**EFFECTIVE** April 6, 2012

## WATER AND IRRIGATION

**S.B. 12-8** Plans for augmentation - Denver basin aquifers - postponement of requirements.  
Law that is currently in effect:

- Requires wells that pump from the Dawson aquifer to replace actual out-of-priority depletions; and
- Specifies that the replacement obligation for all Denver basin aquifers continues after pumping stops to compensate for depletions.

This law is scheduled to repeal on July 1, 2012.

The new law that will automatically become effective on July 1, 2012, requires:

- Wells that pump from the Dawson aquifer to replace actual stream depletions to the extent necessary to prevent any injurious effect on other water rights based on actual aquifer conditions; and
- Replacement after pumping ceases for all Denver basin aquifers only if required to compensate for injurious depletions.

There is currently no modeling tool available to calculate depletions according to actual aquifer conditions. Accordingly, the act postpones the repeal of the current law until July 1, 2015.

**APPROVED** by Governor March 8, 2012

**EFFECTIVE** March 8, 2012

**S.B. 12-9** Division of water resources - cash funds - consolidation - appropriation. The act consolidates several funds administered by the division of water resources into a newly created water resources cash fund and consolidates the laws governing the fund's allowable uses into one section. The act repeals the water data bank cash fund, division of water resources publication cash fund, division of water resources ground water management cash fund, ground water publication fund, gravel pit lakes augmentation fund, and well enforcement cash fund.

The act makes adjustments to the 2012 general appropriation act for the implementation of the act.

**APPROVED** by Governor May 24, 2012

**EFFECTIVE** July 1, 2012

**S.B. 12-97** Change in point of diversion - surface rights - simplified procedure. Under current law, all changes of water rights, including changes in the point of diversion, must be adjudicated. The act creates a simplified procedure for the adjudication of a simple change in a surface point of diversion, which is defined as a change in the point of diversion from a decreed surface diversion point to a new surface diversion point that is not combined with, and does not include, any other type of change of water right and for which there is no intervening surface diversion point or inflow between the new point of diversion and the diversion point from which a change is being made. The new procedure applies to a change of point of diversion that has already been physically accomplished or with respect to a requested future change of point of diversion.

There is a rebuttable presumption that a simple change in a surface point of diversion

will not cause an enlargement of the historical use associated with the water rights being changed. The resulting decree must not requantify the water rights for which the point of diversion is being changed. The applicant is not required to prove:

- That the water diverted at the new point of diversion can and will be diverted and put to use within a reasonable period of time;
- Compliance with the anti-speculation doctrine; or
- Future need for the water imposed by case law or statute.

**APPROVED** by Governor March 22, 2012

**EFFECTIVE** March 22, 2012

**H.B. 12-1022** Substitute water supply - augmentation plans - mining companies - historic natural depletion credit. Some mining operations construct impermeable areas that capture precipitation and eliminate preexisting natural evapotranspiration. Current law requires that the portion of the captured precipitation that historically reached the stream must be replaced to prevent injury to senior water rights. However, capturing the amount of water that was lost through plant transpiration or evaporation does not increase the actual stream depletions caused by the mining operation because the evapotranspiration did not historically reach the stream. Current law does not give the mine operator any credit for this reduction in evapotranspiration when calculating the obligation to replace stream depletions unless it is a sand and gravel mine. The act specifies that for all permitted mining operations, there will be no requirement to replace the amount of historic natural depletion to the waters of the state that was caused by the preexisting natural evapotranspiration on the surface of an area that will be, or that has been, eliminated or made impermeable.

**APPROVED** by Governor March 15, 2012

**EFFECTIVE** August 8, 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. 12-1278** Colorado water conservation board - South Platte river alluvial aquifer study - appropriation. The act authorizes a study of the interaction between the South Platte alluvial aquifer and surface streams. The Colorado water institute, under a contract with the Colorado water conservation board, will conduct a study to compile and evaluate available historical hydrologic data through water year 2011.

The institute shall examine water use in water districts 1, 2, and 64 of water division 1 and consider the impacts to all water rights and interstate obligations in water division 1. The institute will also evaluate a number of hydrologic variables including:

- The number and location of alluvial wells withdrawing groundwater, alluvial wells curtailed from withdrawing groundwater, and existing artificial recharge facilities;
- Historical volumes of water pumped for wells, except for certain wells exempted from water rights determinations and administration;
- Historical amounts of water leaving the state in excess of river compact requirements;
- Historical water deliveries to surface water rights;
- Data from existing observation wells concerning groundwater levels and historical fluctuations in groundwater levels;

- The relationship between high groundwater levels and nonbeneficial consumptive use by phreatophytes from 2001 through 2011;
- The number and size of augmentation plans in operation in the study area; and
- The impact of transbasin supplies, conservation practices, and lined storage facilities in the alluvium.

From the data collected, the institute will determine:

- To what extent augmentation plans prevent injury to other water rights holders or cause over-augmentation of well depletions;
- Whether increased usage of the alluvial aquifers could be implemented in a manner consistent with protecting senior surface water rights; and
- Whether allowing the state engineer additional authority to administer water rights could improve or maximize water usage in the basin while protecting senior surface water rights.

\$910,900 is appropriated from the Colorado water conservation board construction fund to the department of natural resources to allocate to the Colorado water conservation board to implement the study.

**APPROVED** by Governor May 30, 2012

**EFFECTIVE** May 30, 2012

## CONCURRENT RESOLUTION

**H.C.R.12-1001** State personnel system - merit principles - exemptions - appointments from eligible list - residency requirement - temporary employment - state personnel board - veterans' preference. The concurrent resolution makes the following changes to the state personnel system (system):

- **Merit principles.** Currently, appointments and promotions in the system are made based on competitive tests of competence. Competitive tests of competence are replaced with the requirement that there be a comparative analysis of candidates based on objective criteria.
- **Exemptions.** Subject to the approval of the state personnel director, specified departmental positions and senior executive service employees are exempted from the system, but the total number of these new exemptions may not exceed 1% of the total number of persons in the system.
- **Appointments from eligible list.** Currently, appointments within the system must be made to one of the 3 persons ranking highest on the eligible list for the position. The number of persons eligible for appointment is expanded from 3 to 6.
- **Residency requirement.** All appointees are currently required to reside in the state, but applications may be accepted for positions that the state personnel board determines cannot be readily filled from among residents of this state based on training, education, or qualifications. The concurrent resolution allows the state personnel director to make exceptions and removes the criteria relating to that authority. It also creates an exception to the residency requirement for a position located at a work site that is within 30 miles of the state border.
- **Temporary employment.** Currently, the state personnel director may authorize the use of temporary employees for up to 6 months. This limit is changed to 9 months.
- **State personnel board.** Members of the state personnel board currently serve 5-year terms and may only be removed from the board for specified reasons. The concurrent resolution changes a board member's term to 3 years and limits each member to 2 terms, regardless of whether a term is a full term or a partial term filling a vacancy. In addition, 2 of the board members appointed by the governor will serve at the governor's pleasure. The concurrent resolution also removes the conduct of competitive examinations of competence from the list of provisions for which the board is required to adopt rules.
- **Veterans' preference.** Currently, veterans receive additional points on a passing grade on a competitive examination. The concurrent resolution adapts the veterans' preference to the new comparative analysis system and eliminates the prohibition on a veteran using the preference more than once.

## EXTRAORDINARY SESSION

### **H.B. 12S-1002** Unemployment insurance - premium rates - stabilization - revenue bonds - issuance - division of unemployment insurance - Colorado housing and finance authority.

The act makes the following changes to current law with respect to the issuance of unemployment revenue bonds:

- Makes the unemployment insurance laws consistent with those of the Colorado housing and finance authority with respect to the issuance of unemployment revenue bonds by either the division of unemployment insurance or the Colorado housing and finance authority.
- Authorizes the deposit of all or any portion of bond assessments paid by employers for principal of the bonds into the unemployment compensation fund prior to being transferred to the issuer of the bonds. This allows these payments to count toward improving the experience rating of employers.
- Authorizes the assessment of interest and other bond costs through the employment support fund and requires the transfer of these assessments to the issuer of the bonds for the payment of interest and other costs associated with the bonds.

In order to facilitate the issuance of unemployment revenue bonds, the act accelerates the date for the creation of the division of unemployment insurance by adding an effective date of June 1, 2012, to House Bill 12-1120 and placing a safety clause on that bill.

The act also makes technical changes to language enacted in House Bill 11-1288 in order to ensure appropriate transition to the new unemployment insurance premium rate structure once solvency is established in the unemployment compensation fund.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** June 1, 2012

### **S.B. 12S-1** Taxation - registration - special mobile machinery - rental fleets - appropriation.

The act allows an owner of more than 10 pieces of special mobile machinery to register all new special mobile machinery quarterly with the county and to obtain and use special mobile machinery plates, identifying decals, or certificates to designate that the registration for the machinery is pending. This allows the owner to renew the registrations for all of the machinery on the same date each year. The license plate for special mobile machinery is not required to have an annual validating tab or sticker. Fees are set to implement the bill.

\$126,563 and 0.8 FTE are appropriated to the department of revenue for implementation of the act. Of that sum, \$76,220 is from the Colorado state titling and registration account of the highway users tax fund, which is reappropriated to the office of state planning and budgeting in the lieutenant governor's office for allocation to the office of information technology for computer center services for the department of revenue. \$50,343 is from the special mobile machinery registration fee revenue. \$124,492 is appropriated from the license plate cash fund to the department of revenue, for allocation to the division of motor vehicles to purchase license plates related to the implementation of the act.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** August 15, 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. 12S-2** 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 floodplain map modernization program;
- \$500,000 for continuation of the watershed restoration program;
- \$300,000 to restore the flood and drought response fund balance;
- \$1 million for continuation of the phreatophyte control cost-sharing program;
- \$2 million for continuation of the Colorado river water availability study;
- \$500,000 to begin implementation of the South Platte groundwater data collection and analysis project;
- \$1 million for continuation of the alternative agriculture water transfer sustainability grant program;
- \$5 million for the planning and implementation of the Rio Grande cooperative project;
- \$5 million for implementation of the Chatfield reservoir reallocation project;
- \$12 million for the third and final installment to purchase Colorado's allotment of Animas-La Plata project water pursuant to House Bill 10-1250, enacted in 2010;
- \$300,000 to provide legal support and funding for litigation involving protests of individual water rights that the state engineer has placed on the abandonment list; and
- \$75,857 to continue management of the national hydrography dataset and to provide geographic information system analysis support.

The act repurposes the flood response program to include drought preparedness and response and renames the flood response fund to the flood and drought response fund.

The state engineer may receive and expend grants and distributions of money from the Colorado water conservation board for use in discharging the state engineer's duties.

The act transfers from the perpetual base account of the severance tax trust fund to the Colorado water conservation board construction fund the following:

- \$30,000,000 for the Rio Grande cooperative project, including improvements associated with the Beaver Park reservoir and the Rio Grande reservoir; and
- \$13,000,000 for the implementation of the Chatfield reservoir reallocation project.

The water supply reserve account is renamed as the water supply reserve fund.

**APPROVED** by Governor June 8, 2012

**EFFECTIVE** June 8, 2012

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