

DIGEST OF BILLS

Enacted by The

FILE COPY

FIFTY-THIRD GENERAL ASSEMBLY

1982 Second Regular Session



COLORADO
LEGISLATIVE DRAFTING OFFICE

30 State Capitol Bldg.
Denver, Colorado 80203

May, 1982

DIGEST
 OF
 SENATE AND HOUSE BILLS ENACTED
 BY THE
 FIFTY-THIRD GENERAL ASSEMBLY
 OF THE
 STATE OF COLORADO
 (1982 - Second Regular Session)

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For grouping of bills by general subject matter,
see pages i and ii.

Detailed subject index appears at end of digest,
together with index by bill number.

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Compiled by the
 Legislative Drafting Office
 and the
 Office of Revisor of Statutes
 State Capitol Building
 Denver

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The first date appearing after the act is the date on which it was approved by the Governor or, if noted, became law without his signature; the second date is the effective date of the act. Vetoed bills are digested and marked "VETOED".

11 House Bills and 1 Senate Bill became law without the Governor's signature. These totals are included in the totals below.

This digest includes 4 proposed amendments to the state constitution which were passed by the General Assembly.

This digest is intended to direct the user to the text of specific bills and does not purport to be exhaustive.

	<u>Introduced</u>	<u>Passed</u>	<u>Vetoed</u>	<u>Became law</u>
HOUSE	288	111	1	110
SENATE	<u>149</u>	<u>64</u>	<u>1</u>	<u>63</u>
TOTALS	437	175	2	173

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PROPOSED CONSTITUTIONAL AMENDMENTS

S.C.R. 1 Removal of the limitation on the enactment of bills in even-numbered years - length of session in even-numbered years. Eliminates the provision that at regular sessions of the general assembly convening in even-numbered years the general assembly may only enact bills raising revenue, making appropriations, or pertaining to subjects designated by the governor.

Limits regular sessions of the general assembly convened in even-numbered years to 140 calendar days.

H.C.R. 1001 Denial of bail to certain persons authorized. Authorizes the denial of bail to persons accused of a capital offense when proof is evident or presumption is great, persons convicted of a crime of violence who are awaiting sentencing for such conviction or appealing such conviction or, in the following cases if a court finds at a hearing that proof is evident or presumption is great as to the crime alleged to have been committed and finds that the public would be placed in significant peril: A crime of violence alleged to have been committed while on conditional release from confinement, or a crime of violence alleged to have been committed after 2 previous felony convictions, or after one previous felony conviction if such conviction was for a crime of violence.

H.C.R. 1004 Commission on judicial discipline - membership, appointment, and powers. Changes the membership and appointment of the commission on judicial discipline, including the deletion of a district county judge and the addition of 2 citizen members. Authorizes the removal or discipline of a justice or judge for committing specified offenses. Establishes the procedure for removal or discipline of a justice or judge. Provides that papers filed with and proceedings before the commission or masters appointed by the supreme court shall be confidential prior to the filing of a recommendation by the commission.

H.C.R. 1005 Property tax - valuation for assessment - exemptions - enforcement - state board of equalization - property tax administrator. Sets the valuation for assessment of residential real property at 21% of actual value. Requires the general assembly to adjust such percentage as the level of value used in determining actual value changes. Sets the valuation for assessment for all other taxable property at 29% of actual value. Provides that valuation for assessment

for producing mines and oil or gas lands or leaseholds shall be a portion of actual annual or actual average annual production based upon the value of the unprocessed material according to procedures prescribed by law for different types of minerals.

Provides that actual value be determined by considering cost, market, and income approaches to appraisal; except that actual value in the case of residential real property shall be determined by considering only cost and market approaches and actual value in the case of agricultural lands shall be determined by considering earning or productive capacity capitalized at a rate prescribed by law.

Exempts specified classes of personal property from property tax. Provides an enforcement mechanism to insure compliance with the property tax provisions of the constitution and the statutes. Changes the composition of the state board of equalization. Provides that the property tax administrator shall be appointed by such state board, serve for a term of 5 years, and be exempt from the state personnel system.

SENATE AND HOUSE BILLS ENACTED

ADMINISTRATIVE RULE REVIEW

- S.B. 11 Action of the general assembly relating to administrative rules and regulations - publication in the code of Colorado regulations and the Colorado register. Requires the code of Colorado regulations and the Colorado register to contain references to any action of the general assembly relating to administrative rules and regulations. Requires the legal services committee to notify the secretary of state whenever a rule published in the code is rescinded, deleted, or allowed to expire. Requires the secretary of state to direct that any such rule be removed from the code.

March 11

March 11

- H.B. 1096 Property taxation - mobile home valuation manual. Deletes portions of the property tax administrator's "Mobile Home Valuation Manual" which concern the computation of actual value and the exemptions for depreciation and household furnishings.

Became law without the Governor's signature

March 13

March 13

- H.B. 1097 Continuation of rules of the department of health. Extends the rules and regulations of the department of health which were adopted before January 1, 1982, with specified exceptions. Rules which are not so continued, and which thereby expire on July 1, 1982 (June 1, 1982 in the case of rules adopted in 1981), include: a regulation concerning emission control regulations for wigwam wood waste burners; certain regulations of the water quality control commission concerning the state discharge permit system, sewage disposal systems, water quality standards for Dillon Reservoir, and classification of streams; specified rules of the plant operators board concerning certification of treatment plants and operators; rules of the state board of health for certain domestic sewage treatment systems; a rule concerning swimming pools and mineral baths; specified rules of the Colorado health facilities review council concerning certificates of public necessity and project review procedures; a rule

concerning the burning of solid wastes; the rules of the state board of health concerning requirements for siting of hazardous waste disposal sites; rules concerning the use of narcotic drugs for treatment of addicts; and the rules concerning the standards of practice for alcohol and drug abuse counselors.

April 27 April 27

H.B. 1098 Continuation of rules of the department of corrections.
Extends the rules and regulations of the department of corrections which were adopted before January 1, 1982, and which were therefore scheduled to expire July 1, 1982.

March 11 March 11

H.B. 1099 Continuation of 1981 rules of executive agencies.
Extends the rules and regulations of executive agencies which were adopted during 1981; except that specified rules and regulations shall expire as scheduled on June 1, 1982. Does not provide for the continuation of any 1981 rules of the departments of health, local affairs, and corrections, which rules and regulations are the subject of separate acts.

Rules which are not continued include: A fiscal rule of the department of administration concerning the use of privately owned motorcycles; a rule of the department of administration concerning vacancy procedures for the state employees and officials group insurance board; several procurement code rules of the department of administration concerning contract performance and payment bonds, the decision in a solicitation or award protest, and the delegation of rule-making authority relating to bridge and highway construction bidding practices; several rules of the mined land reclamation board concerning prospect drill holes; a rule of the real estate commission concerning a requirement to be met by subdivision developers prior to the conveyance of time-share units; a rule of the state bank commissioner concerning the availability of records of credit unions; a regulation of the department of revenue concerning the severance tax credit for prior payment of impact assistance; the rules of the department of social services concerning adult day health care; the rules of the department of social services concerning the

appeal mechanism for providers of services under the medical assistance program; a rule of the department of social services concerning eligibility for food stamp benefits; and the "3 + 3" affirmative action rules of the department of personnel.

Became law without the Governor's signature
May 8 May 8

H.B. 1100 Continuation of rules of the department of local affairs.
Extends the rules and regulations of the department of local affairs which were adopted before January 1, 1982, and which were therefore scheduled to expire July 1, 1982, with the exception of several rules of the property tax administrator relating to the computation of the maximum actual value of mobile homes for purposes of property taxation.

Became law without the Governor's signature
March 13 March 13

AGRICULTURE

S.B. 72 Regulation of the storage of farm products. Authorizes the commissioner of agriculture to require the submission of a financial statement or audit as a prerequisite to granting a license to a facility that stores farm products. Increases bonding requirements imposed on dealers and brokers engaged in the business of storing farm products.

Authorizes the commissioner of agriculture to require licensees of facilities that store farm products to furnish approved scale tickets upon request. Specifies that a warehouseman's acceptance of grain for storage and issuance of a receipt to that effect constitutes a bailment and not a sale. Makes the department of agriculture the sole source of negotiable warehouse receipts.

Authorizes the state agricultural commission to fix, assess, and collect fees for the inspection of facilities storing farm products. Classifies certain activities in violation of the act as class 5 felonies.

April 15

April 15

H.B. 1002 Soil conservation districts. Makes various changes and revisions to the "Colorado Soil Conservation Act", including but not limited to the following: Deletes obsolete references to the names of numerous local districts; authorizes the state soil conservation board to set up and administer trust funds for projects undertaken by the board; rewrites and revises procedures for organizing a soil conservation district and conducting elections; provides for special elections, rather than elections at district meetings, for all board supervisors and on questions concerning tax levies or assessments and consolidation; revises provisions on assessments, consolidation, and dissolution; deletes provisions referring to voting by proxy and provides for voting by absentee ballot; provides a maximum 1/2 of one mill on all tax levies or assessments; provides that any appeal of a decision of a board of supervisors be made to the state board and abolishes the district board of appeals; and revises procedures for withdrawal of land from a district. Repeals provisions in conflict with changes made to the act, a provision relating to supervision of the state board and local districts by the

department of agriculture, and provisions relating to land use ordinances.

May 3

January 1, 1983

H.B. 1216 Seed beans. Prohibits the sale or distribution of seed beans which do not meet standards established by the department of agriculture. Authorizes the department to promulgate rules concerning seed beans and their bacterial diseases, to administer a program for the inspection and approval of seed beans, to contract for the performance of inspections, and to establish and charge reasonable fees for inspections of seed beans. Provides the department with powers to issue and enforce stop sale orders and to petition the court for the seizure of certain unapproved seed beans. Establishes a misdemeanor penalty for unlawful acts regarding seed beans.

May 3

July 1

APPROPRIATIONS

H.B. 1261 Supplemental appropriation - department of administration. Amends the 1981 general appropriation bill to decrease the total appropriation to the department by \$3,108,321. The major reductions are for salary survey adjustments and anniversary increases.

PORTION VETOED April 2

Remainder became law without the Governor's signature
April 3 April 3

H.B. 1262 Supplemental appropriation - department of agriculture. Amends the 1981 general appropriation bill to increase by \$115,847 the appropriation to the department for the Colorado state fair contingency fund.

April 23 April 23

H.B. 1263 Supplemental appropriation - department of corrections. Amends the 1981 general appropriation bill to decrease the total appropriation to the department by \$482,771.

April 2 April 2

H.B. 1264 Supplemental appropriation - department of education. Amends the 1981 general appropriation bill to increase the total appropriation to the department by \$6,754,384. The major increases are for minimum equalization and increasing enrollment under the public school finance act.

April 2 April 2

H.B. 1265 Supplemental appropriation - department of health. Amends the 1981 general appropriation bill to decrease the total appropriation to the department by \$2,210,249.

April 23 April 23

H.B. 1266 Supplemental appropriation - department of higher education. Amends the 1981 general appropriation bill to increase the total appropriation to the department by

\$1,746,434. Amends the 1980 general appropriation bill to decrease the capital construction appropriation to the department by \$77,749.

April 23 April 23

H.B. 1267 Supplemental appropriation - state department of highways. Amends the 1981 general appropriation bill to decrease the appropriation to the department for the Colorado state patrol and the highway safety coordinator and to reflect vetoes by the governor of items of appropriation to the department in the 1981 general appropriation bill.

April 2 April 2

H.B. 1268 Supplemental appropriation - department of institutions. Amends the 1981 general appropriation bill to increase the total appropriation to the department by \$3,068,703.

May 3 May 3

H.B. 1269 Supplemental appropriation - department of labor and employment. Amends the 1981 general appropriation bill to make miscellaneous changes in the appropriation to the department and to reflect vetoes by the governor of items of appropriation to the department in the 1981 general appropriation bill.

April 2 April 2

H.B. 1270 Supplemental appropriation - judicial department. Amends the 1981 general appropriation bill to increase the total appropriation to the department by \$12,142.

April 23 April 23

H.B. 1271 Supplemental appropriation - department of law. Amends the 1981 general appropriation bill to increase the total appropriation to the department by \$68,495.

PORTION VETOED April 28 April 28

H.B. 1272 Supplemental appropriation - department of local affairs.
Amends the 1981 general appropriation bill to increase the total appropriation to the department by \$22,840.

April 6 April 6

H.B. 1273 Supplemental appropriation - department of military affairs. Amends the 1981 general appropriation bill to increase the appropriation to the department for utilities by \$50,000.

April 23 April 23

H.B. 1274 Supplemental appropriation - department of natural resources. Amends the 1981 general appropriation bill to increase the total appropriation to the department by \$730,468. Also amends the 1978 general appropriation bill to decrease the capital construction appropriation to the department by \$165,204.

April 23 April 23

H.B. 1275 Supplemental appropriation - office of state planning and budgeting. Amends the 1981 general appropriation bill to decrease the total appropriation to the office by \$63,576.

Became law without the Governor's signature
April 3 April 3

H.B. 1276 Supplemental appropriation - department of personnel.
Amends the 1981 general appropriation bill to decrease the total appropriation to the department by \$225,974.

April 2 April 2

H.B. 1277 Supplemental appropriation - department of regulatory agencies. Amends the 1981 general appropriation bill to increase the total appropriation to the department by \$32,451. Amends 1981 Senate Bill No. 419, which provided for the continuation of the division of securities under the sunset law, to decrease the total appropriation to the division of securities by \$23,100. Amends 1981 Senate Bill No. 17, which created the office of regulatory reform, to decrease the appropriation to the

executive director of the department for the establishment of the office by \$28,000.

April 2 April 2

H.B. 1278 Supplemental appropriation - department of revenue. Amends the 1981 general appropriation bill to increase the total appropriation to the department by \$3,158,902. Amends the 1980 general appropriation bill to shift the source of funds for the department's appropriation between cash funds and the general fund.

April 23 April 23

H.B. 1279 Supplemental appropriation - department of the treasury. Amends the 1981 general appropriation bill to increase the total appropriation to the department by \$35,750, which includes a new appropriation of \$20,000 for payment of organized crime strike force expenses for the fiscal year ending June 30, 1982.

April 27 April 27

H.B. 1280 Supplemental appropriation - department of social services. Amends the 1981 general appropriation bill to decrease the total appropriation to the department by \$9,455,209 (most of which is the result of reductions in federal funds), to provide that the "M" headnote does not apply to the department in the event of a federal disallowance, and to add 2 new footnotes relating to mental health monitoring and care for the developmentally disabled. Also amends the 1980 general appropriation bill to increase the total appropriation to the department by \$322,707.

April 30 April 30

H.B. 1281 Appropriation - legislative department. Appropriates \$12,616,176 to the legislative department for its expenditures for the fiscal year beginning July 1, 1982, to be allocated as follows:

House of representatives and senate	\$ 4,857,121
State auditor	3,539,404
Joint budget committee	524,238

Legislative council	1,113,934
Legislative studies	735,530
Legislative drafting office	865,825
Office of revisor of statutes	897,984
Committee on legal services	67,000
Commission on uniform state laws	<u>15,140</u>
Total legislative department	\$12,616,176

April 30 April 30

H.B. 1284 General appropriation bill - long bill. For the expenses of the executive, legislative, and judicial departments of state government for the fiscal year commencing July 1, 1982, the grand total of the operating budget is \$2,854,298,820 (\$64,022,072 of which is for the judicial department), of which \$1,538,628,779 is from the general fund, \$739,778,346 is from cash funds, and \$575,891,695 is from federal funds. The total appropriation for capital construction is \$68,274,776, of which \$8,806,600 is from the capital construction fund, \$51,574,605 is from cash funds, and \$7,893,571 is from federal funds.

Amends the 1980 and 1981 general appropriation bills to decrease the capital construction appropriations to the department of administration. Amends the 1981 legislative appropriation bill (House Bill No. 1610) to decrease the appropriation to the house of representatives and senate by \$50,000. Appropriates \$50,000 to the department of corrections for double-bunking of 88 inmates at the territorial prison.

PORTIONS VETOED May 6 May 6

H.B. 1287 Appropriations - department of education - school finance - decrease for 1981-82 - increase for 1982-83. Decreases the 1981-82 appropriation to the department of education for minimum equalization under the "Public School Finance Act of 1973" by \$30,000,000, and increases the 1982-83 appropriation for such purpose by the same amount. States that the decrease shall not be deemed a reversion to the general fund and is not subject to transfer. Provides that the decrease will take effect prior to the June payment of equalization funds to school districts

and that the entire amount of the increase will be distributed to districts immediately upon its becoming available.

May 3

June 15

CHILDREN AND DOMESTIC MATTERS

S.B. 6 Dissolution of marriage upon affidavit. Allows final orders in a proceeding for dissolution of marriage to be entered upon the affidavit of either or both parties when specified conditions are met. Sets forth procedures to be followed when filing such an affidavit. Provides that the court shall not be bound to enter a decree upon such affidavit and allows the court to require a formal hearing to determine issues presented by the pleadings in a dissolution of marriage.

April 23 May 23 (30 days
 after signature)

S.B. 8 Court records - juvenile offenders - expungement. Provides that no person who has been adjudicated as a repeat juvenile offender or as a violent juvenile offender shall be eligible to petition the court for expungement of his record sooner than 7 years after the date of termination of the court's jurisdiction over the person or 7 years after his unconditional release from parole supervision. Provides that such person shall be so informed and for the initiation of expungement proceedings.

March 17 March 17

S.B. 101 Limitation on the placement of children in facilities outside this state. Limits the out-of-state placement of children subject to the jurisdiction of a court when required evaluations recommend placement for appropriate treatment at a facility in Colorado. Requires specific findings of fact and a report by the court if the child is ordered placed: In a facility in this state other than the one recommended, or in a facility located outside this state in accordance with the required recommendation, or in a facility which costs more than the amount established by the long bill.

April 6 April 6

H.B. 1007 Sentencing of mandatory sentence offenders. Allows a mandatory sentence offender who is 18 years of age or older on the date of a dispositional hearing to be

sentenced to the county jail for acts committed by him before reaching age 18.

April 6

April 6

H.B. 1175 Domestic abuse - emergency protection orders. Authorizes county and district judges to issue oral or written emergency protection orders for the protection of adults or emancipated minors threatened with domestic abuse. Requires that a county or district judge in each judicial district be available to issue such orders by telephone on weekends and at night when the courts are closed for business. Allows such orders to include provisions restraining a party from abusing another party, excluding a party from the family home, and awarding temporary care and control of any minor children of a party involved. Requires a court hearing when 3 emergency protection orders involving the same parties are issued within a one-year period. Consolidates existing provisions for temporary restraining orders in a family setting with the new provisions for emergency protection orders.

April 23

April 23

CONSUMER AFFAIRS

S.B. 80 Student loan guarantee program - loans excluded from Uniform Consumer Credit Code. Adds to exclusions from the Uniform Consumer Credit Code loans made or guaranteed by a state agency under the student loan guarantee program enacted in 1979.

April 2 April 2

H.B. 1181 Works of fine art - placement on consignment. Provides that works of fine art, when placed on consignment, are trust property in the hands of the consignee, that the consignee is deemed to be the agent of the artist, and that proceeds from the sale of the work are trust funds for the benefit of the artist. States that no such trust property or trust funds shall be subject to or subordinate to claims of the consignee's creditors. Makes an art dealer strictly liable for the loss of or damage to a work when it is in his possession.

Establishes an exemption from the consignment provisions of the Uniform Commercial Code for works of fine art placed on consignment.

March 25 March 25

CORRECTIONS

H.B. 1170 Uncollectible bad debt owed to state by division of correctional industries - write off. Directs the state treasurer and the controller to write off as an uncollectible bad debt an amount owed the state in the sum of \$3,000,000 plus interest which the division has carried on its books as a liability.

March 25 March 25

H.B. 1203 Community corrections - repeal of mandatory parole - confinement in county jail for violation of rules. Eliminates provision for one year of parole for persons sentenced to residential community correctional facilities. Subjects any person sentenced to such a facility to one year of supervision under the direction of the sentencing court upon release from such facility. Authorizes the administrator of such a facility to implement the transfer of any offender whom he believes to have violated a rule or condition of placement to county jail pending a determination of proper placement.

March 17 July 1

COURTS

- S.B. 95 Mine rescue activities - protection against civil liability. Grants immunity against civil damages to any person engaged in mine rescue or recovery work who in good faith renders emergency care or recovery services at or in a mine and to any person who employs, sponsors, or represents any person rendering emergency care or recovery services.

April 23

April 23

- S.B. 106 Official reports of the Colorado supreme court and court of appeals - publication. Authorizes the supreme court to designate the publications of the decisions of the supreme court and court of appeals by a private publisher as the official reports of those decisions.

April 2

July 1

- S.B. 140 Concerning interest payable on money judgments which are appealed. Provides that if a judgment debtor appeals a judgment for money in any civil case and such judgment is affirmed, interest is due from the date of entry of judgment by the trial court until the judgment is satisfied. If such appeal is taken and the judgment is modified or reversed with a direction to the trial court to enter a money judgment in a different amount, interest is payable from the date the judgment was first entered by the trial court, but payable on the amount of the final judgment until the judgment is satisfied. In actions for personal injuries or death caused by tort, the same provisions apply, except that interest is calculated from the date the action accrued and includes compounding from the date the suit was filed.

The rate of interest is to be certified by the secretary of state as of December 31, 1982, to be effective January 1, 1983. The rate of interest so certified is to be 2 percentage points above the discount rate, which rate is to be the rate of interest a commercial bank pays to the federal reserve bank of Kansas City using a government bond or eligible security, rounded to the nearest full percent. Such certification shall be made on December 31 of each year after 1982, to be effective for the succeeding calendar year.

Applies to all appeals filed with the court of appeals or supreme court on or after January 1, 1983.

March 25 January 1, 1983

H.B. 1008 Docket fees in civil actions increased. Raises district court docket fees to \$75 for a plaintiff or other party asserting a cross claim or counterclaim. Also increases to \$40 the docket fee for an appellant.

April 23 July 1

H.B. 1015 Docket fees in civil actions in county courts. Increases from \$8 to \$16 the docket fees for plaintiffs' and defendants' filings in all civil actions in county courts.

April 23 July 1

H.B. 1019 Minor traffic offenses - decriminalization - procedures for adjudication. Classifies certain violations as "traffic infractions" and specifies that traffic infractions shall constitute civil offenses. Reclassifies class 3 and class 4 misdemeanor traffic offenses as class A and class B traffic infractions.

Eliminates the requirement that a county court referee who hears only class A and class B traffic infractions be an attorney. Exempts class A and class B traffic infraction matters from the requirement that all parties must waive their right to proceed before a county judge before a county court referee may hear them.

Provides that a person cited for a noncriminal traffic infraction or offense has no right to a trial by jury. Specifies that a person cited for a class A or a class B traffic infraction shall have no right to a trial by jury at a hearing before a referee.

Establishes rules of evidence for hearings concerning traffic infractions, and establishes procedures for appeals from such hearings.

Requires police officers to give a penalty assessment notice to persons cited for the commission of any traffic infraction. Specifies the contents of such penalty assessment notices and procedures for paying penalties. Imposes penalties for traffic infractions and directs the department of revenue to retain and use for

administrative purposes the first 50¢ of every penalty for a traffic infraction. Establishes procedures for the prosecution of disputed traffic infractions.

Provides that where a crime is charged in conjunction with a class A or class B traffic infraction, both charges shall be tried in the court having jurisdiction over the crime. Prohibits courts from requiring traffic infraction violators to attend a driver improvement school in addition to or as a condition of the penalty imposed. Makes various conforming amendments.

June 1

January 1, 1983

H.B. 1038 Appellate court docket fees - disposition. Removes the power of the supreme court to fix appellate court docket fees. Imposes a docket fee of \$150 for appellants and \$75 for appellees. Provides for 1/3 of such fees to be deposited in the general fund and 2/3 of such fees to be used for the purpose for which the supreme court library fund is used.

April 27

July 1

H.B. 1082 Donation of food to nonprofit organizations - liability of donors. Provides that any nonprofit organization which transfers gleaned or donated food to another nonprofit organization for use by the needy or poor shall not be liable for civil damages or criminal penalties as a result of the condition of such donated items unless such donor's actions are willful, wanton, or reckless.

Provides that a transfer of donated food between nonprofit organizations is not a sale of or offer to sell such food, which sale or offer is otherwise prohibited.

April 2

April 2

H.B. 1142 Injury sustained while in commission of a felonious act - limitation of recovery. Limits a person or his estate or personal representative from recovering damages for personal injury if: (1) such person sustained the injury while committing or in immediate flight from the commission of a felonious act; and (2) the person who caused the injury acted, using a degree of force which he

reasonably believed necessary, under a reasonable belief that physical force was reasonable and appropriate to prevent the commission of a felony and to prevent injury to himself or to others.

April 9 April 9

- H.B. 1169 Compensation of part-time county judges when assigned to other courts. Allows a class C or D county judge who is assigned to any district court to receive the per diem salary of the judge of such district court, in addition to his own regular part-time salary and expenses. Such C or D county judge is also entitled to the per diem salary of a full-time county judge while performing judicial duties in any other county court, in addition to his own part-time salary and expenses.

March 17 March 17

- H.B. 1199 Default judgments in civil actions - use of affidavits. Authorizes a court to enter judgment for affirmative relief in any civil action in which a default has been entered, based upon the affidavit of the party who sought such affirmative relief. Provides that the court may require supporting evidence, including formal hearing, in addition to such affidavit. Applies to actions filed after the effective date.

March 19 July 1

CRIMES

- S.B. 24 Violation of bail bond conditions. Clarifies that a violation occurs if a defendant fails to appear for trial or other proceedings after his release on bail bond, whether he is released before, during, or after the time he is accused by complaint, information, or indictment.

March 22

March 22

- S.B. 30 School loitering - offense defined - purpose. Responds to People in the Interest of C.M. (June 29, 1981) in which the Colorado Supreme Court held the school loitering law unconstitutionally vague. Makes it an offense to loiter in a school, on school grounds, or within 100 feet of school grounds when children are present. Requires that the defendant intended to interfere with the school program or endanger school children and that the defendant had been asked to leave. States that the purpose of this prohibition is to protect children.

March 5

March 5

- S.B. 34 Habitual sex offenders against children. Creates the offense of habitual sex offender against children. Provides that a person convicted of an unlawful sexual offense against a child a second or subsequent time is an habitual sex offender against children. Such offenders shall receive a sentence not less than the upper limit of the presumptive range for the class felony or the maximum sentence for the class misdemeanor, as applicable. Specifies that any previous conviction must be set out in the complaint, indictment, or information and requires the jury to follow certain procedures in returning a verdict in such cases.

April 15

July 1

- S.B. 66 Sex offenses against children. Defines which offenses constitute an "unlawful sexual offense" against a child. Lengthens the period of time in which an action may be commenced against a person who has committed a sexual offense against a child.

Includes within the definition of "crime of violence" any felonious unlawful sexual offense against a child in which the defendant caused bodily injury to the

victim or in which the defendant used threat, intimidation, or force against the victim. Requires that in all cases in which an accused is charged with a crime of violence, the indictment or information shall so allege in a separate count. Provides that the jury or the court shall make a specific finding as to whether the accused committed certain acts necessary to a crime of violence.

April 2 July 1

H.B. 1048 Introduction or possession of contraband - second degree defined - first degree distinguished - marihuana offenses. Defines second degree contraband in order to guide the administrative head of a detention facility in determining what should be prohibited, in response to People v. Lepik (Colorado Supreme Court, June 22, 1981), which held section 18-8-204, C.R.S. 1973, unconstitutional. Makes a distinction between possession and introduction of second degree contraband, to parallel the first degree contraband laws and to allow authorized possession under certain circumstances. Adds marihuana to the list of first degree contraband items. Makes conforming amendments.

March 11 March 11

H.B. 1076 Controlled substances - inclusion of marihuana - penalties - conforming amendments. Includes marihuana and marihuana concentrate as nonscheduled controlled substances in the controlled substances law. Makes conforming amendments in laws referring to the use of narcotics and other drugs to reflect the new terminology of controlled substances, and makes various other clarifying amendments.

Combines all penalties relating to marihuana in one section. Makes it illegal to use marihuana or marihuana concentrate and makes the penalty for such use the same as for possession. Decreases the penalty for possession of more than one ounce of marihuana but less than 8 ounces from a class 5 felony to a class 1 misdemeanor for a first conviction and from a class 4 felony to a class 5 felony for a second or subsequent conviction. Provides that possession of 8 ounces or more of marihuana or any amount of marihuana concentrate is a class 5 felony upon first conviction and a class 4 felony for a second or subsequent conviction. Adds penalties for violations relating to cultivation of marihuana and separates the penalty provisions for the unlawful manufacturing, dispensing, selling, or distribution of marihuana or

marihuana concentrate from those of other controlled substances, making the penalty for any violations of such provisions a class 4 felony for a first conviction and a class 3 felony for second or subsequent conviction.

May 3

May 3

H.B. 1127 Desecration of venerated objects. Raises from a class 3 misdemeanor to a class 1 misdemeanor the crime of desecration when committed with regard to a place of worship or burial of human remains.

March 25

March 25

H.B. 1153 Prohibition on the sale of metal beverage containers with detachable opening devices. Prohibits the sale of any metal beverage container with an opening device designed to detach from the beverage container when opened. Provides a penalty for the unlawful sale of such containers. Makes an exception for metal beverage containers with opening devices consisting of sensitized adhesive tape.

March 11

January 1, 1983

CRIMINAL PROCEDURE

- S.B. 23 Probation - deferred prosecution - psychiatric care of defendants. Requires, in certain criminal cases, as a condition of probation if inpatient psychiatric treatment is indicated, that the court proceed in accordance with the provisions of article 10 of title 27, C.R.S 1973, concerning evaluation of the mentally ill.

Repeals the provision authorizing the court, in a deferred prosecution or probation case, to order the department of institutions to admit such defendant for a period not to exceed one year.

March 11 March 11

- S.B. 41 Probation - ineligibility of prior offenders - report to general assembly. Makes a convicted person ineligible for probation if he has previously had 2 felony convictions, whether in-state, out-of-state, or federal. Also, makes a person who commits a class 1, 2, or 3 felony ineligible for probation if he has previously had one or more felony convictions within a 10 year period. Requires the judicial department to report to the general assembly on December 31, 1982, on the effect of the latter provision from July through December, 1982.

April 27 April 27

- H.B. 1162 Bail for defendants after conviction of crimes. Permits a judge to deny appeal bond to a defendant in any case. Repeals the provision allowing the court to deny the defendant appeal bond if it finds that none of the other terms the defendant must comply with would sufficiently assure appearance of the defendant during pendency of the appeal.

March 17 March 17

- H.B. 1172 Traffic summons - signed acceptance. Requires only a person who does not have a valid Colorado drivers license to give written acknowledgment of guilt or give his signed promise to appear in court in order to be released after an arrest for a traffic violation. Provides that tender of a summons or penalty assessment notice

constitutes notice to appear in court or to pay the fine.
Makes it a class 2 traffic offense to fail to appear to
answer certain traffic offenses.

Became law without the Governor's signature
March 30 July 1

H.B. 1183 Strip searches - regulation. Prohibits strip searches
prior to arraignment of persons arrested for a traffic or
petty offense unless there is a reasonable belief that
the person is concealing a weapon or a controlled
substance, that the person is a parolee or an offender
serving a sentence, or that the person is arrested for
driving while under the influence of drugs. Defines
"strip search" and requires that it be performed by a
person of the same sex as the arrested person. Requires
written permission from a police commander or sheriff or
their agent prior to performing a strip search and that a
search of a body cavity other than the mouth be performed
by a licensed physician or nurse.

Makes violations of the law second degree official
misconduct.

April 5 April 5

EDUCATION - PUBLIC SCHOOLS

- S.B. 83 School district attendance entitlement - counting period. Changes the counting period for determining school district attendance entitlement under the "Public School Finance Act of 1973" from the first Wednesday of October that school is in session to a four-week period ending the fourth Friday of October.

April 30 April 30

- S.B. 84 Handicapped children - responsibility of school district of residence for education elsewhere. Limits the financial responsibility of the school district of residence of a handicapped child to finance that child's education elsewhere to the average authorized revenue base. Allows the school district, institution, facility, or organization which actually provides the child with an education to reach an agreement with the child's school district of residence to receive additional reimbursement beyond this minimum amount. If necessary, the department of education shall intervene to effect an agreement.

April 27 April 27

- H.B. 1286 School finance - funding formula for 1983 and thereafter - appropriation. Specifies that the equalization program support level under the "Public School Finance Act of 1973" will be \$56.87 for each pupil of attendance entitlement for each mill levied for the general fund of a school district for budget year 1983. Provides that the department of education shall determine, and the state board of education shall certify, the equalization program support level for 1984 so that the state's percentage share of the equalization program remains the same as it was in 1983. Provides that the equalization program support level for 1985 and future years will be set by the department and the state board so that the amount of state funds distributed will be the same as in 1984. Fixes the minimum guarantee amount for 1983 and future years at \$11.35 per pupil per mill, but provides that a school district which qualifies for the minimum guarantee but which levies more than 20 mills will receive \$16 per pupil per mill for 1983 and \$16.25 per pupil per mill for 1984 and future years.

Permits districts to increase their 1983 ARBs (authorized revenue bases) by \$167.50 over their 1982 ARBs, and provides that no district need have an ARB of less than \$2,195.50 for 1983. Allows a \$175 ARB increase and a \$2,395.50 minimum ARB for 1984. Provides that each

district may have an ARB increase for 1985 and future years of 7% of the statewide average revenue base per pupil.

Appropriates \$29,764,152, out of the special reserve fund for tax relief, to implement the act in 1982-83.

May 19

May 19

EDUCATION - UNIVERSITIES AND COLLEGES

- S.B. 46 Colorado energy research institute - revisions and extension. Reestablishes the Colorado energy research institute scheduled to terminate on July 1, 1982. Recreates the advisory council as an oversight committee and changes its composition to include 6 legislators and 2 persons appointed by the governor. Makes other miscellaneous changes in the duties of the institute.

VETOED March 22

- S.B. 47 University of Colorado - funding of research buildings and facilities. Authorizes the issuance of bonds by the regents of the university of Colorado for the planning, construction, and equipping of research buildings and facilities located within this state for the university. Provides that the amounts, maturity dates, and interest rates of said bonds shall be determined by the regents of the university of Colorado. Exempts the bonds from taxation and limits the total amount of bonds issued to \$10,000,000.

April 23 April 23

- S.B. 79 Private occupational schools - eligibility for student loan guarantee program. Changes a requirement for a private occupational school to qualify as an institution of higher education under the state student loan guarantee program by providing that the minimum length of instructional programs offered be 300 clock hours rather than 6 months. Clock hours are defined as 50-60 minute periods of classroom work or shop or other supervised training sessions.

March 22 March 22

- S.B. 102 Tuition policies of the dental school at the university of Colorado. Authorizes the board of regents of the university of Colorado to establish the tuition policy for dental and dental clinical specialty students enrolled at the university of Colorado dental school. In setting the tuition policy, the board of regents shall require matriculated dental students to spend not less than one academic year in an area of the state which is in need of dentists. Students shall not receive a degree until they meet this requirement. Areas in need of dentists shall be determined by the board of regents.

This requirement applies only to students enrolled in the dental school on or after September 30, 1982. Those enrolled before said date may participate in the old tuition policy program or the new program, at their option.

April 2 April 2

- H.B. 1049 Grand Junction Indian school - repeal of obsolete provisions. Repeals provisions concerning the establishment of a state school of horticulture at the Grand Junction Indian school on land granted by the federal government to the state in 1911. Said provisions were preserved during the 1973 revision of the statutes only to show historically the acceptance of this land which is now used for a state training home.

March 11 March 11

- H.B. 1134 Colorado water resources research institute - extension of termination date. Extends the operations of the Colorado water resources research institute, scheduled to terminate on July 1, 1982, until July 1, 1987.

March 22 March 22

- H.B. 1237 Off-campus resident instruction programs. Authorizes the governing board of each state-supported institution of higher education to provide off-campus instruction in areas reviewed and approved by the Colorado commission on higher education. Provides that the tuition level for students enrolled in off-campus instruction programs shall not be less than the level for on-campus instruction. Requires the commission to recommend the total number of full-time equivalent students to be supported by state funds and the amount of funds necessary for such support. Requires the commission to review and approve geographic regions for institutional academic programs which have a statewide mission, to resolve conflicts resulting from the designation of geographic regions for on-campus and off-campus instruction, and to establish written guidelines and standards for the selection of program and course offerings so that conflicts may be prevented.

Requires the commission to conduct an analysis and

evaluation of the off-campus instruction program and submit such study to the general assembly by January 1, 1986. Provides for the repeal of the program on July 1, 1987.

April 6 July 1, 1983

ELECTIONS

S.B. 97 Initiative petitions - verification of signatures. Provides that, in addition to the other required information, an initiative or referendum petition must contain the printed name and the county of residence of each registered elector signing the petition. This section of the bill takes effect July 1, 1982.

Requires the county clerk and recorder, county election commissioner, or secretary of state to furnish a requesting protestor with a list of the registered electors in the county or state, as the case may be. Further requires the secretary of state to furnish a copy of the petitions filed to any requesting protestor.

Repeals a provision which required, upon challenge to a petition, that all signatures be verified before the initiated law or amendment could be placed on the ballot.

April 6

April 6

S.B. 126 Political party central committees and officers - changes resulting from congressional and legislative redistricting. Provides for the reorganization of congressional district central committees, state senatorial central committees, and state representative central committees following the adoption of final redistricting and reapportionment plans. Provides for meetings of such central committees upon the call of county chairmen or state party chairman, as the case may be. States that the purposes of such meetings are the election of officers, selection of a vacancy committee, and adoption of bylaws.

April 2

April 2

H.B. 1031 Unlawful receipt of money or jobs - penalty. Makes it a misdemeanor to unlawfully receive a job, money, or other valuable consideration in relation to an election. Previously, such conduct was unlawful, but no penalty was provided, apparently because the penalty was inadvertently omitted during the recodification of the election laws in 1980.

February 19

February 19

H.B. 1138 Precinct committeepeople and delegates to party

assemblies - length of party affiliation. Shortens from 3 to 2 months the duration of political party affiliation required for election as a precinct committeeperson or as a delegate to county or district assemblies.

February 19 February 19

FINANCIAL INSTITUTIONS

S.B. 91 Changes in ownership of industrial banks - notice requirements. Changes the time in which a person intending to purchase or transfer 10% or more of the outstanding stock in an industrial bank must notify the bank commissioner and the guaranty corporation of such purchase or transfer. Prior to January 1, 1983, the time requirement on notification was 30 days prior to the date of purchase or transfer. For purchases and transfers occurring on and after said date, such notice must be sent at least 75 days prior to the purchase or transfer. Also provides that any person intending such purchase or transfer must submit, within the time period provided for notification, information to the commissioner concerning his business affiliations and the amount of stock being purchased and information concerning proposed directors and stockholders. Authorizes the commissioner to shorten or waive said notification requirement or to modify or waive such disclosure requirements for good cause shown.

March 11 March 11

H.B. 1092 Savings and loan associations - supervisory powers of the state commissioner. Authorizes the state commissioner of savings and loan associations to require a supervisory merger of a state association as a condition of allowing the association to resume business. Provides for the commissioner or the federal savings and loan insurance corporation to be appointed the receiver to operate an association when necessary to avoid the association's assets becoming impaired or when the association is operating in an unsafe manner. Authorizes the commissioner, under specified circumstances, to waive the requirement of membership or stockholder vote when the commissioner finds it necessary to effect a merger, consolidation, purchase, or conversion of an association.

March 25 March 25

GOVERNMENT - COUNTY

- S.B. 20 County boards of retirement - membership. Deletes the provision prohibiting a qualified elector of a county who is connected with the county government from serving on the county board of retirement.

March 5 March 5

- S.B. 111 County capital improvement trust funds - creation - issuance of bonds and obligations to be payable from such funds. Authorizes counties to create county capital improvement trust funds and to take necessary actions with respect to such funds, including issuing revenue bonds or other obligations. Prohibits the issuance of general obligation bonds. Specifies that bonds shall not be construed to be a debt or liability of the state or any political subdivision. Specifies the purposes for which the proceeds from the issuance of bonds shall be used. Exempts the proceeds from such bonds from taxation by the state or any of its political subdivisions. Requires an annual audit with respect to the creation of such a fund.

April 2 July 1

- S.B. 114 Routt county - revision of boundary. Revises and corrects the outdated boundary of Routt county to describe it as it is now recognized.

April 6 July 1

GOVERNMENT - LOCAL

- S.B. 43 Reporting of sales and use taxes imposed by local governments. Requires every county, city, and town to file with the department of revenue a copy of every new sales and use tax ordinance or resolution within 10 days of its effective date and a copy of every such existing ordinance or resolution by July 1, 1982. States that failure to file does not give rise to a refund claim by any taxpayer.

March 11 March 11

- S.B. 112 Allocation of issuance of tax-exempt obligations for home financing between state and local housing finance agencies. Based on federal limitations on the issuance of tax-exempt obligations to finance single-family home mortgages, establishes formulas for the allocation of such limits between the state housing finance authority and the various local government authorities. The local limits to such issuance are based upon the mortgage activity of the local authorities in prior years. The act has a repeal date of January 1, 1984.

April 15 July 1

- S.B. 113 Colorado housing finance authority - expansion of powers to promote housing. Gives increased flexibility to the board of directors of the Colorado housing finance authority to: Finance housing facilities; waive the federal tax exemption on its bonds; invest moneys of the authority; and determine reserve fund requirements. Permits the board to consider up to 30% of annual income of low-income families when evaluating a proposed project's availability to such families.

Repeals provisions relating to the appointment of custodians for the purpose of making deposits and the definition of "annual debt service".

April 15 April 15

- S.B. 141 Sovereign immunity - payment of judgments or settlements against public employees operating emergency vehicles. Provides that, notwithstanding the defense of sovereign

immunity, a public entity other than the state is liable to pay a claim against one of its employees arising out of the performance of his duties when he is operating an emergency vehicle in compliance with the traffic laws.

March 17 January 1, 1983

S.B. 148 Power authorities - power of officials - short-term obligations. Allows the board of directors of a power authority to authorize officials of such authority to fix the terms of short-term notes or other obligations maturing within one year of issuance.

April 16 April 16

H.B. 1089 Conforming amendments regarding valuation for assessment - truth-in-taxation - property tax study. Conforms certain statutory provisions passed in 1981's H.B. 1613 regarding truth-in-taxation and the one percent property tax study to certain statutory provisions passed in 1981's H.B. 1496 and S.B. 459. Specifically, conforms the formula used in determining the amount of property tax revenue which can be raised under truth-in-taxation to the formula used in determining the amount of property tax revenue which can be raised under the 7% revenue-raising limitation. Provides for an immediate effective date in the case of law enforcement authorities and a January 1, 1985 effective date in the case of all other taxing entities.

Conforms the language on the 1% property tax study to provisions passed in 1981 by eliminating the portion which precluded the study from arriving at an actual value which was more than 85% of average sales price. Makes this provision effective January 1, 1983.

March 17 March 17

H.B. 1148 Authority to establish electric power and water authorities. Provides that any combination of cities and towns which are authorized to own and operate electric systems may establish a separate governmental entity, to be known as a power authority, for the purpose of developing electric energy resources. Provides that any combination of municipalities, special districts, or other political subdivisions may establish a separate

governmental entity, to be known as a water authority, for the purpose of developing water resources and facilities.

March 17

March 17

H.B. 1240 Colorado housing finance authority - expansion of powers to promote small and moderate size business development. Authorizes the Colorado housing finance authority to assist in the financing of industrial and commercial facilities primarily for small and moderate-size businesses and to make loans to, or purchase loans from, private financial institutions to provide capital for small and moderate-size business development. Provides for the termination of these powers on June 30, 1987.

April 23

April 23

GOVERNMENT - SPECIAL DISTRICTS

- S.B. 44 Filing of service plan - hearing - notice to division of local government. Requires the board of county commissioners to inform the division of local government in the department of local affairs of the name and type of any proposed special district for which a service plan has been filed with the board, within 5 days of such filing, and of the date, time, and location of the public hearing on the plan.

February 19 February 19

- S.B. 132 Mass transit in Denver metropolitan area - RTD financing and election - formation of a metropolitan district. Establishes the transit financing commission for the purpose of advising the regional transportation district in formulating a comprehensive financing plan for the construction of a fixed guideway mass transit system operated by the RTD. Requires that the commission submit such financing plan to the RTD board on or before March 1, 1983. Provides for the termination of the commission when the financing plan is implemented by the RTD board.

Requires that the question of granting the RTD authority to levy an additional sales tax be submitted at an election held between March 1 and July 1, 1983. Increases from 3/4% to 1% the maximum additional sales tax which may be imposed by the RTD for such mass transit system. Removes the time restraints within which the additional tax could be imposed.

Removes the requirement that an election be held if bonds are to be repaid in whole or in part from sales tax proceeds and the requirement that any indebtedness be repaid from tax proceeds within 2 years.

Allows the RTD to retain the authority to impose an ad valorem property tax to pay for any annual deficit in the event it is authorized by an election to impose an additional sales tax for financing a fixed guideway mass transit system.

Authorizes a metropolitan district to be formed within any part of the RTD for the single purpose of financing a system to transport the public by bus, guideway, or any other means. Prohibits duplication of or interference with the improvements or facilities of an existing special district.

Repeals provisions relating to general assembly

approval of issuing bonds formerly authorized and oversight of operations of the RTD.

April 15 April 15

H.B. 1012 Regional transportation district - election of directors. Makes changes in the RTD statutes to conform to the requirement that the RTD directors be elected. Such changes include requiring that the director districts be compact and contiguous, requiring that the candidates comply with the campaign reform act, and reducing as of January 1, 1983, from 11 to 8 the number of directors required to act at a board meeting. Also provides a method for filling vacancies occurring prior to January 1, 1983, in appointed unexpired terms.

March 25 March 25

H.B. 1053 Fire protection districts - inclusion of personal property. Allows the owner of taxable personal property situated on real property which is excluded from a fire protection district to petition the district for inclusion of such personal property within the district. Provides for public notice and hearing on the question of such inclusion.

March 17 March 17

H.B. 1137 Metropolitan sewage disposal districts - absentee voting. Permits absentee voting in metropolitan sewage disposal district elections in the same manner as other special district elections.

February 19 February 19

H.B. 1149 Formation of rail districts. Authorizes the formation of special districts to acquire and operate railroad facilities, subject to specified limitations. Requires such a rail district to purchase railroad facilities from a railroad which has filed bankruptcy or which has been granted an order of abandonment by the ICC and which has been operational within the previous 5 years. Excludes area within the regional transportation district from inclusion within a rail district. Requires territorial contiguity and prohibits the creation of enclaves.

Requires voter approval of formation, facilities to

be acquired, proposed services, and the maximum mill levy to be imposed or the formation fails. Provides for 7 elected directors of a rail district board and invests such board with general special district powers, excluding eminent domain. Prohibits the rail district from purchasing any additional real property without voter approval.

April 23

April 23

GOVERNMENT - STATE

- S.B. 3 Colorado state guard - powers of governor with respect to. Authorizes the governor to organize and maintain the Colorado state guard at any time, not just when any part of the national guard is in active federal service. Provides that the Colorado state guard is the organized militia for the state of Colorado in time of national emergency.

March 5

March 5

- S.B. 5 Public employees' retirement association - increase of benefits for retired members. Provides for an increase in the monthly benefits for all retired members of the public employees' retirement association. The increases, as a percentage of the base retirement benefit, range from 8% for those retiring during 1980 to 218% for those retiring on or before December 31, 1981.

April 6

July 1

- S.B. 28 Low- or moderate-income housing loans - revolving fund - transfer of 1982-83 long bill funds. Requires the division of housing to establish a revolving fund from which the division may make loans to local housing authorities and to public and private nonprofit corporations for development or redevelopment costs incurred prior to completion or occupancy of low- or moderate-income housing or for the rehabilitation of such housing. Requires the borrower to furnish collateral security. Repeals these provisions effective July 1, 1985.

Provides for the transfer to the revolving fund of up to 15% of those 1982-83 long bill funds appropriated to the division for housing rehabilitation and construction grants.

April 27

July 1

- S.B. 45 Compensation for victims of crime - levy of costs. Adds a short title to the "Colorado Crime Victim Compensation Act". Adds criminal action resulting in a deferred judgment and sentence to the kinds of criminal cases for

which costs are levied to provide moneys for the compensation of victims of crime. Exempts criminal actions which are charged pursuant to the penalty assessment provisions from such levy.

March 22 March 22

- S.B. 85 State treasurer - authority to borrow money in connection with the management of deposits of state moneys. Allows the state treasurer to borrow money, on a daily basis only, from any depository of state moneys to cover advances made by any depository to the state on state warrants paid by the depository but not yet reimbursed by the state and on uncollected deposits. Permits the state treasurer to negotiate the terms of such loans. Requires any moneys borrowed to be repaid before the end of the fiscal year in which they are borrowed. Requires the state treasurer to report on the profitability of these procedures in his annual report for the fiscal years 1981-82, 1982-83, 1983-84, and 1984-85.

March 19 March 19

- S.B. 103 University of Colorado - sale or lease of property at the Auraria higher education center. Authorizes the regents of the university of Colorado to convey its property at the Auraria higher education center by sale or exchange. Imposes conditions for such sale or exchange.

April 2 April 2

- S.B. 104 Mobile homes - sale or transfer - regulatory provisions. Excludes a real estate broker or a real estate salesman engaged in a transaction involving the sale of a mobile home under specified conditions from the definition of a mobile home dealer. Requires such person to comply with all consumer finance laws and rules applicable to the transaction when engaged in such transactions in which the person is originating or guaranteeing financing as part of the transaction. Requires written lender approval for assumption of a prior loan by a purchaser in such transactions. Provides that a person may recover from the real estate recovery fund upon obtaining a final judgment against a real estate broker or a real estate salesman who is engaged in such a transaction.

Excludes any person engaging in certain acts

necessary to the sale or transfer of a mobile home from the definition of a real estate broker or real estate salesman.

March 25

March 25

- S.B. 105 Public employees' social security - amounts in excess of anticipated expenditures. Permits the division of employment and training in the department of labor and employment to direct that moneys in the Colorado social security contribution fund in excess of anticipated expenditures be paid quarterly to the general fund.

April 2

April 2

- S.B. 119 State lottery - implementation - appropriation. Creates the state lottery division in the department of revenue to administer the state lottery. Creates the Colorado lottery commission as the policy-making body within the division. Establishes the headquarters of the division in Pueblo, which location is subject to review after 1987.

Authorizes the commission to determine the types of games to be offered in the lottery but prohibits any game based upon bingo or athletic contests except races at state-licensed dog or horse tracks. Requires the price of tickets in any instant game to be at least one dollar.

Creates the lottery fund in the office of the state treasurer for receipt of lottery revenues. Provides that 50% of gross revenues from the lottery be disbursed as prizes. Allows transfers to the conservation trust fund and appropriations of the balance after the initial appropriation for start-up costs of the division is repaid into the general fund.

Provides that 40% of the proceeds of the lottery, after deduction of prize money and expenses, shall be transferred to the conservation trust fund. Requires the general assembly to annually appropriate 10% of such net proceeds to the division of parks and outdoor recreation and 50% of such net proceeds for capital construction. Allows special districts which provide park and recreation services to share in conservation trust fund moneys. Prohibits use of conservation trust fund money for acquisition of property through condemnation by eminent domain.

Requires disclosures and a performance bond equal to the contract price for suppliers of lottery equipment.

Requires licensing of lottery ticket sales agents. Contains conflict of interest restrictions on commissioners, employees of the division, and members of their immediate families.

Makes alteration or fabrication of lottery tickets a crime of second degree forgery. Prohibits purchase by or sale to a person under 18 years of age of lottery tickets or shares therein though they may be given as gifts. Sets forth other unlawful acts and the penalties therefor.

Terminates the state lottery division on July 1, 1987, pursuant to provisions of the Sunset Law, and requires legislative review of rules at 3 intervals before that date. Repeals the unenforced "Sweepstakes Races Act".

Appropriates \$2,000,000 out of the special reserve fund for tax relief to the department of revenue for allocation to the lottery division. The appropriation is to be repaid with interest to the general fund.

April 30

April 30

S.B. 124 Composition of certain boards and agencies - changes resulting from an increase in the number of congressional districts. Amends various provisions relating to boards, commissions, and other agencies which require membership on such agencies to reflect the number of congressional districts in the state. Specifies that a vacancy on a board or commission occurs whenever a member of a board or commission moves out of the congressional district from which he was appointed. Provides for the political party composition of boards and commissions having members appointed from congressional districts.

Changes the schedule for electing members to the state board of education in order to accommodate the change in number and boundaries of congressional districts.

April 30

April 30

H.B. 1065 State water rights - acquisition of Bonny Reservoir in Yuma county - appropriation. Authorizes the division of wildlife to acquire water or water rights to be used for a conservation pool in Bonny Reservoir and for creating a wetland habitat in Yuma County for wildlife purposes.

Appropriates \$585,760 out of the wildlife cash fund

to be matched with an equal amount of federal funds for the acquisition.

May 6

May 6

- H.B. 1115 State lands - exchange of state lands in Arapahoe county for RTD lands in Jefferson county. Authorizes the exchange of state lands in Arapahoe county, known as the Littleton Station Grounds, for lands held by the regional transportation district in Jefferson county.

March 15

March 15

- H.B. 1190 Rules affecting small business. Requires an agency which is proposing a rule which will affect small businesses to submit such rule to the office of regulatory reform for comment on the rule's effect on small businesses. Requires the office of regulatory reform to notify affected small businesses of the substance of the proposed rule and the manner in which interested parties may comment on the proposed rule. Authorizes the office of regulatory reform to coordinate between agencies to consolidate and simplify rules, compliance requirements, and reporting requirements which affect small businesses and to recommend changes in existing rules which have a disproportionately adverse effect on small businesses.

March 25

March 25

- H.B. 1217 Lease-purchase agreement authorization - state office building in Grand Junction - appropriation. Authorizes the executive director of the department of administration to execute a lease-purchase agreement for the purpose of acquiring real and personal property and financing construction of a state office building within or around Grand Junction. Provides that such agreement shall be subject to annual appropriations by the general assembly and that any obligations under such agreement will not be an indebtedness of the state. Requires that the net effective interest rate not exceed 14% per annum. Also requires competitive bidding for the construction of the state office facility.

Appropriates \$1,245,000 to the department of administration, \$495,000 of which is to come from federal Reed Act funds and \$750,000 of which is to come from the

mineral leasing fund. The money is to remain available
until June 30, 1983.

May 6

May 6

HEALTH

- S.B. 76 Air pollution - stationary sources control fund. Creates the stationary sources control fund, into which are to be deposited moneys from fees charged to applicants for indirect source plans submitted to the division of administration of the department of health. Requires the general assembly to annually appropriate moneys from such fund to cover the division's processing, administrative, and enforcement costs. Moneys not appropriated shall be retained in such fund and shall not revert to the general fund.

April 23 April 23

- S.B. 120 Certificates of public necessity - requirements. Makes substantial amendments regarding certificates of public necessity, including the following: Raises the capital expenditure threshold to \$750,000; eliminates review of nonclinical services; eliminates predevelopment certificate requirements; expands the ambit of review to include all persons and organizations offering services for which review is required; eliminates requirement for health systems agency review; requires review of new tertiary services; increases the review threshold on changes in numbers of beds.

Repeals the law regarding certificates of public necessity, effective July 1 following the first legislative session commencing after the date congress repeals state requirements for certificates of public necessity.

April 30 April 30

- H.B. 1055 Fees relating to vital statistics records. Increases from \$2 to \$4 the fee charged for making and certifying copies of vital statistics records and from \$2 to \$4 per hour the fee for searching such records when no copies are made.

March 25 July 1

- H.B. 1095 Remedial action for waste disposal sites. Extends until July 1, 1983 the statutory authority for the department of health to participate in federal implementation of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", regarding hazardous waste sites.

Such authorization was scheduled to terminate July 1, 1982.

April 27 April 27

H.B. 1132 Noise level - snow making machines. Exempts noises emanating from the manufacture, maintenance, or grooming of machine-made snow from the state noise abatement law.

March 11 March 11

H.B. 1151 Taking of corneal tissue. Clarifies the situations in which a coroner or other person acting pursuant to the provisions of the law authorizing the taking of corneal tissue is indemnified against civil or criminal liability.

February 19 February 19

H.B. 1246 "Rocky Mountain Low-level Radioactive Waste Compact" - adoption. Provides for the adoption of the "Rocky Mountain Low-level Radioactive Waste Compact" and implementing legislation.

Provides for boards of county commissioners to recommend sites for facilities to manage low-level radioactive waste until January 1, 1984. In the event that no recommendation is made, the department of health is authorized to prepare an alternative plan for a facility, which plan must be submitted to the general assembly for review and approval.

May 3 July 1

HIGHWAYS AND ROADS

H.B. 1126 Increase in number of state highway commission districts.
Increases the number of state highway commission districts from 8 to 9 by eliminating the commission member appointed to represent the state at large and creating a new district covering Boulder, Jefferson, and Larimer counties. Also renumbers 2 districts and shifts several counties within those 2 districts. The at-large office terminates as of March 1, 1983, and the governor is to appoint a member from the new 9th district before that date.

March 17 March 17

H.B. 1285 School buses - safety checks by the Colorado state patrol. Directs the Colorado state patrol to conduct visual spot safety checks on a sample of school buses selected by the patrol, instead of regular safety inspections as in the past.

April 27 April 27

INSTITUTIONS

- S.B. 38 Administration at Colorado state hospital and Ft. Logan mental health center. Provides that the superintendent of the Colorado state hospital and the director of the Ft. Logan mental health center may be qualified for such positions by having a doctoral degree in a mental health field or a master's degree in hospital administration, public health, or public administration. Deletes the requirement for 10 years practice experience, and instead requires training and experience in the mental health field and suitable experience in hospital administration.

Requires that such institutions also have a clinical director in charge of clinical/medical programs who makes all administrative decisions relating to clinical care of patients.

April 23 April 23

- H.B. 1003 Mentally ill - emergency procedures for care and treatment. Under existing emergency procedures, a facility may detain a person for the purposes of treatment and evaluation for a period not to exceed 72 hours, excluding weekends and holidays. The act specifies that such services shall not be deemed to be available merely because a professional person is on call during weekends and holidays.

March 11 March 11

- H.B. 1106 Mentally ill - procedures for care and treatment. Requires that an individual taking a mentally ill person into custody under emergency procedures state sufficient facts to establish that the person is mentally ill and an imminent danger to self or others, or gravely disabled. Requires that the custodial facility's certification for short term treatment state facts sufficient to establish reasonable grounds to believe the person is mentally ill and, as a result of mental illness, a danger to self or others, or gravely disabled. If a respondent in a treatment facility refuses medication, the court having jurisdiction, on the petition of a treating physician, may order the respondent to accept such treatment or, in the alternative, that the medication be forcibly administered. Requires the court to hear such petition within 10 days.

March 25 July 1

H.B. 1201 Mentally ill - emergency procedures. Adds licensed social workers II to the list of persons qualified to act under the emergency procedures provided for taking a person appearing to be mentally ill and an imminent danger to self or others or gravely disabled, into custody, or to arrange for such action.

March 19

March 19

INSURANCE

H.B. 1057 State employees' and officials' group insurance board - vacancies. Provides that the 5 designated members of the board of administration shall fill the vacancy of an elected board member with the next eligible candidate from the list of candidates from the preceding election.

February 19 February 19

H.B. 1182 Health maintenance organizations - removal from provisions governing medicare supplement insurance policies. Removes the references to health maintenance organizations from the provisions relating to medicare supplement insurance policies. The provisions relating to outline of coverage shall continue to apply to health maintenance organizations.

March 17 March 17

LABOR AND INDUSTRY

- S.B. 89 Colorado employment security act - coverage of school employees of religiously affiliated organizations. Excludes elementary and secondary school employees of a church, convention, association of churches, or other religiously affiliated organization from the provision of the "Colorado Employment Security Act".

April 2 July 1

- H.B. 1173 Displaced homemaker fund and program. Raises the funding ceiling for the displaced homemaker program from \$120,000 to \$145,000.

April 23 April 23

- H.B. 1195 Colorado unemployment insurance - conformance to federal law. Amends provisions of the Colorado unemployment insurance law to conform to federal law, including: The calculation of child support intercept payments, benefits payable during approved training, eligibility conditions, elimination of references to the national indicator for extended benefits, coverage by political subdivisions, advances from the federal unemployment trust fund, and creation of the federal advance interest repayment fund.

Repeals provisions making reference to the national indicator for extended benefits.

The amendments to section 8-75-101 (11) (a) (II), Colorado Revised Statutes 1973, pertaining to indicators which may result in extended benefits, shall apply to weeks beginning after September 25, 1982.

Became law without the Governor's signature
April 24 July 1

MOTOR VEHICLES

- S.B. 31 Drivers and pedestrians to yield to handicapped persons - penalty - repeal of criminal provision. Changes failure to yield the right-of-way to a handicapped person from a class 1 petty offense to a class 2 traffic offense. Defines handicap and prohibits assessment of points against pedestrians for this offense.

April 9 April 9

- S.B. 94 Accident reports - investigation by law enforcement officers. Removes the requirement that a law enforcement officer report motor vehicle accidents to the department of revenue if such officer believes that property damage does not exceed \$500 and if the accident does not involve injury to or death of any person.

Requires that a person in charge of a garage or repair shop report to the police if any motor vehicle is brought to his place of business and such vehicle shows evidence of having been struck by a bullet.

Provides that any person who operates or owns a motor vehicle which is involved in an accident shall report such accident to the executive director of the department of revenue if the damage exceeds \$500 or there is an injury to or death of any person.

March 17 March 17

- H.B. 1045 Repeal of point assessment for parking violations. Repeals a provision of the driver's license point schedule which assesses one point for "improper, dangerous parking" to conform to another statute which prohibits the department of revenue from assessing points for class 4 traffic offenses.

February 19 February 19

- H.B. 1146 Overweight vehicles - penalties. Exempts vehicles equipped with self-compactors and used solely for the transportation of trash from provisions limiting the gross weight upon any axle of a vehicle. Provides for legislative review of this exemption after January 1, 1987. Limits the speed of all such exempted vehicles to

45 mph. Prohibits operators of exempted vehicles from driving them on the Colorado interstate highway system.

Exempts overweight vehicles loaded with explosives or hazardous materials from certain unloading requirements.

Changes penalties for violations of provisions limiting wheel and axle loads and the gross weight of a vehicle.

Became law without the Governor's signature
April 23 April 23

H.B. 1232 Traffic offenses - drug- or alcohol-related. Makes numerous substantive changes in the law, primarily in the area of penalties and alternatives thereto, including the following:

Eliminates the chemical testing of urine to determine the alcohol content of blood; authorizes certified paramedics and emergency medical technicians to withdraw blood for testing; increases from 3 to 9 months the period of license revocation for a person refusing to take such test when an officer has filed a sworn report that he had reasonable grounds to believe the person was driving while under the influence (DUI) or while impaired (DWAI). Prohibits a court from accepting a guilty plea to a non-alcohol or non-drug related traffic offense unless the prosecutor advises that he cannot establish a prima facie case under the original charge.

Removes all penalty provisions relating to DUI or DWAI from the misdemeanor classification schedule for traffic offenses and provides specific penalties therefor, the severity of which are dependent upon whether the offender has had prior convictions, and the time intervening between convictions. Requires sentences to include specified numbers of hours of useful public service to be performed by the offender.

Permits sentences for imprisonment of a first offender to include suspension of the sentence if the offender completes a presentence alcohol and drug evaluation and meets the financial obligations imposed in such programs. For second and subsequent offenses, a mandatory minimum term of imprisonment must be served, after which the balance of a sentence may be suspended if the offender receives a presentence alcohol and drug evaluation, satisfactorily completes the prescribed education or treatment program, and abstains from the use of alcohol for one year from date of sentencing, such abstinence to be monitored by the treatment facility.

Failure to meet the requirements results in the suspended sentence being reimposed.

Authorizes the court to take the driver's license of any offender convicted of DUI upon a finding that public safety would be endangered if the offender were allowed to drive, and requires the court to take the license of anyone convicted a second time within 5 years of such offenses. Failure to surrender a license shall be contempt of court.

Subjects persons convicted of DUI or DWAI to the payment of \$25 to the crime victim compensation fund and to probation for up to 2 years for purposes of alcohol treatment.

Transfers the alcohol and drug driving safety program from the highway safety division to the division of alcohol and drug abuse in the department of health.

Requires a court to take judicial notice of methods of testing and the devices used in testing blood and breath to determine alcohol content, when such are certified by the department of health.

Authorizes the court, upon a conviction of DUI or DWAI, to require the offender to be fingerprinted and photographed by the sheriff, with placement of such records in the court's file as prima facie evidence, with respect to prior convictions, of the person's identity at any subsequent trial of the offender.

Amends the presumption provisions to include analysis of a person's breath alcohol level.

Authorizes a law enforcement officer to stop any person he reasonably suspects of DUI or DWAI, and permits the officer to require the person so stopped to identify himself and explain his actions. Such stopping shall not constitute an arrest.

Gives counties 1/2 of fines collected as a result of convictions for such offenses occurring in unincorporated areas.

Requires the department of revenue to keep a separate file of all abstracts of court records of all dismissals of drug- or alcohol-related offenses, and all such records involving such charges when the convictions resulting were on non-alcohol or non-drug charges.

Sets out penalties for driving when one's license has been suspended or revoked for an alcohol-related traffic offense.

Creates a fund in the state treasurer's office for the prevention of drunk driving and the enforcement of laws thereon, and provides for annual appropriations thereto in the general appropriation bill. Authorizes the division of highway safety to allocate 80% of available funds to local governments establishing prevention and enforcement programs and 20% to the division of alcohol and drug abuse for state programs. Requires all persons convicted or pleading guilty to a drug- or alcohol-related offense to pay \$50 into the new fund, and \$10 to the county treasurer of the county involved.

Applies to offenses committed on or after the effective date.

May 6

July 1

NATURAL RESOURCES

- H.B. 1034 Fees for nonresident fishing licenses and stamps. Provides for 2-day nonresident fishing licenses for a fee of \$7 and 10-day nonresident licenses for \$18; also provides for nonresident fishing stamps for \$3 per day to be attached to the 2-day and 10-day licenses.

March 11 March 11

- H.B. 1110 Federal mineral leasing money - increase in maximum yearly distribution to counties - distribution to municipalities. Increases the maximum yearly distribution of federal mineral leasing money to a single county to \$800,000. Unless the balance paid to the state public school fund exceeds \$10,100,000 in a calendar year, a single county may not receive more than \$200,000.

When a county receives greater than \$250,000 under this formula, 37 1/2% of that balance shall be distributed among the municipalities in that county. Distributes money among municipalities according to the percentage which the population within each municipality bears to the total population of all municipalities located within a particular county.

Provides that the mineral leasing fund provisions shall be repealed on January 1, 1988.

April 9 January 1, 1983

- H.B. 1222 Division of mines - board of examiners - compensation - categories of certification - fees. Provides that members of the board of examiners shall receive the same compensation as members of interim legislative committees.

Authorizes the director of the division of mines, upon recommendation of the board of examiners, to establish by regulation new categories for which certification of coal mine officials shall be required. Imposes a \$25 fee for each examination given by the board of examiners.

April 22 July 1

PROFESSIONS AND OCCUPATIONS

- S.B. 52 Use of title by persons not licensed as psychologists.
Allows persons who were permitted to use the title of psychologist before a 1981 bill prohibited such use to continue to use the title of psychologist. The use is permitted only while the person remains in the employ of the same governmental institution or agency and is performing the same duties.

April 2 July 1

- S.B. 64 Nurses - requirements for licensure by endorsement.
Requires a professional or practical nurse who has been licensed or registered in another state or in a foreign country and who applies for licensure by endorsement in this state to present proof that he possesses credentials and qualifications which are substantially equivalent to requirements in Colorado for licensure by examination.

April 2 April 2

- S.B. 70 Plumbing - regulation of - reestablishment of the examining board of plumbers - appropriation.
Reestablishes the examining board of plumbers within the division of registrations of the department of regulatory agencies, which board was terminated under provisions of the Sunset Law. Defines the powers of the board and provides for appointment of members to the board. Establishes licensure requirements for residential, journeymen, and master plumbers and requirements for supervision of plumbers' apprentices. Allows the board to grant licenses to nonresidents and to issue temporary permits. Allows cities, towns, and counties to adopt their own plumbing codes. Provides a penalty for violation of any of the provisions contained in the article.

Appropriates \$61,868 out of the division of registrations cash fund to the department of regulatory agencies for allocation to the board.

April 27 July 1

- H.B. 1105 State board of medical examiners - disciplinary hearing procedures. Authorizes the referral of disciplinary matters before the state board of medical examiners to a hearing officer for formal hearing as an alternative to

formal hearing by a hearings panel of the state board of medical examiners.

March 2

March 2

- H.B. 1109 Horse racing by nonprofit organizations - license fees. Changes the horse racing license fee paid by nonprofit organizations, other than public nonprofit fairs, from 3 1/2% of the gross receipts of pari-mutuel wagering to a fee adjusted annually to reflect the racing commission's costs of regulating such race meets. Also makes other licenses associated with horse racing subject to the cost-based fee. Requires public nonprofit fairs to pay the commission's costs of regulating their horse race meets. Makes conforming amendments to refer to the newly created racing commission cash fund. Also makes some technical amendments. Grants the racing commission the authority to announce the types of race meets and directs the commission to require equitable racing opportunities and dates for thoroughbreds, quarter horses, and standardbred harness horses, subject to the effect of such requirement upon the track's financial stability. Provides that, in the event a county or municipality issues bonds in reliance upon the provisions of the racing law, the state agrees not to act in a manner so as to adversely impair such bonds. Requires that the governor's appointment of racing commissioners be made with the consent of the senate.

May 3

May 3

- H.B. 1174 Medical practice - covenants not to compete. Provides that any employment agreement between physicians which includes a covenant not to compete which restricts the right of a physician to practice medicine upon termination of the agreement shall be void; except that, provisions of such agreement otherwise enforceable at law, including those concerning reasonable payment of damages, shall be enforceable.

April 6

April 6

PROPERTY

H.B. 1060 Homestead exemption - of what a homestead may consist.
Extends application of the homestead exemption to all houses and lots whether they are inside the boundaries of a city or town or not. Deletes a reference to the value limit of the exemption for this purpose.

March 11

March 11

PUBLIC UTILITIES

S.B. 18 Public utilities commission - supervision and regulation of motor carriers - funding of administrative expenses. Provides that the amount determined by the general assembly to be expended by the public utilities commission for administrative expenses in the supervision and regulation of motor carriers shall be appropriated from the public utilities commission motor carrier fund rather than the highway users tax fund, except when necessary to eliminate a deficiency.

Requires every motor vehicle carrier issued a certificate by or registered with the public utilities commission and every contract carrier by motor vehicle which has been issued a permit by or registered with the public utilities commission to pay an annual identification fee of \$5 to the public utilities commission for each motor vehicle that the carrier owns, controls, or manages and operates within Colorado. All fees collected shall be credited to the public utilities commission motor carrier fund. Provides penalties for failure to pay these fees.

Directs the state treasurer to pay from the highway users tax fund an amount equal to the moneys raised by these fees to the state highway fund, counties, and municipalities for allocation as other highway moneys.

Provides for a repeal of the above provisions and reinstatement of prior law on July 1, 1985.

April 30 July 1

H.B. 1027 Rural electric and cooperative electric associations - term changed. Changes the undefined term "rural electric association" to the standard term "cooperative electric association" without changing the substance of the law.

February 19 February 19

SOCIAL SERVICES

- S.B. 138 Expansion of alternatives to long-term nursing home care.
Expands alternatives to nursing home services provided to medicaid-eligible persons in need of the level of care available in a nursing home. Extends eligibility and services for home health care and adult day care programs as alternatives to institutionalized care, long-term nursing home care, or rehabilitative hospitalization. Extends such programs until July 1, 1985 and July 1, 1983, respectively, and provides that the effective date for each shall be June 1, 1982.

April 22 July 1

- H.B. 1093 Eligibility for AFDC payments - definition of dependent child - pregnancy - county job diversion program. In a provision concerning public assistance programs for the support of dependent children, changes the definition of dependent child to include a child who is 18 years of age if he is enrolled in a secondary school or an equivalent program of vocational or technical training and is reasonably expected to complete such education before reaching the age of 19, if such child also meets the other eligibility requirements in the statute, and extends payments for dependent children to a pregnant woman in her sixth month of pregnancy if a determination has been made that if said child were born at the time of making application, it would be a dependent child.

Authorizes the board of county commissioners of each county to establish a county job diversion program. In counties where such programs are established, applicants for aid to families with dependent children due to unemployment will be offered a contract for an 8-week training program providing 2 weeks training in job-seeking and job-holding skills and 6 weeks of work experience. For participation in such program, the applicant shall receive the minimum wage for a 40-hour workweek and will be assisted in finding a job after the completion of the program. Each county implementing the program will receive the state's share of funding for aid to families with dependent children for each person diverted into the program. Requires a report by each county implementing the program to the joint budget committee and the health, environment, welfare, and institutions committee of each house of the general assembly.

April 22 July 1, 1982

H.B. 1177 Child and spousal support obligations - long arm provision of law - AFDC recipients - wage assignments - conformity with federal law - collection of fee for legal services. Extends Colorado long arm jurisdiction to persons owing child or spousal support if such persons have maintained a matrimonial domicile in this state.

Allows the assignment of wages for maintenance without the signature of the spouse of the assignor.

In the "Child Support Enforcement Procedures Act" (article 14 of title 14), changes the age in the definition of dependent child from under 21 to under 18.

Provides that by signing an application for support payments for dependent children, a person assigns all rights to support payments owned such applicant to the state department of social services.

Amends the "Child Support Enforcement Act" (article 13 of title 26), to include the enforcement of maintenance payments owed by absent parents to their spouse or former spouse pursuant to Title IV-D of the "Social Security Act".

Requires a district attorney or county attorney contracting with a county department of social services for enforcement of child support or maintenance obligations to collect a fee for such legal services which shall be used for reimbursement of expenses incurred by the child support enforcement program.

April 2

April 2

H.B. 1239 Developmentally disabled and mentally ill - provision of care. Establishes pilot programs for the provision of alternative services to mentally ill and developmentally disabled persons in need of the level of care available in a nursing home. Authorizes the provision of such services through community center boards and community mental health centers and clinics.

Establishes eligibility criteria and a fee schedule for the pilot programs. Requires that these programs qualify for federal funding and provides for review by the joint budget committee before implementation. Authorizes use of funds otherwise appropriated to implement these programs.

Became law without the Governor's signature
April 23 July 1

H.B. 1288 Nursing home reimbursement for health care services. Defines "health care services". Amends the definition of "reasonable cost of services" to mean the actual cost of providing health care services to the one hundredth percentile of medicaid patients and of providing administrative, property, and room and board costs to the ninetieth percentile of medicaid patients in participating nursing homes. Makes conforming amendments. Establishes a nursing home patient program improvement fund within the department of social services for payments to qualified nursing homes submitting proposals to provide medicaid services to a more difficult patient case mix or to improve the quality of care and life within such facilities.

May 3

July 1

STATUTES

S.B. 1 Statutes - enactment of supplements and replacement volumes as law. Validates and enacts the 1980 and 1981 supplements to Colorado Revised Statutes 1973. Establishes the effective and operative date of Volume 1B, 1980 Replacement Volume, Colorado Revised Statutes 1973.

February 19 February 19

S.B. 121 Revisor's bill - revisions to conform, correct, and clarify. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other statutory provisions, clarifies the language to more accurately reflect the legislative intent of the law, and conforms the law to constitutional provisions and to court decisions.

April 2 April 2

S.B. 149 Revisor's bill - revisions to conform, correct, and clarify. Amends or repeals various statutory provisions which are inconsistent or in conflict with other statutory provisions, and clarifies the language to more accurately reflect the legislative intent of the law.

June 1 June 1

TAXATION

- S.B. 19 Property tax - mobile homes - determining maximum actual value. Provides that the maximum actual value of a mobile home for purposes of general property taxation shall be determined by subtracting the exemption for household furnishings and depreciation from 75% of the retail delivered price of the mobile home when new. (For further action by the general assembly see H.B. 1006 which repeals this provision, effective January 1, 1984.)

April 6

January 1, 1983

- S.B. 27 Mobile homes - homestead exemption - elections - certificate of title - tax sales. Declares that mobile homes should be accorded a status equivalent to conventional homes and should be entitled to a homestead exemption. Establishes such homestead exemption. Provides that a mobile home shall be deemed sufficient to qualify as ownership of real property or land for the purposes of voting rights and petitions.

Requires a distinctive certificate of title to be issued for a mobile home identifying it as a manufactured home and allows such manufactured home certificate of title to be issued to any person in whose name a certificate of title to a mobile home was issued prior to January 1, 1983, and which title is free and clear of all encumbrances.

Requires an application for a certificate of title for a mobile home to include proof that no property taxes from previous years are due on such mobile home and makes it unlawful for a resident of the state to procure a certificate of title for a mobile home in any county other than the one in which such mobile home is to be used as a residence. Sets forth further procedures for making application for a certificate of title on a mobile home and provides a penalty for the violation thereof.

Provides that the redemption period for a mobile home which is located on leased land and which is sold at a tax sale is one year and that the redemption period for a mobile home which is located on land owned by the owner of the mobile home and which is sold at a tax sale is 3 years. Changes the interest rate assessed on the taxes owned. Requires the county treasurer to fulfill

additional duties with respect to tax sales of mobile homes. The sections of the bill regarding tax sales of mobile homes take effect July 1, 1982.

April 15 January 1, 1983

S.B. 115 Severance tax - local government severance tax fund - employee reports. Amends existing provisions requiring producers subject to the severance tax to file a report on the residences of its employees to specify that the actual residences of such employees be stated, giving the number of employees for each municipality or unincorporated area. The report is to be filed annually by April 30, rather than quarterly. Provides that the executive director of the department of revenue send notices to those producers who fail to file such reports and imposes a penalty of \$50 per day for each day of violation.

Defines "producer of crude oil, natural gas, or oil and gas" and "employee of a crude oil, natural gas, or oil and gas operation" for purposes of filing such reports.

April 6 April 6

S.B. 139 Severance tax - administrative provisions and rule-making authority. Incorporates references to the severance tax law into general administrative provisions of the tax law concerning refund for overpayment of taxes, authority of the executive director of the department of revenue to promulgate rules, and timely filing of tax documents. In extending the executive director's rule-making authority to severance tax, the act limits such authority in that the executive director may not reduce the balance of credit for approved contributions for impact assistance payments by applying the additional percentage already allowed. Prohibits the executive director from readopting any rule, or portion thereof, disapproved by the general assembly pursuant to the legislative rule review process.

Became law without the Governor's signature
April 6 April 6

H.B. 1006 Property tax - mobile homes - determination of actual value. Specifies that the property tax administrator shall prepare manuals, appraisal procedures, and instructions concerning methods of appraising and valuing

mobile homes. Provides that the actual value of mobile homes be determined according to the factors used in valuing real property and according to the reassessment cycle, base years, and levels of value used in determining the actual value of real property. Repeals the provision setting a maximum actual value of a mobile home. Repeals the provisions requiring the property tax administrator to promulgate rules on the household furnishings exemption and on depreciation for mobile homes.

April 2 January 1, 1984

- H.B. 1075 Income tax - exclusion of pension income. Excludes pension and annuity income from any source in computing Colorado adjusted gross income of a resident individual for state income tax purposes; the exclusion is limited to \$20,000 annually, and applies to tax years commencing on and after January 1, 1982.

Became law without the Governor's signature
March 27 March 27

- H.B. 1136 Income tax - credit for contributions of crop or livestock to charitable organizations. Establishes a credit against the Colorado income tax equal to 25% of the value of crop or livestock contributions made by taxpayers to tax-exempt charitable organizations. Sets forth conditions necessary for a taxpayer to qualify for the credit. Specifies circumstances in which a taxpayer making such a contribution receives protection from civil or criminal liability.

April 22 April 22

- H.B. 1139 Income tax - Colorado investment credit - conformance to the federal investment credit. Allows any person to claim an investment tax credit against his income tax. Said investment tax credit shall be computed on the same basis as the federal investment credit is computed and shall apply to income tax years commencing on or after January 1, 1982.

March 17 March 17

- H.B. 1145 Income tax - filing of withholding tax returns. Increases from \$600 to \$1,200 of withholding taxes the

threshold under which an employer is to file a quarterly return. Provides for the filing of an annual return for withholding taxes if the amount withheld each quarter is less than \$100. Allows withholding tax returns for seasonal businesses to be filed the month following each month the business is operated.

Makes other clarifying amendments and repeals a provision relating to delinquent withholding taxes.

April 6 January 1, 1983

H.B. 1147 Severance tax - imposed on carbon dioxide. Imposes a severance tax on carbon dioxide at the same rate and with the same credits as oil and gas.

March 17 January 1, 1983

H.B. 1158 Severance tax - tax credit on oil shale repealed. Repeals a credit which had been allowed with respect to shale oil produced from underground in situ methods; the credit was equal to 25% of the tax due.

April 6 July 1

H.B. 1163 Special fuel tax - rate of single trip permit. Increases the rate of the special fuel tax charged to persons holding single trip permits from 1 3/4¢ per mile of travel to 2 1/4¢ per mile of travel.

March 11 March 11

H.B. 1166 Sales and use tax - fuel used for residential use or commercial consumption. Removes the repeal dates for the exemptions from the sales and use tax of fuel used for residential use. Also makes permanent the sales and use taxes on fuel used for commercial consumption. Repeals a conflicting provision which would have reimposed the tax on both residential and commercial fuels.

April 27 April 27

H.B. 1168 Sales and use tax - exemption for property used in processing products. Exempts from the state sales and use taxes tangible personal property used in processing

food products which are intended to be ultimately sold at retail for human consumption when the property either becomes an integral part of the food product or is used to make the food product more marketable and is rendered unfit for further use in the process. Adds nuclear fuel to the list of sales of various fuels used for various industrial purposes and declared to be wholesale sales. Exempts from the state sales and use taxes sales of refractory materials and carbon electrodes for manufacturing iron and steel, and sales of inorganic chemicals used in processing vanadium-uranium ores.

Became law without the Governor's signature
April 24 July 1

H.B. 1178 Sales and use tax - safe-harbor leases - exemption. Exempts leases which qualify under a specified section of the "Internal Revenue Code of 1954" (commonly known as safe-harbor leases) from state sales and use taxes if the property under lease was once subject to state sales or use tax. The exemption applies only to leases entered into after June 30, 1982.

VETOED April 9

H.B. 1188 Gasoline tax - blended fuels - exempt facilities - use by state agencies. Limits the 5¢ tax reduction for fuels blended with alcohol to no more than 3 million gallons of alcohol annually from each facility having a design production capacity of 17 million gallons or less per year.

Deletes the requirement that units of local government use such blended fuel when available and, in the case of state agencies, states that such blended fuel shall be deemed available when its price per gallon delivered to the state agency or its vehicles does not exceed the price of gasoline not containing such a blend by more than 9¢ per gallon.

April 23 April 23

H.B. 1198 Severance tax on oil shale. Imposes the severance tax on an oil shale facility 180 days after it commences commercial production rather than after reaching 50% of design capacity. Defines "commercial production" to mean production in excess of the first 15,000 tons per day of oil shale or 10,000 barrels per day of shale oil, whichever is greater. Calculates daily production by

dividing total production of a calendar month by the number of days in the month.

April 2 April 2

H.B. 1236 Property tax - creation of condominium ownership as grounds for change in actual value. Makes the creation of a condominium ownership of real property an unusual condition which the assessor may consider in ascertaining changes in the actual value of real property. When condominium ownerships are created by the conversion of an existing structure, the assessor can take such creation into account when at least 51% of the condominium units in the structure have been sold and the deeds recorded. Applies to property tax years starting on or after January 1, 1982.

May 3 May 3

WATER AND IRRIGATION

S.B. 87 Colorado water conservation board - projects - transfer of funds - reserved rights litigation fund - appropriation. Authorizes 6 water resource projects for financial assistance out of the Colorado water conservation board construction fund ("water fund"), in the total amount of \$8,221,500, and sets forth conditions relating to such projects. Cancels prior authorization for 2 projects.

Amends a provision in the 1981 Session Laws which transferred moneys from the water fund to the Colorado water resources and power development authority to specify that such transfer shall include interest accrued from the investment of such moneys from July 1, 1981, until the date of actual transfer, and to specify to which funds such moneys may be credited.

Establishes the reserved rights litigation fund to be used by the department of law for the resolution of reserved rights claims to waters of the state. Moneys in the fund shall be expended only upon authorization by the general assembly. Directs the water conservation board to transfer \$5,000,000 from the water fund to the reserved rights litigation fund.

Appropriates \$250,000 out of the reserved rights litigation fund to the department of law for the purposes for which such moneys are available.

April 9

April 9

S.B. 127 Special funds of the Colorado water resources and power authority. Specifies that the term "bonds" includes notes and other obligations. Authorizes creation of additional debt service reserve funds, and provides that such funds can be used for any purpose of the authority so long as there are no bonds outstanding secured by such fund. Makes other substantive changes relating to debt service reserve fund requirements.

April 2

April 2

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