

DIGEST OF BILLS ENACTED BY THE
**FIFTY-NINTH
GENERAL
ASSEMBLY**

1993 FIRST REGULAR SESSION
JUNE, 1993



OFFICE OF LEGISLATIVE LEGAL SERVICES
091 STATE CAPITOL BUILDING
DENVER, COLORADO 80203

DIGEST
SENATE AND HOUSE BILLS ENACTED
BY THE
FIFTY-NINTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO

(1993 - First Regular Session)

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PREFACE

Publication of Supplements to the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Fifty-ninth General Assembly at its First Regular Session ending May 12, 1993. The summaries include the dates bills are approved and the effective dates of the bills. The Digest also includes an alphabetic subject index and several reference tables. The Digest is not a substitute for the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. Abbreviated summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Conversion Table, page xi.

2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 166.

3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Conversion Table, page xi.

4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Conversion Table, page xi.

5. To identify bills which were vetoed by the Governor, refer to Table A, page viii.

6. To identify bills which became law without the Governor's signature, refer to Table B, page viii.

7. To identify bills which were originally recommended by a 1992 interim committee, refer to Table D, page ix.

8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 1993 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

9. To identify bills which have effective dates of July 1, etc. see page xx.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for house material) and the Senate Services Office (for senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 1993.

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LEGISLATIVE STATISTICAL SUMMARY

	1993		1992		1991*	
	Intro	Passed	Intro	Passed	Intro	Passed
Senate Bills	261	165	218	136	274	170
House Bills	356	193	368	217	390	199
Concurrent Resolutions	10	1	14	2	12	1
Bills signed by Governor	346		330		350	
Bills becoming law without Governor's signature	6		10		4	
Bills vetoed by the Governor	5		13		13**	
Bills referred to the People	1					

* Includes the first and second extraordinary sessions of the 58th general assembly.

** A question was raised concerning the validity of the Governor's vetoes of Senate Bills 91-131, 91-159, 91-178, and 91-227 and House Bills 91-1028 and 91-1217. Although the Governor filed the bills with the Secretary of State, he did not file his objections within the thirty-day period following adjournment of the General Assembly as required by section 11 of article IV of the state constitution. The Colorado Supreme Court held that the vetoes were not valid.

TABLE A

BILLS VETOED BY THE GOVERNOR	
SB 93-13	HB 93-1097
SB 93-91	HB 92-1159
SB 93-125	

TABLE B

BILLS BECOMING LAW WITHOUT THE GOVERNOR'S SIGNATURE	
SB 93-8	HB 93-1027
SB 92-135	HB 93-1182
	HB 93-1318
	HB 93-1356

TABLE C

BILLS WITH PORTIONS VETOED BY THE GOVERNOR
SB 93-234

**TABLE D
BILLS RECOMMENDED BY
1992 INTERIM AND STATUTORY COMMITTEES WHICH BECAME LAW**

JOINT LEGISLATIVE SUNRISE/ SUNSET REVIEW COMMITTEE	
HB 93-1034	SB 93-015
HB 93-1051	SB 93-016
HB 93-1195	SB 93-017
SB 93-001	SB 93-018
SB 93-003	SB 93-019
SB 93-008	SB 93-021
	SB 93-052
HIGHWAY LEGISLATION REVIEW COMMITTEE	
HB 93-1006	SB 93-009
HB 93-1007	SB 93-109
HB 93-1012	
HB 93-1018	
HB 93-1026	
FIRE AND POLICE PENSION	
HB 93-1204	HB 93-1243
HB 93-1216	SB 93-142
TASK FORCE ON FAMILY ISSUES	
HB 93-1015	SB 93-025
HB 93-1024	SB 93-027
HB 93-1043	SB 93-028
HJR 93-1003	
JOINT REVIEW COMMITTEE FOR THE MEDICALLY INDIGENT	
SB 93-029	

LEGISLATIVE AUDIT COMMITTEE	
HB 93-1003	HB 93-1071
HB 93-1004	HB 93-1197
HB 93-1005	HB 93-1001
HB 93-1052	
CRIMINAL JUSTICE COMMISSION	
SB 93-014	
LEGAL SERVICES COMMITTEE	
HB 93-1092	SB 93-005
HB 93-1131	SB 93-022
HB 93-1342	SB 93-035
CAPITAL DEVELOPMENT COMMITTEE	
HB 93-1048	SB 93-007
HB 93-1057	SB 93-073
COLORADO COMMISSION FOR ACHIEVEMENT IN EDUCATION	
HB 93-1313	
URANIUM MILL TAILINGS REMEDIAL ACTION PROGRAM FUND OVERSIGHT COMMITTEE	
SB 93-173	
THE STATE CAPITOL BUILDING ADVISORY COMMITTEE	
HB 93-1307	

CONVERSION TABLE

SENATE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
93-001	264	123	7-1
93-002	31	39	3-26
93-003	217	137	portions eff. 6-2 & 7-1
93-005	33	152	3-26
93-007	308	73	7-1
93-008	182	61	5-1
93-009	141	112	7-1
93-011	56	97	3-31
93-012	142	123	7-1
93-013	VETOED	90	
93-014	334	73	6-9
93-015	262	124	7-1
93-016	266	125	6-6
93-017	222	3	portions eff. 7-1 & 1-1-94
93-018	335	137	7-1
93-019	267	138	7-1
93-021	143	97	4-26
93-022	98	61	4-12
93-025	165	11	7-1
93-027	239	28	6-6
93-028	326	11	7-1
93-029	57	141	3-31
93-030	241	49	6-6
93-035	144	1	7-1
93-036	237	141	6-6
93-038	214	31	7-1
93-041	99	126	4-12
93-043	146	117	4-26
93-046	32	64	3-26
93-048	215	31	7-1
93-049	100	74	4-12
93-052	242	126	7-1
93-053	101	71	4-12
93-054	147	135	4-26
93-055	223	97	6-2
93-057	148	104	4-26
93-060	305	117	7-1
93-061	36	153	3-26
93-063	35	52	7-1
93-064	149	122	7-1
93-071	156	127	4-29
93-072	167	97	7-1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
93-073	34	74	3-26
93-074	265	74	6-6
93-075	1	162	2-16
93-076	2	162	2-16
93-077	102	4	4-12
93-078	3	66	2-16
93-080	4	39	7-1
93-081	247	31	6-6
93-082	5	153	2-16
93-083	6	162	2-16
93-084	94	141	4-12
93-085	116	141	7-1
93-086	154	90	4-29
93-087	158	39	4-29
93-088	169	153	4-30
93-090	97	153	4-12
93-091	VETOED	98	
93-094	173	32	7-1
93-096	178	11	7-1
93-098	323	52	6-8
93-109	268	112	7-1
93-110	197	127	5-10
93-111	150	32	7-1
93-113	211	98	5-28
93-114	220	90	6-2
93-115	179	28	4-30
93-119	139	98	portions eff. 4-26 & 10-30
93-120	17	75	7-1
93-122	228	141	6-3
93-125	VETOED	104	
93-126	140	90	4-26
93-128	157	61	4-29
93-129	316	143	7-1
93-130	42	162	3-30
93-131	318	144	7-1
93-132	103	104	4-12
93-133	253	77	6-6
93-134	269	12	7-1
93-135	183	52	5-4
93-136	348	49	6-11
93-137	153	90	7-1
93-138	155	32	4-29
93-140	130	39	4-19
93-142	195	67	5-6
93-148	133	112	portions eff. 4-21 & 1-1-94
93-151	58	139	3-31
93-152	176	50	4-30

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
93-154	270	13	portions eff. 6-6, 7-1, & 1-1-93
93-155	145	104	9-1
93-156	260	139	6-6
93-162	152	67	4-29
93-163	271	145	6-6
93-164	164	99	7-1
93-165	272	20	7-1
93-166	273	77	6-6
93-167	263	159	6-6
93-170	151	20	4-26
93-173	127	154	4-19
93-174	162	61	4-30
93-175	204	14	5-28
93-177	136	91	4-21
93-178	190	105	5-6
93-181	163	91	4-30
93-182	274	91	7-1
93-183	227	40	6-3
93-185	104	28	7-1
93-189	159	78	4-29
93-193	275	15	1-1-95
93-194	161	71	4-30
93-196	117	25	4-19
93-197	137	91	4-21
93-198	96	40	4-12
93-199	41	6	3-30
93-200	43	6	3-30
93-201	44	6	3-30
93-202	45	6	3-30
93-203	46	6	3-30
93-204	47	6	3-30
93-205	48	6	3-30
93-206	49	7	3-30
93-207	50	7	3-30
93-208	51	7	3-30
93-209	52	7	3-30
93-210	53	7	3-30
93-211	54	7	3-30
93-212	55	7	3-30
93-213	59	8	3-31
93-214	60	8	3-31
93-215	61	8	3-31
93-216	62	8	3-31
93-217	118	9	4-19
93-218	63	9	3-31
93-219	64	9	3-31
93-220	65	9	3-31
93-221	66	9	3-31
93-222	135	122	4-21

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
93-223	218	127	1-1-94
93-224	243	20	7-1
93-225	276	92	6-6
93-226	277	159	6-6
93-227	327	117	6-9
93-228	278	54	7-1
93-229	333	54	7-1
93-231	331	29	1-1-94
93-234	353	9	5-6
			partial veto
93-235	339	128	6-9
93-236	337	10	6-9
93-237	248	10	6-6
93-240	306	4	7-1
93-241	342	163	7-1
93-242	279	152	7-1
93-243	307	4	7-1
93-245	328	78	6-9
93-246	280	145	6-6
93-247	233	119	6-3
93-248	281	146	6-6
93-249	282	78	6-6
93-250	303	78	7-1
93-252	347	79	7-1
93-254	324	146	portions eff. 6-9 & 7-1
93-255	283	154	6-6
93-259	284	128	7-1
93-260	304	163	6-6

CONCURRENT RESOLUTIONS

SCR 93-4

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CONVERSION TABLE

HOUSE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
93-1001	119	147	4-19
93-1003	240	79	6-6
93-1004	13	25	3-18
93-1005	14	111	3-18
93-1006	15	112	3-18
93-1007	28	112	3-22
93-1008	16	80	7-1
93-1011	12	129	7-1
93-1012	91	113	7-1
93-1015	325	148	7-1
93-1016	9	67	3-4
93-1018	17	113	7-1
93-1020	249	154	7-1
93-1021	37	72	3-29
93-1022	7	80	7-1
93-1024	206	16	5-28
93-1026	18	113	7-1
93-1027	8	62	3-2
93-1028	30	25	7-1
93-1030	175	59	7-1
93-1031	19	68	7-1
93-1032	27	41	3-22
93-1034	224	129	7-1
93-1035	285	80	6-6
93-1037	166	41	4-30
93-1039	67	155	3-31
93-1040	90	155	4-7
93-1041	21	100	3-22
93-1043	231	17	portions eff. 6-3 & 1-1-94
93-1045	286	33	7-1
93-1046	68	80	3-31
93-1048	205	81	5-28
93-1050	69	66	3-31
93-1051	320	130	7-1
93-1052	201	81	7-1
93-1054	11	72	3-4
93-1056	329	4	6-9
93-1057	70	82	3-31
93-1058	112	17	4-19
93-1059	287	96	6-6
93-1060	38	163	3-30
93-1061	132	29	7-1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
93-1063	288	68	7-1
93-1064	289	18	7-1
93-1065	76	139	3-31
93-1066	71	29	7-1
93-1069	219	62	6-2
93-1070	177	135	4-30
93-1071	88	82	4-7
93-1073	20	25	7-1
93-1075	160	82	4-30
93-1077	290	119	6-6
93-1078	291	105	6-6
93-1080	238	64	7-1
93-1081	29	41	3-22
93-1082	121	120	4-19
93-1085	216	33	7-1
93-1088	292	33	portions eff. 6-6 & 7-1
93-1089	26	22	3-22
93-1091	298	120	6-6
93-1092	261	152	6-6
93-1093	128	41	7-1
93-1095	344	42	6-9
93-1097	VETOED	42	
93-1098	131	130	4-19
93-1100	189	100	1-1-94
93-1101	174	43	7-1
93-1104	221	155	6-2
93-1107	251	156	6-6
93-1108	232	26	7-1
93-1109	25	105	3-22
93-1113	24	54	7-1
93-1114	79	105	7-1
93-1116	122	156	4-19
93-1118	181	43	4-30
93-1119	10	82	3-4
93-1120	120	156	4-19
93-1121	193	157	portions eff. 5-6 & 1-1-94
93-1124	39	18	7-1
93-1127	202	83	5-28
93-1131	200	1	5-28
93-1132	89	83	4-7
93-1136	338	100	6-9
93-1137	23	35	3-22
93-1138	123	69	4-19
93-1139	124	64	7-1
93-1141	212	92	5-28
93-1144	209	20	7-1
93-1145	87	83	4-7
93-1146	172	83	4-30

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
93-1147	168	43	4-30
93-1148	192	106	5-6
93-1153	86	139	4-7
93-1154	191	22	7-1-94
93-1155	77	54	4-1
93-1156	78	92	4-3
93-1157	93	84	7-1
93-115	VETOED	55	
93-1165	256	106	6-6
93-1169	293	157	7-1
93-1171	340	18	7-1
93-1174	82	55	7-1
93-1179	236	19	6-6
93-1180	225	131	6-2
93-1182	349	26	9-1
93-1185	184	92	7-1
93-1186	125	93	4-19
93-1190	22	26	7-1
93-1195	294	131	7-1
93-1196	315	56	7-1
93-1197	126	157	4-19
93-1200	85	50	4-7
93-1201	72	136	7-1
93-1203	73	72	3-31
93-1204	81	69	4-7
93-1206	295	120	6-6
93-1207	113	101	7-1
93-1209	115	35	4-19
93-1210	134	84	4-21
93-1212	83	84	4-7
93-1214	95	101	7-1
93-1215	105	29	4-12
93-1216	80	70	4-7
93-1219	207	113	7-1
93-1223	180	85	7-1
93-1227	210	93	portions eff. 5-28 & 9-1
93-1233	187	27	portions eff. 5-6 & 7-1
93-1235	92	86	4-7
93-1236	345	50	6-9
93-1238	106	107	4-12
93-1240	114	163	4-19
93-1241	74	102	3-31
93-1243	107	70	4-12
93-1244	188	132	5-6
93-1245	252	86	6-6
93-1246	343	62	6-9
93-1247	111	107	4-19
93-1249	40	65	7-1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
93-1250	110	87	4-15
93-1252	170	160	4-30
93-1254	75	132	portions eff. 3-31 & 7-1
93-1255	258	56	7-1
93-1258	185	35	7-1
93-1259	319	29	7-1
93-1261	171	59	4-30
93-1262	129	107	4-19
93-1264	244	107	6-6
93-1265	108	43	4-12
93-1266	109	120	4-12
93-1268	234	132	portions eff. 6-6 & 7-1
93-1270	257	102	1-1-95
93-1273	254	163	6-6
93-1275	259	59	6-6
93-1278	194	149	5-6
93-1279	245	108	6-6
93-1284	255	44	6-6
93-1288	203	35	5-28
93-1301	332	114	7-1
93-1302	322	36	7-1
93-1304	19	44	5-6
93-1305	186	108	5-6
93-1307	84	87	4-7
93-1309	208	93	5-28
93-1311	198	45	portions eff. 5-11 & 7-2
93-1312	199	72	5-18
93-1313	226	46	6-3
93-1314	341	149	6-9
93-1315	314	157	6-6
93-1316	213	160	6-1
93-1317	230	149	7-1-94
93-1318	350	93	6-12
93-1320	313	47	6-6
93-1321	246	157	6-6
93-1324	138	87	7-1
93-1326	250	48	6-6
93-1327	96	87	6-6
93-1328	312	88	6-6
93-1330	352	158	Referendum
93-1333	235	122	7-1
93-1334	311	50	7-1
93-1336	229	136	7-1
93-1337	299	88	6-6
93-1339	297	151	6-6
93-1340	321	115	7-1
93-1341	330	88	7-1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
93-1342	300	152	7-1
93-1346	346	120	6-11
93-1347	301	95	6-6
93-1349	310	89	6-6
93-1351	309	109	6-6
93-1354	336	109	7-1
93-1356	351	109	portions effective 6-12 & 7-1
93-1355	302	51	6-6

**ACTS WITH JULY 1, 1993 AND LATER
EFFECTIVE DATES**

JULY 1, 1993

SENATE BILLS

93-001	93-025	93-080	93-137	93-241
93-003*	93-028	93-085	93-154*	93-242
93-007	93-035	93-094	93-164	93-243
93-009	93-038	93-096	93-165	93-247
93-012	93-048	93-109	93-182	93-250
93-013	93-052	93-111	93-185*	93-252
93-015	93-060	93-120	93-224	93-254*
93-017*	93-063	93-129	93-228	93-259
93-018	93-064	93-131	93-229	
93-019	93-072	93-134	93-240	

HOUSE BILLS

93-1008	93-1051	93-1113	93-1201	93-1302
93-1011	93-1052	93-1114	93-1207	93-1317*
93-1012	93-1061	93-1124	93-1214	93-1324
93-1015	93-1063	93-1139	93-1219	93-1333
93-1018	93-1064	93-1144	93-1223	93-1334
93-1020	93-1066	93-1157	93-1233	93-1336
93-1022	93-1073	93-1169	93-1249	93-1340
93-1026	93-1080	93-1171	93-1254*	93-1341
93-1028	93-1085	93-1174	93-1255	93-1342*
93-1030	93-1088	93-1185	93-1258	93-1354
93-1031	93-1093	93-1190	93-1259	93-1355
93-1034	93-1101	93-1195	93-1268	93-1356*
93-1045	93-1108	93-1196	93-1301	

SEPTEMBER 1, 1993

OCTOBER 30, 1993

SENATE BILLS

HOUSE BILLS

SENATE BILLS

93-154*
93-155

93-1182
93-1227*

93-119*

JANUARY 1, 1994

APRIL 1, 1994

SENATE BILLS

HOUSE BILLS

HOUSE BILLS

93-017*
93-148
93-223
93-231

93-1043*
93-1100
93-1121*
93-1154

93-1356

JULY 1, 1994

JANUARY 1, 1995

HOUSE BILLS

SENATE BILLS

93-1317

93-193

* Portions Only



AN EXPLANATION AND LISTING OF CATEGORY I AND CATEGORY II BILLS

The enactment of section 20 of article X of the state constitution created an extraordinary need for legislation to interpret and apply the new tax and spending limitations in the state budget process. The existing deadlines for the 1993 regular session were not sufficient to accommodate the need to pass legislation to implement article X, section 20 and other revenue matters in a timely fashion. Consequently, new deadlines were implemented to expedite the passage of such matters. The bills were divided into categories and required to meet certain deadlines established pursuant to Senate Joint Resolution 93-6.

CATEGORY I BILLS: Bills to implement section 20 (9) of Article X of the state constitution concerning the ninety-day notice for a local district to reduce or end its subsidy to programs delegated to local districts by the General Assembly for administration; bills to enact fiscal policies and procedures necessary for state government to implement said section 20 of article X through the long appropriation bill; bills to enhance general fund revenues in anticipation of introduction of the long appropriation bill; and bills to resolve ambiguities in section 20 (2) and (3) of article X of the state constitution concerning elections to be held in November of odd-numbered years.

CATEGORY II BILLS: Bills not included in Article X, Section 20 - CATEGORY I bills which are needed in order to complete the long appropriation bill, including but not limited to bills required to fund the public schools of the state, bills to clarify the authority of the state to enter into personal service contracts with private businesses, bills to create or define enterprises within the meaning of section 20 (2) (d) of article X of the state constitution, and bills making changes in criminal sentencing.

CATEGORY I BILLS		CATEGORY II BILLS
0524	SB 074 <i>B. ind</i> SB 080 <i>S. D. B. ind</i>	HB 1302
505	SB 075 <i>B. ind</i> SB 081 <i>B. ind 504</i>	HB 1304
508	SB 076 <i>B. ind</i> SB 082 <i>50 v B. ind</i>	
509	SB 077 <i>B. ind</i> SB 083 <i>B. ind 507</i>	
374	SB 078 <i>Norton</i> SB 098 <i>543 R. Power</i>	

ADMINISTRATIVE RULE REVIEW

S.B. 93-35 Legislative review of state agency rules - procedural changes. Changes the annual review period for review of rules and regulations of state agencies by the general assembly to provide for a November to November cycle rather than a calendar year cycle. Includes a phased-in review period during the first year which runs from January 1, 1993, to November 1, 1993.

Changes the automatic expiration date for rules and regulations in the "State Administrative Procedure Act" from June 1 to May 15.

APPROVED by Governor April 26, 1993

EFFECTIVE July 1, 1993

H.B. 93-1131 Continuation of 1992 rules of executive agencies - exceptions. Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1992; except that specified rules and regulations are allowed to expire as scheduled on June 1, 1993.

Allows the following 1992 rules to expire as scheduled: A rule of the department of corrections concerning a procedure for appeals of revocation of parole where there is a tie vote on the state board of parole; several rules of the state board of education concerning handicapped students; several rules of the state board of education concerning school district funds; 3 rules of the state board of health relating to the labeling of radiation machines; a rule of the state board of health concerning test methods for groundwater analysis by solid wastes disposal sites and facilities; a rule of the air quality control commission concerning the smoking gasoline powered motor vehicle control region, several rules of the air quality control commission concerning emissions of volatile organic compounds; a rule of the state board of health defining "CPR directive" of rules on the implementation and application of advance medical directives for CPR by emergency medical services personnel; 5 rules of the department of higher education concerning the regulation of private occupational schools; a rule of the department of institutions concerning detention of a person for treatment of mental illness and a rule concerning extension of diagnostic services for the mentally ill; several rules of the executive director of the department of institutions concerning services for persons with developmental disabilities; a rule of the director of the division of workers' compensation concerning the premium surcharge for the premium cost containment fund; a rule of the director of the division of workers' compensation concerning filing an appeal of a director's order in a utilization review proceeding; a rule of the director of the division of worker's compensation concerning payment for an independent medical examination where there is a dispute about maximum medical improvement; a rule of the department of natural resources concerning prohibitions on fireworks, explosives, poisons, herbicides, insecticides, and uncontrolled substances and on possessing or dispensing alcoholic beverages in state wildlife areas; rules of the division of registrations concerning a requirement that unlicensed persons possess a current active license or registration in another state; a rule of the division of insurance concerning continuing education courses presented to the commissioner or continuing education administrator; rules of the public utilities commission concerning blocking of caller identification services and last call return; a rule of the Colorado racing commission concerning capital improvements fund; rules of the executive director of the department of revenue concerning possessing or attempting to use false identification to obtain alcohol or liquor; a rule of the executive director of the department of revenue relating to change of class of license under the liquor code; a rule of the executive director of the department of revenue concerning vending machine vendors; a rule of the executive director of the department of revenue concerning public transportation motor vehicle stickers under the liquor

code; several rules of the executive director of the department of revenue concerning enterprise zone regulations; a rule of the state board of social services concerning the limitation of placement alternative plans to families with children or youth; a rule of the state board of social services concerning specified caretaker relatives, rules of the state board of social services concerning medical assistance to qualified disabled widows and widowers; several rules of the state board of social services relating to program area VII licensing rules for child protection; rules of the state board of social services concerning disciplinary actions and disqualification under the merit system for county department of social services employees; several rules of the state board of social services relating to the AFDC program; rules of the state board of social services relating to the implementation of the federal "Clinical Laboratory Improvement Amendments of 1988; and a rule of the department of transportation concerning formation of regional planning commissions.

Postpones indefinitely the expiration of all 1992 rules and regulations of the public employees' retirement association.

Postpones until June 1, 1994, the expiration of 2 rules of the executive director of the department of revenue concerning the delivery of beer or liquor by licensees who are licensed to sell beer or liquor for off-site consumption which are scheduled to expire on June 1, 1993.

Postpones until June 1, 1994, the expiration of 2 rules of the department of personnel concerning affirmative action which are scheduled to expire on June 1, 1993.

Postpones until March 15, 1994, the expiration of rules of the state board of education concerning exceptions to the administrative unit of residence.

Postpones until August 1, 1993, the expiration of a rule of the peace officer standards and training board concerning the fingerprint review of applicants to the basic program.

Postpones several rules of the department of institutions concerning home and community based services for the developmentally disabled.

Includes language that explains that the recommendations of the Committee on Legal Services as reflected in the act apply to the specified rules in the form in which said rules were considered and acted upon by the committee and that any amendments or other changes to the rules subsequent to that action are not affected by this act.

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

AGRICULTURE

S.B. 93-17 Seed used for propagation - labeling of seed - violations - embargoes - sunset review - appropriation. Enacts the "Colorado Seed Act" by repealing and reenacting current law regulating seeds used for propagation. Makes the following changes to current law:

Effective January 1, 1994, requires all persons acting as custom seed conditioners, farmer seed labelers, retail seed dealers, or seed labelers to register annually with the department of agriculture. Specifies that the commissioner of agriculture shall develop registration procedures and requirements, including setting registration fees within specified limits. Requires registrants to update information they provide to the department during the registration process or in any report. Makes exceptions to the registration requirements.

Allows the commissioner to conduct or to delegate the power to conduct hearings for disciplinary proceedings concerning registrants. Empowers the commissioner to embargo seed rather than subjecting seed to seizure pursuant to a complaint by the department. Requires the commissioner of agriculture to develop through rule and regulation a list of noxious weeds and weed seeds, rather than having such a list in the statutes. Makes the sale of seed for propagation containing noxious weed seed in excess of allowable limits a civil violation and subject to civil penalties rather than a criminal offense. Requires the commissioner to develop labeling requirements for lots of seed sold in the state rather than placing such requirements in statute. Grants the commissioner the power to issue a cease and desist order for violations of the act instead of issuing a stop sale order.

Mandates that persons handling seed as custom seed conditioners, farmer seed labelers, retail seed dealers, or seed labelers retain records and seed samples regarding the sale and distribution of such seed. Requires registrants to keep and maintain certain records in addition to records kept pursuant to labeling requirements.

Adds the following to the list of prohibited conduct which is unlawful: Acting in the capacity of a registrant without being registered; not complying with the "Colorado Seed Act" or any rules and regulations promulgated under the act; and impersonating an official in conjunction with the "Colorado Seed Act". Specifies how a civil penalty may be assessed against persons who violate the act. Makes certain acts deceptive trade practices under the "Colorado Consumer Protection Act".

Transfers certain powers, including the power to promulgate rules and regulations from the advisory committee to the commissioner. Changes the makeup of the committee, including removing the commissioner. Provides for certain committee members to be appointed by the commissioner. Specifies that such advisory committee shall advise the commissioner rather than the department of agriculture.

Directs the commissioner to create an arbitration council. Defines the duties of the council. Specifies that the council shall arbitrate disputes between buyers and sellers of seed in certain circumstances. Sets forth prerequisites for the arbitration of disputes. Defines the effect arbitration disputes will have on other legal remedies. Allows the commissioner to utilize the council in certain other circumstances.

Creates a seed cash fund into which fines and fees required under the act shall be deposited. Specifies that appropriations from the fund shall supplement general fund appropriations.

Provides for an automatic repeal of the registration functions of the

commissioner on July 1, 1999, pursuant to the provisions of the sunset law.

Appropriates \$46,749 to the department of agriculture for the implementation of this act.

APPROVED by Governor June 2, 1993

EFFECTIVE June 2, 1993

S.B. 93-77 Inspections - fruits, vegetables, and other products - fees. Removes the statutory cap, originally scheduled to take effect July 1, 1994, of 10 cents per hundredweight on the fees for inspection and certification of fruits, vegetables, and other agricultural products. Continues provisions limiting the general fund subsidy of the costs of such inspections to \$200,000 annually rather than allowing it to increase to \$400,000 on and after July 1, 1994.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

S.B. 93-240 Marketing - sheep and wool board - replacement by new entity - adjustment to appropriation. Enacts the "Colorado Sheep and Wool Authority Act", creating the Colorado sheep and wool authority, a body corporate and a political subdivision of the state but not a state agency and not subject to administrative direction except as specifically set forth in the act, to perform the duties currently performed by the commissioner of agriculture, the department of agriculture, and the division of brand inspection under the current statutory provisions. States specifically that the Colorado sheep and wool board within the Colorado sheep and wool authority may promulgate necessary regulations. Alters the procedure for collection and use of sheep license fees and directs that such fees be established by the Colorado sheep and wool board within the Colorado sheep and wool authority.

Makes an adjustment to the 1993 general appropriations act to decrease the total appropriations made to the department of agriculture for special purposes by \$106,202 for implementation of the act.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-243 Marketing - beef board - replacement by new entity - adjustment to appropriation. Enacts the "Colorado Beef Council Authority Act", replacing the current Colorado beef board with the Colorado beef council authority, a body corporate and a political subdivision of the state but not a state agency and not subject to administrative direction except as specifically set forth in the act. Alters the procedure for collection and use of livestock promotion fees and directs that such fees be established based on the requirements of the federal beef promotion and research order codified in the code of federal regulations.

Makes an adjustment to the 1993 general appropriations act to decrease the total appropriations made to the department of agriculture for special purposes by \$1,926,364.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1056 Weed free forage crops - certification - enforcement - fees - appropriation. Creates the weed free forage crop certification program as an optional certification program for crop producers. Requires the commissioner of agriculture to administer and enforce the program.

Empowers the commissioner of agriculture to inspect crops and documents in conjunction with any certification. Allows the commissioner to delegate certain powers to qualified employees of the department of agriculture and authorized inspectors who are designated as qualified pursuant to standards set by the commissioner. Grants the commissioner the power to rescind any weed free certification of a crop if a violation of the act is found pursuant to an administrative hearing. Defines the intentional violation of the article as a class 3 misdemeanor. Grants the commissioner the power to employ an administrative law judge and hold an administrative hearing if a violation of the program is suspected.

Allows the commissioner to enter into agreements with other governmental agencies to further the purposes of the act. Requires the commissioner to set and collect fees to cover the direct and indirect costs of administration of the program. Directs that all fees be deposited into the weed free crop certification fund which is created.

Appropriates \$32,555 to the department of agriculture and \$2,085 to the department of law for the implementation of the act.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

APPROPRIATIONS

S.B. 93-199 Supplemental appropriation - department of administration. Amends the 1992 general appropriation act to increase the total appropriations made to the department of administration from the general fund and from cash funds.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-200 Supplemental appropriation - department of agriculture. Amends the 1992 general appropriation act to increase the total appropriation made to the department of agriculture from the general fund and from cash funds and federal funds. Repeals a provision of a 1992 act that made an adjustment to the 1992 general appropriation bill, and incorporates the changes made by such adjustment into the changes made by this act. Repeals an appropriation for leased space contained in a 1992 act, and incorporates such appropriation into the changes made by this act.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-201 Supplemental appropriation - department of corrections. Amends the 1992 general appropriation act to increase the total appropriation to the department of corrections. Increases the general fund portion of the appropriation and decreases the cash funds and federal funds portions.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-202 Supplemental appropriation - department of education. Amends the 1992 general appropriation act to decrease the total appropriation to the department of education. Decrease the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-203 Supplemental appropriation - office of the governor. Amends the 1992 general appropriation act to increase the total appropriations made to the office of the governor from the general fund and from cash funds.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-204 Supplemental appropriation - department of health. Amends the 1992 general appropriation act to increase the total appropriations made to the department of health from the general fund and from cash funds and federal funds. Amends a section of a 1992 act to correct the source of an appropriation to the department of health. Repeals a provision of a 1992 act that made an adjustment to the 1992 general appropriation bill, and incorporates the changes made by such adjustment into the changes made by this act.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-205 Supplemental appropriation - department of higher education. Amends the 1992 general appropriation act to increase the total appropriations made to the department of higher education from the general fund and from cash funds and federal

funds.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-206 Supplemental appropriation - department of institutions. Amends the 1992 general appropriation act to increase the total appropriation to the department of institutions. Decreases the general fund portion of the appropriation and increases the cash funds portion. Repeals a provision of a 1992 act that made an adjustment to the 1992 general appropriation bill, and incorporates the changes made by such adjustment into the changes made by this act.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-207 Supplemental appropriation - judicial department. Amends the 1992 general appropriation act to increase the total appropriation to the judicial department from the general fund and from cash funds.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-208 Supplemental appropriation - department of labor and employment. Amends the 1992 general appropriation act to increase the total appropriations made to the department of labor and employment from the general fund and from cash funds and federal funds. Repeals a section of a 1992 act that made an adjustment to the 1992 general appropriation bill, and incorporates the changes made by such adjustment into the changes made by this act.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-209 Supplemental appropriation - department of law. Amends the 1992 general appropriation act to increase the total appropriation to the department of law. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-210 Supplemental appropriation - department of local affairs. Amends the 1992 general appropriation act to decrease the total appropriation to the department of local affairs. Increases the general fund and federal funds portions of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-211 Supplemental appropriation - department of military affairs. Amends the 1992 general appropriation act to increase the total appropriations made to the department of military affairs from the general fund and from federal funds.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-212 Supplemental appropriation - department of natural resources. Amends the 1992 general appropriation act to increase the total appropriations made to the

department of natural resources from the general fund and from cash funds and federal funds.

Repeals a section of a 1992 act that made an adjustment to the 1992 general appropriation bill, and incorporates the changes made by such adjustment into the changes made by this act. Reduces from \$100,000 to \$57,461 an appropriation made in a 1992 act to the water conservation board to develop the capability to monitor and simulate interstate Colorado river operations performed by the federal bureau of reclamation through its Colorado river simulation system.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-213 Supplemental appropriation - department of personnel. Amends the 1992 general appropriation act to increase the total appropriations made to the department of personnel from the general fund and from cash funds.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-214 Supplemental appropriation - department of public safety. Amends the 1992 general appropriation act to increase the total appropriations made to the department of public safety from the general fund and from cash funds and federal funds. Repeals a portion of a 1992 act that made an adjustment to the 1992 general appropriation bill, and incorporates the changes made by such adjustment into the changes made by this act. Repeals an appropriation for leased space contained in a 1992 act, and incorporates such appropriation into the changes made by this act.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-215 Supplemental appropriation - department of regulatory agencies. Amends the 1992 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Decreases the general fund portion of the appropriation and increases the cash funds and federal funds portions. Repeals a section of a 1992 act that transferred to the department of revenue for allocation to the division of racing events any appropriation made to the department of regulatory agencies for allocation to the division of racing events, and incorporates the changes made by such transfer into the changes made by this act. Repeals a section of a 1992 act that made various adjustments to the 1992 general appropriation bill, and incorporates such changes into the changes made by this act.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-216 Supplemental appropriation - department of revenue. Amends the 1992 general appropriation act to increase the total appropriation to the department of revenue. Increases the general fund and cash funds portions of the appropriation and decreases the federal funds portion. Repeals a section of a 1992 act that transferred to the department of revenue for allocation to the division of racing events any appropriation made to the department of regulatory agencies for allocation to the division of racing events, and incorporates the changes made by such transfer into the changes made by this act.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-217 Supplemental appropriation - department of social services. Amends the 1992 general appropriation act to increase the total appropriation to the department of social services. Increases the general fund and federal funds portions of the appropriation and decreases the cash funds portion.

Repeals sections of several 1992 acts that made adjustments to the 1992 general appropriation bill, and incorporates such changes into the changes made by this act. Repeals 3 footnotes and adds 2 footnotes to the 1992 general appropriation act.

Makes appropriations to the department for the payment of overexpenditures of the child welfare out-of-home placement line item appropriation and line item appropriations to the medical assistance division for medical services contained in the 1991 general appropriation act. Amends an appropriation made to the department in the 1991 general appropriation act for basic grant assistance payments.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

S.B. 93-218 Supplemental appropriation - department of state. Amends the 1992 general appropriation act to increase the total cash funds appropriation to the department of state.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-219 Supplemental appropriation - department of transportation. Amends the 1992 general appropriation act to increase the total cash funds appropriation to the department of transportation.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-220 Supplemental appropriation - department of treasury. Amends the 1992 general appropriation act to decrease the total general fund appropriation to the department of treasury.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-221 Supplemental appropriation - legislative department. Amends the 1992 general appropriation act and the 1992 legislative appropriation act to decrease the total appropriations made to the legislative department from the general fund and to make a cash funds appropriation to the legislative council for a subsequent injury fund study. Repeals a section of a 1992 act that made an adjustment to the 1992 general appropriation bill and a section of the 1992 general appropriation act that made an adjustment to the 1992 legislative appropriation bill, and incorporates the changes made by such adjustments into the changes made by this act.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-234 General appropriation act - long bill. Makes appropriations for the payment of the expenses of the executive, legislative, and judicial departments of state government for the fiscal year beginning July 1, 1993. Sets the grand total of the operating budget at \$7,721,924,499, of which \$3,330,681,087 is from the general fund, \$2,787,527,352 is from cash funds, and \$1,603,716,010 is from federal funds.

Appropriates \$246,988,643 for capital construction, of which \$64,351,086 is from the capital construction fund, \$59,540,292 is from cash funds, and \$123,097,265 is from federal funds.

For the 1992-93 fiscal year, decreases the general fund appropriation to the department of corrections for the Colorado state penitentiary, increases the general fund appropriation to the department of education for public school finance, increases the general fund appropriation to the department of institutions for community programs administered by the division of mental health, and increases the cash funds appropriation to the department of local affairs for the tourism board.

APPROVED by Governor May 6, 1993
PORTION VETOED May 6, 1993

EFFECTIVE May 6, 1993

S.B. 93-236 Legislative appropriation. Appropriates \$18,178,536 to the general assembly and the legislative service agencies for the 1993-94 fiscal year. Specifies that \$90,000 of this sum is out of cash funds and the remainder is out of the general fund. Also appropriates \$23,000 for the relocation of the tour guide desk and the purchase of additional benches and \$33,500 for private security services in the Capitol during periods when the state patrol does not provide security.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

S.B. 93-237 Supplemental appropriation - capital construction - general operating budget of department of administration. Amends the 1992 general appropriation act to increase the total appropriations made for capital construction from the capital construction fund, cash funds, and federal funds. Included in the changes are new appropriations to the department of administration for lighting at the state capitol building, to the office of the governor for implementation of the "Americans with Disabilities Act", and to Fort Lewis college for a replacement auditorium facility. Transfers \$11,455,244 from the general fund to the capital construction fund. Amends the general operating budget portion of the 1992 general appropriation act to decrease the cash funds appropriation to the department of administration for central processing unit rental.

Amends the 1989 general appropriation act to decrease a capital construction appropriation to Fort Lewis college, and corrects the 1989-90 totals for capital construction appropriations to the department of higher education and the 1989-90 capital construction grand totals. Amends the 1991 general appropriation act to revise the source of funds for an appropriation to the division of registrations, department of regulatory agencies, for replacement of central licensing system.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

CHILDREN AND DOMESTIC MATTERS

S.B. 93-25 Visitation - definition change. Changes the term "visitation" to "parenting time" when the term refers to time spent by a noncustodial parent with his or her child.

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

S.B. 93-28 Dependency and neglect - reasonable efforts - definition - guardians ad litem - provision of services to children and families - rules - individual case plan - petition - court findings. Makes a legislative declaration regarding the article concerning dependency and neglect of children.

Adds a definition of "reasonable efforts" to the definitions relating to dependency and neglect actions. Requires guardians ad litem to seek to assure that reasonable efforts are being made to prevent unnecessary placement of the child out of the home and to facilitate reunification of the child with the child's family, if such is in the child's best interest.

Requires each county or city and county to provide certain services to all children and eligible families in the state of Colorado involved in, or at imminent risk of, out-of-home placement due to child abuse and neglect. Enumerates such services and the goals such services are to be designated to accomplish. Delineates which families are eligible to receive such core services. Requires certain other services to be provided based upon the availability of federal funding or other funding for the provision of such services. Authorizes the department of social services to promulgate rules necessary to implement the provision of such services.

Requires that an individual case plan be in place for all abused and neglected children and their families when a case is opened for the provision of services by the state of Colorado beyond the investigation of the report of child abuse or neglect, regardless of whether the children involved are placed out of the home.

Clarifies when an emergency situation exists and a child is seriously endangered, for the purpose of removing a child and placing such child out of the home.

Requires the court to find that reasonable efforts have been made to prevent unnecessary temporary out-of-home placement if the evidence supports such a finding. Requires the petition in a dependency and neglect action either to allege that reasonable efforts to prevent out-of-home placement have been made or, if no services to prevent out-of-home placement were provided, to explain why such services were not provided or describe the emergency which precluded the use of services to prevent out-of-home placement of the child. Requires the petition to be verified.

Requires that prior to any dispositional hearing in a dependency and neglect case the social services caseworker shall submit to the court a statement detailing the services which were offered to or provided to the family to prevent unnecessary out-of-home placement of the child and to facilitate reunification of the family, or a statement why no services or actions would have made it possible for the child to remain at home safely.

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

S.B. 93-96 Non-identifying adoption information - access. Requires the department of social services to provide non-identifying information about an adoptee or the birth

parents of an adoptee to adult adoptees and adoptive parents upon request. Defines "non-identifying information". Authorizes the department to select private, licensed child placement agencies which are authorized to handle adoptions to provide such services. Requires the department to establish rules governing the disclosure of non-identifying information and the selection criteria by which such agencies shall be selected, including a requirement that information identifying members of the birth family be kept strictly confidential. Eliminates the prohibition of expenditure of state funds for operation of the adoption intermediary commission, and clarifies that commission members shall not receive per diem payments.

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

S.B. 93-134 Placement of juvenile delinquents out of the home - criteria - fees - juvenile records - contracts with other entities for juvenile facilities - local juvenile services planning committees - creation - appropriations for services to juveniles - allocation to judicial districts. States that in any juvenile delinquency case where placement out of the home is recommended, placement criteria developed by the departments of education, social services, and institutions shall be in accordance with the criteria established by the department of institutions, the department of social services, and the judicial department regarding when a child shall be placed in the physical custody of the department of institutions. Requires that when a court orders a parent of a child placed in the physical custody of the department of institutions to pay a fee for the care and treatment of such child, such fee shall be in accordance with fees set by rule of the department of institutions.

Expands the exception to confidentiality of juvenile court records and records of law enforcement officers concerning juveniles, to permit the conducting of research by persons employed by or under contract with the state of Colorado, if certain conditions are met.

Establishes that the delinquent act which a juvenile has allegedly committed and pursuant to which such juvenile is taken to a detention or shelter facility or a temporary holding facility without release prior to a hearing shall constitute a felony crime of violence. Repeals statutes concerning the development of a common assessment instrument and criteria by the department of institutions for the placement of juveniles taken into temporary custody.

Requires placement of a juvenile delinquent out of the home to follow criteria established by the department of institutions, the department of social services, and the judicial department. Permits alternative sentencing of juvenile mandatory sentence offenders. Requires the executive director of the department of institutions, subject to available appropriations, to contract with other governmental units or private entities to provide facilities for juveniles.

Directs the establishment, rather than the proposal, of criteria for both detention and commitment by the departments of institutions and social services and the judicial department. Provides for the appropriation of moneys to the department of institutions which shall be allocated to each judicial district pursuant to an established formula and expended in such district for services to juveniles. Requires that such expenditures shall be made in accordance with a plan developed by such judicial district's juvenile services planning committee, if such a committee exists within the judicial district. Permits the county commissioners within each county or the city council within each city and county in a judicial district to establish a juvenile services planning committee and establishes the membership of any such committee. Requires such committee to create a plan for the expenditure of moneys on juvenile services within the district. States that such plan must be approved by the

department of institutions.

Permits the governor to transfer appropriations to and from the department of social services and the department of institutions when required to provide services for eligible youth.

APPROVED by Governor June 6, 1993.

EFFECTIVE July 1, 1993

S.B. 93-154 Child support - postsecondary education - orders of health insurance - modification of maintenance - URESA - nondisclosure of identifying information - registration procedure - recovery of debt - continuation of immediate deductions - lottery winnings - property subject to execution - support proceedings - service - child welfare services - fees - administrative procedure. On and after July 1, 1993, limits the maximum amount of postsecondary education expenses which an obligor may be ordered to pay to that amount of child support which such obligor was required to pay annually under the most recent child support order. Modifies the requirements on making a motion for an order for postsecondary education support to allow a parent or child to move for an order at any time before the child attains the age of 21 years rather than one year after the child attains age 19 years or graduates from high school, whichever is later. Defines postsecondary education support for purposes of child support obligations.

On and after July 1, 1993, changes the standard for modification of maintenance based upon a showing of changed circumstances so substantial and continuing as to make the terms unfair rather than unconscionable.

On and after September 1, 1993, provides for the nondisclosure of identifying information in an action for reciprocal enforcement of support if such disclosure would place the health, safety, or liberty of a party or child unreasonably at risk. Clarifies that the registration of a foreign support order in this state confers subject matter jurisdiction over support and arrearage issues.

Requires notice of the parties' involvement with the department of social services to be given in a petition for support or custody proceedings or any other related matter on and after September 1, 1993. Clarifies that in no case shall a court issue orders for both child support and postsecondary education expenses to be paid for the same time period for the same child. Permits the court or the delegate child support enforcement unit to elect not to require a parent to include the child or children on an existing health insurance policy or to purchase insurance where the application of the premium payment on the child support guidelines results in a child support order of \$50 dollars or less, or the premium payment is 20% or more of the parent's gross income. Requires the court to order the parent to provide insurance when insurance becomes available at a reasonable rate. Requires child support orders to include the social security numbers and birth dates of the parties and the children. Clarifies that the amount of the multiplier in the child support guideline for shared physical custody is 1.50. Refers to the child support commission the issue of making credits for supporting other children and credits for absent parents applicable only for current support and only for payments actually being made.

Effective upon passage, directs that an order establishing the amount of child support debt accrued shall be based on the amount of current child support due or which would be due if the obligor were an absent parent under the child support enforcement guidelines in effect on the date of the stipulation, default order, or hearing to establish the child support debt times the number of months the family received public assistance. Provides that such child support debt shall not exceed the total amount paid for public assistance.

On and after September 1, 1993, clarifies that the court shall award only reasonable attorney fees to the prevailing party at a hearing on an objection to a support enforcement wage assignment.

On and after September 1, 1993, authorizes the setting of bond upon the issuance of a bench warrant by the court in a contempt action for noncompliance with an order for child support or maintenance when combined with child support, and creates a procedure for the forfeiture of such bond.

Effective September 1, 1993, continues the provision for immediate income deductions for family support which provision was scheduled to be repealed January 1, 1994.

On and after September 1, 1993, requires that the notice of deduction for health insurance sent to the employer of an employee subject to an order to provide health insurance contain a statement that if the obligor or employer enrolls the dependents who are the subject of the order in the health insurance plan available through the employer, the employer shall send a copy of such enrollment to the location identified in the notice.

On and after September 1, 1993, clarifies that the property subject to lien for support debt and arrears only applies to child support debt or to arrears of child support or maintenance.

Changes the method of service for support proceedings on and after September 1, 1993, to include service by certified mail with proof of actual receipt.

On and after September 1, 1993, mandates that child welfare services fees be based upon the child support guidelines rather than the ability of the persons legally responsible for the child to pay.

Amends the statute authorizing the interception of lottery winnings on and after September 1, 1993, to prioritize the order of payment of the obligor's current monthly child support obligation, child support debt, and child support arrearages from such winnings. On and after September 1, 1993, changes the method of service of a subpoena for the administrative review of a child support order to permit service by regular mail rather than by certified mail or personal service. Clarifies that where paternity is not an issue, but a stipulation is not reached at the negotiation conference, the delegate child support enforcement unit shall issue temporary orders establishing child support debt, arrears, foster care maintenance, and medical support in addition to current child support.

APPROVED by Governor June 6, 1993

PORTIONS EFFECTIVE July 1, 1993
September 1, 1993

S.B. 93-175 Child welfare - Colorado children's trust fund - extension - transfer and membership of board - authority of board to contract - marriage fees in fund. Makes a **type 2** transfer of the Colorado children's trust fund board to the department of higher education. Authorizes the board to contract with the department of social work of Colorado state university for administrative and technical support. Expands the Colorado children's trust fund board from 7 to 9 members. Requires that one new member be the executive director of the department of health or such director's designee and that the other be a parent or a representative of a parent organization appointed by the governor and confirmed by the senate. Removes the statutory date after which a portion of the marriage license fee cannot be allocated to the trust fund and removes the requirement that remaining moneys in the fund on such date revert to the general

fund.

Continues the Colorado children's trust fund which was scheduled to be repealed.

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

S.B. 93-193 Child support and maintenance - establishment and enforcement - repeal of reciprocal enforcement of support act - uniform interstate family support act created. Enacts the "Uniform Interstate Family Support Act" for the interstate establishment, enforcement, registration, and modification of spousal and child support awards and the determination of parentage. Repeals the "Revised Uniform Reciprocal Enforcement of Support Act". Authorizes Colorado to bring and to transmit actions pertaining to the establishment or modification of support awards and the initial determination of parentage.

Provides that the court and the administrative agency are the tribunals of Colorado. Provides that remedies set forth in the act are in addition to other remedies under other law.

Describes how the state may obtain and retain jurisdiction to establish and modify child and spousal support. Specifies where Colorado loses continuing jurisdiction and describes limited jurisdiction that may be retained by the state. Sets forth rules to follow in cases involving multiple orders from one or more states for determining which order to recognize for continuing jurisdiction purposes.

Sets forth provisions for determining the enforceability of multiple child support orders for one obligee and multiple child support orders for more than one obligee which are initiated by more than one tribunal. Requires this state to credit accruing obligations of this state with amounts collected and credited for a particular period of time pursuant to a support order issued by a tribunal of another state.

Sets forth general procedural provisions for initiating actions for establishing or modifying child or spousal support. Includes in such provisions whose parties may be, which body of law applies to an action, duties of a tribunal, the child support enforcement agencies and other state and local entities involved in child support enforcement and information to be included in a petition. Provides an exemption from such informational requirements when the health, safety, or liberty of a party or the child would be at risk. Directs that in determining the date and amount of support, the tribunal shall follow Colorado law.

Provides for the payment of cost and fees, including attorney fees. Provides for the limited immunity of a petitioner participating in a proceeding in a responding tribunal in Colorado to service of civil process or submission to personal jurisdiction. Eliminates the defense of nonparentage when parentage has been previously determined pursuant to law. Sets forth special evidentiary and procedural rules for establishment, enforcement, or modification of support proceedings or determination of parentage proceedings. Provides for interstate communication, including assistance with discovery. Requires prompt disbursement of support payments received, and requires the agency or tribunal to furnish a certified copy of the payment records upon the request of a party or a tribunal of another state.

Permits a responding tribunal of this state to issue a support order when a support order entitled to recognition in this state has not been issued if the individual seeking the order resides in another state or the support enforcement agency seeking the order is located in another state. Allows the tribunal in this state to issue a temporary child support order in certain circumstances relating to the

establishment of paternity.

Permits an income-withholding order issued in another state to be sent to the obligor's employer in this state without first filing an action or registering the order with a tribunal of this state. Describes the employer's duties and the obligor's rights concerning such order. Requires a support enforcement agency of this state to use any administrative procedure authorized by this state to enforce a support order or an income-withholding order, if appropriate, without registering the order. Directs the support enforcement agency to register the order if the obligor contests the validity or enforcement of the order.

Allows for the registration in this state of a support order or an income-withholding order issued by a tribunal of another state and enumerates the procedure for such registration. Provides that a registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state, except for modification thereof. States that the law of the issuing state will govern the nature, extent, amount, and duration of current support payments, as well as any arrearages under the order. Applies the longest available statute of limitations of the different states involved in the action. Requires notice to the nonregistering party by first class, certified or registered mail, or by personal service when a support order or income-withholding order issued in another state is registered in Colorado and identifies what information is to be included in the notice. Requires that notice of the registration be provided to the obligor's employer. Sets forth the procedure for a nonregistering party to contest the validity or enforcement of a registered order. Precludes further contest of a registered order confirmed by operation of law or after notice and a hearing. Lists circumstances under which and procedures by which a child support order issued in another state and registered in this state may be modified. Requires a tribunal of this state to recognize a modification of its earlier child support order by a tribunal of another state which properly assumed jurisdiction.

Permits a tribunal of this state to serve as an initiating or responding tribunal for purposes of determining parentage of a child and requires a responding tribunal of this state to apply the "Uniform Parentage Act" and the rules of this state on choice of law in any proceeding to determine parentage.

Provides for conditional rendition by allowing the governor of this state to demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with failure to provide support. Sets forth the conditions of rendition.

Continues the venue, jurisdiction by arrest, duties of support enforcement agencies, proceedings not to be stayed, and declaration of reciprocity with foreign jurisdictions provisions from RURESA. Defines the "interstate central registry" as a single unit or office within the state department of social services which receives, disseminates, and has oversight responsibility for initiated and responding interstate actions filed under the federal "Social Security Act".

APPROVED by Governor June 6, 1993

EFFECTIVE January 1, 1995

H.B. 93-1024 Juvenile and domestic actions - automated exchange of nonconfidential information - report - availability of confidential juvenile records. Requires the state court administrator, on or before January 15, 1996, to establish and administer a program which utilizes computer technology to link courts involved in juvenile and domestic matters with each other and with state family service agencies for the automatic exchange of nonconfidential information. Requires the court administrator

to submit a report to the joint budget committee of the general assembly on or before January 1, 1994, describing such court automation program and specifying the costs and benefits associated with the program. Authorizes the joint budget committee to approve the implementation of the program or to report to the general assembly that it is unable to approve the program.

Specifies that the following persons or entities may have access to court juvenile delinquency records without a court order: Another court which has jurisdiction over an action in which the juvenile is named, an attorney of record in a juvenile or domestic action in which the juvenile is named, the state department of social services, any person conducting a custody evaluation, and members of a child protection team. Provides that those persons may also have access to the juvenile probation officer's and law enforcement officer's records. Adds the juvenile's parents, guardian, or legal custodian and the juvenile's guardian ad litem to those with access to a juvenile probation officer's records. Adds guardian ad litem to those with access to a law enforcement officer's juvenile records.

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

H.B. 93-1043 Child abuse and neglect - reports of intrafamilial abuse or neglect - assessment of risk to child - requirements for audiotaped and videotaped interviews - appropriate response - rules. Directs the county departments of social services to respond immediately to reports of child abuse and neglect by conducting an assessment to determine the risk of harm to a child who is the subject of a report of intrafamilial child abuse and the appropriate response to such risks. Requires the state board to adopt rules concerning the assessment process on or before July 1, 1994.

Permits interviews of children during any child abuse investigations, rather than just sexual abuse investigations, to be audiotaped or videotaped by competent interviewers. Encourages videotaped interviews in sexual abuse cases. Prohibits a videotaped interview when a child may be traumatized or when doing so is impractical under the circumstances. Directs agencies responsible for investigating child abuse reports to provide equipment and training for interviewers and to adopt standards for conducting interviews on or before January 1, 1994. Authorizes only one videotaped interview of a child, unless the interviewer or investigating agency determines that additional interviews are necessary to complete an investigation. Directs that additional interviews be conducted, where possible, by the same interviewer.

Specifies that the statutory section governing videotaped or audiotaped investigative interviews shall not apply to interviews of a child after a civil or criminal child abuse action has been filed.

APPROVED by Governor June 3, 1993

PORTIONS EFFECTIVE June 3, 1993
January 1, 1994

H.B. 93-1058 Placement of children - procedures. Provides that all periodic reviews of placement of a child, not just review subsequent to the permanency planning hearing, contain certain determinations as to the continuation of placement. Requires the court to make specific findings that procedural safeguards have been applied with respect to parental rights pertaining to removal or placement of a child out of the home and parental visitation.

Requires that the permanency planning hearing be held as soon as possible following the dispositional hearing. Requires the court to make specific findings

regarding future status or placement of the child at the time of the permanency planning hearing. Eliminates the statutory exception from holding permanency planning hearings in termination, guardianship, and custody proceedings.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1064 Juveniles - detention - preadjudication service programs authorized. Requires that a juvenile taken into custody be detained if a law enforcement officer or the court determines, following specific statutory criteria, that the juvenile's immediate welfare or the protection of the community require that the juvenile be detained.

Requires the court conducting a detention hearing to consider any record of any prior adjudications of a juvenile in determining whether to detain the juvenile.

Authorizes any county, city and county, or judicial district to establish a preadjudication service program for juveniles taken into custody. Requires that the programs be established in accordance with a local justice plan. Authorizes the court to require a juvenile to participate in a preadjudication service program as a condition of release from detention. Gives the court conducting a detention hearing the option to set no bail and to place the juvenile in a preadjudication service program. Allows the court to require a juvenile's participation in a preadjudication service program in lieu of a bond. Sets forth supervision methods that may be required as conditions of preadjudication release.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1124 Juvenile delinquents - placement with social services. States that the placement recommendation by a county department of social services to the court shall be accorded great weight when the court has sentenced the juvenile to an out-of-home placement with the county department and that deviations from the recommendation shall be supported by specific findings. Places legal custody of a juvenile with the county department of social services when the court sentences a juvenile to a facility that is financed by the county department of social services.

APPROVED by Governor March 30, 1993

EFFECTIVE July 1, 1993

H.B. 93-1171 Child welfare services - county pilot project - consolidation of finances and services - adjustment to appropriation. Authorizes Mesa county to establish a pilot project using money contributed by federal, state, and county agencies to a noncategorical program fund created as part of the pilot project. Requires the money in the fund to be used to provide child welfare services to at-risk children and their families. Specifies the state agencies which are required to contribute to the program fund. Requires Mesa county and affected local and state agencies to develop a memorandum of understanding between the county board of social services and the affected agencies. Specifies matters to be incorporated into the memorandum of understanding, including a three-year plan for the provision of child welfare services, the amount of moneys to be contributed by state and local agencies to the noncategorical program fund, and provisions for evaluating the pilot project and for submitting annual reports on the effectiveness of the project to the general assembly. Requires that the three-year plan be reviewed for approval by affected state agencies within 90 days after the plan is submitted to the agencies. Requires that a copy of the approved plan be submitted to the joint budget committee of the general assembly.

Decreases the appropriations in the general appropriation act to the department of institutions, division of youth services, for specific juvenile services pilot projects and the division of mental health, mental health institutions for personal services by \$50,000 each, and decreases the appropriation in the general appropriation act to the department of social services for child welfare services special purposes funds by \$100,000. Appropriates \$200,000 to the department of social services for allocation to the Mesa county department of social services for contribution to the noncategorical program fund.

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

H.B. 93-1179 Child welfare - foster parents - task force to study rights and responsibilities - report. Requires the state department of social services to establish a task force to study the rights and responsibilities of foster parents who provide child welfare services. Directs that the task force consist of representatives of the state and county departments of social services, child placement agencies, and the state foster parents association.

Specifies the principles to be studied by the task force, which include the right to adequate training in providing care to children, to obtain information relevant to the care of a child, to support and respite, to be informed of changes in a child's case plan, including biological information, to object to placement decisions, to be informed of court proceedings and to be named as an interested party in court proceedings involving a child in their care; and the responsibility to provide support to foster children, to be aware of child abuse and neglect laws and changes in the law concerning foster children, and to maintain adequate skills for foster parenting.

Requires the state department of social services to evaluate annually the demonstration program and to submit a final report to the general assembly by a specified date with written findings and recommendations concerning the continuation of the program. Specifies that the program may be implemented only to the extent authorized by federal waivers. Repeals the authority to implement the program if the state department has not obtained any waiver by the federal government by a specified date. Repeals the program by a specified date, unless the general assembly acts by legislation to continue the program and the federal government has approved the continuation of the program.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 93-165 Consumer protection - unfair business practices. Adds the following as deceptive trade practices under the "Colorado Consumer Protection Act": Failure to disclose to a consumer that a vehicle is made of salvage parts, that it was returned by a former owner to the manufacturer for failure to meet warranty requirements, or that it was in an accident and sustained material damage; representation that someone has won a contest, drawing, or free goods or services without the present ability to supply such prizes; falsely representing the results of a radon test; and violations of the "Colorado Charitable Solicitations Act" and the unsolicited goods statute. Expands the definition of "unsolicited goods" to include unsolicited services.

Amends the "Colorado Antitrust Act of 1992" to clarify the authority of the attorney general to seek injunctive relief and to correct an erroneous statutory reference with respect to civil penalties and the election of remedies.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-170 Revolving charge and loan accounts - delinquency charges. States that the parties to a revolving charge or revolving loan account may contract to impose a delinquency charge on any minimum payment due in connection with a billing cycle that remains unpaid 10 days after the due date. States that no delinquency charge may be collected on any minimum payment due if full payment is made within the 10-day period, even if an earlier minimum payment was not paid in full. Explains that payments made shall be credited first to the current portion of the unpaid minimum payment due and then to any delinquent portion of such unpaid payment. Limits delinquency charges to no more than \$15 and provides that only one charge may be collected on any one minimum payment due regardless of the period the payment remains in default. States that a delinquency charge may be collected anytime after it accrues if no other delinquency charge has been collected on the same unpaid amount.

Requires sellers to assess a delinquency charge within 90 days after the due date of a delinquent minimum payment and to notify the buyer in writing of the amount of the charge either before or with the next periodic statement after the charge is assessed. Prohibits the assessment of a credit service charge or finance charge on any delinquency charge.

APPROVED by Governor April 26, 1993

EFFECTIVE April 26, 1993

S.B. 93-224 "Unfair Practices Act" - enforcement - selling below cost - authority for civil discovery requests by attorney general. Specifies that on or after July 1, 1993, it is unlawful under the "Unfair Practices Act" to engage in a pattern of selling, offering for sale, or advertising for sale motor fuel for less than the cost thereof to a vendor if such pattern has the effect of injuring competitors or destroying competition. Makes such a violation a misdemeanor.

Authorizes the attorney general to engage in civil discovery activities upon reasonable belief that any violation of the "Unfair Practices Act" has occurred or is occurring.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1144 Consumer protection - telemarketing fraud. Requires commercial telephone

sellers to register with the attorney general at least 10 days before conducting business in Colorado and to pay a fee not to exceed \$250. Specifies the information which must be disclosed as part of the registration process, including information about the business and its addresses and telephone numbers, descriptions of the goods or services to be sold, terms and conditions of receiving any prize, bonus award, gift, or premium, and other information as may be required by the attorney general. Requires a commercial telephone seller to update such information whenever there is a material change.

Defines unlawful telemarketing practices. Provides civil and criminal penalties for failure to register and for engaging in unlawful practices.

Defines "commercial telephone solicitation", and includes extensive exceptions from the definition of "commercial telephone seller". States that the act is repealed effective July 1, 1996.

APPROVED by Governor May 28, 1993

EFFECTIVE July 1, 1993

CORPORATIONS AND ASSOCIATIONS

H.B. 93-1089 Limited liability companies - names - use of abbreviation "LLC". Authorizes limited liability companies to use the abbreviation "LLC", in addition to the currently authorized "Ltd." and "Co.", in their names.

APPROVED by Governor March 22, 1993

EFFECTIVE March 22, 1993

H.B. 93-1154 Recodification of corporation law - adoption of "Colorado Business Corporation Act". Effective July 1, 1994, repeals the existing "Colorado Corporation Code", articles 1 through 10 of title 7, Colorado Revised Statutes, and enacts in its place the "Colorado Business Corporation Act", articles 101 through 117 of title 7, Colorado Revised Statutes. The new act is substantially similar to the American Bar Association's "Revised Model Business Corporation Act", with amendments.

Major substantive provisions: Sets standards for determining legality of distributions of funds with respect to the corporation's shares, whether as dividends, redemptions, repurchase of shares, or otherwise, using both an equity insolvency test and a balance sheet test. Provides that a distribution must meet both tests to be permissible. Sets standards for ascertaining the time at which such tests apply. Requires that shares be issued in exchange for "adequate consideration" as determined by the board of directors, without reference to concepts of par value, stated capital, and treasury shares unless the articles of incorporation make reference to such concepts. "Grandfathers in" certain provisions of existing corporations. Allows shares to be issued in exchange for a secured, negotiable promissory note of the purchaser.

Allows shareholders to take action, by written consent in lieu of a meeting, without unanimous written consent as required under current law if the articles of incorporation expressly permit such action. Specifies that the minimum vote required for such action is the vote that would be necessary to authorize the action at a meeting at which all of the shares entitled to vote thereon were present and voted. Contains specific delivery provisions regarding the required written consent for the action. Establishes a record date for determining shareholders entitled to sign consents, and permits revocation of consent by a shareholder before the action becomes effective. Requires unanimity for action by written consent in the case of election or removal of directors if cumulative voting is permitted.

Continues provisions of current law regarding derivative actions, but expands the class of persons entitled to file such actions to include persons whose shares are held by nominees regardless of whether they are recognized as beneficial shareholders. Continues provisions of current law permitting the articles of incorporation to limit or eliminate, with stated exceptions, a directors' liability to the corporation or its shareholders for breach of his or her fiduciary duty of care as a director. Continues provisions of current law regarding director's conflicts of interest and brings loans to directors and guarantees of director's obligations within such provisions.

Alters the provisions governing dissolution to require a dissolved corporation to amend its name to reflect its dissolved status, and prohibits a dissolved corporation from carrying on any business except as is appropriate to the winding up of its affairs. Employs the filing of articles of dissolution to begin, rather than end, the dissolution process and dispenses with requirements for filing any subsequent document to signify the conclusion of the process. Requires the dissolved corporation to give actual notice, including an address for the filing of claims, to its known claimants and permits it to give published notice to other claimants, invoking in each case special limitation periods for the commencement of actions to enforce claims, which periods are

no shorter than the 2-year period provided by current law or the period otherwise applicable to the particular claim. Provides that, in the absence of such notice, claimants will be barred only by such limitation periods as ordinarily apply.

Other selected changes from existing law: Consolidates provisions on filing of documents. Expands the list of corporate personnel who may sign documents delivered to the secretary of state for filing. Eliminates the requirement that incorporators be natural persons. Contemplates the use of computerized filing and processing of documents by the secretary of state. Does not require initial directors to be named in the articles; permits initial bylaws as well as initial directors to be adopted by the incorporators. Refines provisions governing the formal and assumed names of both domestic and foreign corporations to reduce conflict with the names of other entities. Provides for service by mail, to the corporation's principal office, in place of service on the secretary of state in most cases if a domestic or foreign corporation does not maintain a registered agent in the state or if its registered agent cannot with reasonable diligence be served.

Provides that all powers of the corporation may be exercised for the carrying out of the corporation's "business affairs", eliminating the implication of existing law that only loans, and not other exercises of corporate power, are limited by a requirement that they be for a "corporate purpose". Allows agents and attorneys-in-fact to convey property on behalf of the corporation.

Provides that shareholders do not have preemptive rights to acquire shares unless the articles of incorporation so provide, with such rights "grandfathered in" in the case of existing corporations. Allows conversion of shares from a lower to a higher class if the articles so provide.

Provides that shareholders may participate in shareholder meetings by telecommunications. Expands proxy provisions; gives detailed criteria governing validity of proxy appointments; and permits proxy appointments by facsimile transmission. Simplifies provisions relating to the record date, and requires that a shareholders' list be available at least 10 days before the meeting or 2 days after notice of the meeting. Increases the maximum length of time for giving notice of the meeting. Provides for approval of corporate action by a simple majority of those shareholders actually voting if a quorum is present; departs from prior practice which counted an abstention as a negative vote. Permits the articles to establish greater voting requirements, and provides that certain major corporate actions require approval by a majority of all shares entitled to vote. Allows for extension of voting trust agreements for up to 10 years from either the normal expiration date of the agreement or the date the first shareholder approves the extension.

Sets the vote required for approval of major corporate action at a simple majority, instead of the current 2/3, of all shares entitled to vote on the action, unless the articles of incorporation provide for a higher vote, but "grandfathers" the provisions of present law for existing corporations. Reduces the notice required to be given for a shareholders' meeting at which the sale of substantially all of the corporation's property will be considered.

Provides that one director may constitute the board of directors regardless of the number of shareholders. Allows establishment of a range for the number of directors, with the actual number variable. Clarifies that class voting for directors is permitted, and refines provisions relating to terms of directors and the filling of vacancies on the board. Allows staggered terms of directors regardless of the size of the board. Expressly permits the articles of incorporation to include a provision that a director may be removed only for cause. Permits a court to remove a director for fraudulent, dishonest, or abusive conduct in office. Specifies the minimum period of

notice for special meetings of the board.

Allows one person to hold any or all officer positions. Does not require a corporation to appoint any officer except a custodian of meeting minutes and other specified records of the corporation. Allows an officer to be removed by the board of directors with or without cause. Prescribes substantially uniform standards of conduct for officers and directors. Provides for the filing with the secretary of state of public notice by any person erroneously named as a director or officer of a corporation or whose term as an officer or director has expired.

Permits "routine" amendments to the articles of incorporation to be made by the directors without shareholder approval. Allows the incorporators to amend the articles if no directors have been elected and no shares have been issued. In the case of significant amendments to the articles or other major corporate action calling for shareholder approval, requires the board to make a recommendation to the shareholders unless a conflict of interest or other special circumstances prevent the board from doing so.

Contains provisions for merger and share exchange. Specifically authorizes the transfer of all of a corporation's property to a wholly-owned Colorado subsidiary without shareholder approval. Requires shareholder approval of the transfer of all or substantially all of the property of an entity which the corporation controls and which represents all or substantially all of its property. Allows redomestication of insurance companies seeking to become domiciled in Colorado, as an alternative to merger or share exchange and transfer of assets.

Expands and clarifies dissenters' rights. Provides for dissenters' rights in the case of amendments to the articles of incorporation that change preferences, redemption provisions, or voting rights and in respect to reverse stock splits.

Expands the list of books and records to be maintained by a corporation, dividing them into 2 categories for purposes of shareholder inspection. Requires that records of the first category be available for inspection by any shareholder while providing that inspection of records of the second category is subject to the shareholder's meeting certain minimum investor requirements. Contains detailed provisions regarding court-ordered inspection of records, and eliminates the current 10% penalty for wrongful denial of inspection.

Requires that articles of incorporation, applications for authority to transact business, and statements of change of registered agent contain or be accompanied by the registered agent's acceptance of the agency.

Specifies venue for court proceedings. Provides for the bringing of actions in the district court of the county where the corporation's principal office is located, or, if the corporation has no principal office in Colorado, in the district court of the county where its registered office is located.

Contains transition provisions preserving for existing corporations the current provisions regarding voting rights for amendments to the articles, approval of mergers and share exchanges, sale of substantially all of the corporation's property, and dissolution and provisions granting preemptive rights.

APPROVED by Governor May 6, 1993

EFFECTIVE July 1, 1994

CORRECTIONS

S.B. 93-196 State prisoners in local jails - reimbursement - adjustment to long bill. Requires the department of corrections, subject to available appropriations, to reimburse any county or city and county \$40 per day through the end of fiscal year 1992-93 for the expenses and costs of confining and maintaining a state prisoner in a local jail. Calls for the reimbursement amount per prisoner to be established in the annual general appropriation bill for fiscal years thereafter. Makes the reimbursement of extraordinary costs, by contract, optional. Eliminates the determination of expenses per day per prisoner by means of an annual audit by the state auditor. Expands the definition of "local jails" to include adult detention centers, and authorizes the executive director of the department of corrections to enter into a contract with any county or city and county for the placement of state prisoners in such adult detention centers. Requires each city and county or county to send an invoice to the executive director of the department of corrections within 3 months of when the expenses and costs for a prisoner are incurred.

Decreases by \$10,000 the appropriation made in the annual general appropriation act for the 1993-94 fiscal year to the legislative department, state auditor's office, for the implementation of this act.

Applies to prisoners confined on and after January 1, 1993.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1004 Division of correctional industries - annual audit report by state auditor. Eliminates the duty of the state auditor to prepare or supervise an annual audit report for the division of correctional industries.

APPROVED by Governor March 18, 1993

EFFECTIVE March 18, 1993

H.B. 93-1028 County prisoners - credit against sentences - definition of day reporting program. Authorizes credit against sentences for those persons in work, educational, medical release, home detention, or day reporting programs as part of direct county jail sentences or as part of a sentence to county jail as a condition of probation. Defines "day reporting program" to mean an alternative correctional sentence wherein a defendant is allowed to serve his or her sentence by reporting daily to a central location where the defendant is supervised in court-ordered activities.

Lists day reporting as one of the purposes for which a person sentenced to the county jail upon conviction for a crime, nonpayment of any fine or forfeiture, or contempt of court may leave the jail. Adds nonpayment of any fine or contempt of court to those eligible offenses under the definition of home detention.

APPROVED by Governor March 22, 1993

EFFECTIVE July 1, 1993

H.B. 93-1073 Parolees - intensive supervision program - eligibility. Changes the number of days before an offender is eligible for parole from 90 to 180 days as the period during which the department of corrections may recommend an offender, other than one who has been convicted of a crime of violence, for placement in an intensive supervision program. Changes the number of days before an offender is eligible for parole from 120 to 180 days as the period during which the department may recommend an offender who has met program objectives of a residential community corrections program

for placement in an intensive supervision program.

APPROVED by Governor March 22, 1993

EFFECTIVE July 1, 1993

H.B. 93-1108 Alternative sentencing - specialized restitution and community service programs - eligibility - funding. Makes offenders who have been determined by the court to be subject to incarceration pursuant to a probation revocation or who have been determined by the parole board to be subject to incarceration pursuant to a parole violation eligible for placement in specialized restitution and community service programs. Authorizes the parole board to place eligible parole violators in such programs. Eliminates the eligibility requirement that the conviction be the offender's first felony conviction.

Permits any provider who contracts with the executive director of the department of public safety to use the per diem reimbursement payments received by such provider or the payments such provider receives from offenders to match federal or private grants in order to fund additional specialized restitution and community service programs, provided such matching does not reduce the available bed space nor bind the general assembly to fund such programs in future years.

APPROVED by Governor June 3, 1993

EFFECTIVE July 1, 1993

H.B. 93-1182 Employment of inmates - private entities - agreements with division of correctional industries. Permits the department of corrections, division of correctional industries, to enter into agreements with private persons or entities to employ inmate labor in correctional facilities as employees of the private person or entity. Provides that the wages of the inmate be paid to the department of corrections in trust for the inmate, and provides for dispersal of the wages of such inmate. Deletes an obsolete statute which forbids the sale of products manufactured by inmate labor to the general public. Establishes that inmates employed by private entities are covered by workers' compensation laws.

BECAME LAW without Governor's signature June 12, 1993

EFFECTIVE Sept. 1, 1993

H.B. 93-1190 Correctional facilities - administration - clarification of statutory references. Substitutes references in the statutes to correctional facilities located at Canon City, the women's correctional institution in Fremont county, or the state reformatory at Buena Vista with references to all correctional facilities under the supervision of the executive director of the department of corrections. Specifies that the organization and administration of all correctional facilities is the responsibility of the executive director of the department of corrections. Eliminates a requirement that all superintendents, officers, and other employees of the division of adult services of the department of corrections take an oath of office and give a bond to the state treasurer. Changes the terms "superintendents" to "wardens", and "convicts" and "offenders" to "inmates".

Removes a requirement that the department of corrections provide a certificate of good behavior to a convict who serves a sentence without violating the rules of the department. Repeals a statute which allows federal courts to sentence offenders to state correctional facilities. Relocates statutes concerning correctional facilities for women. Repeals the revolving fund of the convict's earning fund and creates a canteen and library fund for the use and benefit of inmates of correctional facilities.

Requires the executive director to adopt rules concerning the management of the canteen. Amends the definition of "minimum security facility". Repeals statutory articles concerning the women's correctional facilities and the state reformatory at Buena Vista.

APPROVED by Governor March 22, 1993

EFFECTIVE July 1, 1993

H.B. 93-1233 Community corrections programs - community corrections boards - definitions - offender eligibility - contract procedures. Restructures statutes relating to community corrections programs and in doing so defines terms related to such programs; provides for the establishment of community corrections boards and community corrections programs; and establishes how offenders are placed in such programs, which offenders are eligible for such programs, and procedures for entering into contracts to provide community corrections programs and services.

APPROVED by Governor May 6, 1993

EFFECTIVE July 1, 1993

COURTS

S.B. 93-27 Family court system - implementation report. Requires that the state court administrator review the current structure of the courts and provide a report of the need to implement a family court system to the general assembly on or before January 1, 1995. Suggests that the court administrator consider a one judge-one family concept for families involved in domestic matters, the use of mediation and arbitration in domestic matters, and the obligations of professionals involved in actions concerning families and children to inform the court of other actions involving that family and child.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-115 Commissions on judicial performance - appointment and removal of members - powers and duties - deadlines for reports on retention - extension of repeal date and reporting requirements. Requires the state and district commissions on judicial performance to notify the appointing authority of any vacancies on such commissions which have not been filled by the appointing authority within 45 days of the vacancies. Requires the appointing authority to fill such vacancies from a list or pool of qualified, interested citizens within 30 days from such notice. Changes the number of attorneys or nonattorneys which the speaker of the house of representatives and the president of the senate or the governor and the chief justice may appoint to the state and district commissions.

Grants the state commission the power to promulgate rules to be followed by the district commissions. Authorizes the state commission to develop procedures for the review of the deliberation procedures established by the district commissions. Authorizes the appointing authority to remove members of the district commissions for cause. Limits the district commissions' powers and duties to those in conformity with rules promulgated by the state commission.

Changes the deadline by which the state and district commissions must communicate to justices and judges and release to the public the results of retention evaluations by requiring the commissions to release the evaluations earlier.

Extends the automatic termination date of the article creating judicial performance commissions to June 30, 1999, and continues the reporting requirements.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

S.B. 93-185 Alternative dispute resolution - jurisdiction - time limit on filing application for vacating, modifying or correcting arbitration awards - "Colorado International Dispute Resolution Act". On and after July 1, 1993, expands long-arm jurisdiction to include parties entering into international arbitration, mediation, or conciliation agreements within the state of Colorado. Reduces the time from 90 days to 30 days within which an application to vacate, modify, or correct an arbitration award must be made. Confers jurisdiction upon courts of competent jurisdiction of this state to enter judgments on and to enforce arbitration awards if arbitration agreements are entered into pursuant to choice of the parties or pursuant to choice of rules. Enacts the "Colorado International Dispute Resolution Act", effective upon passage, whereby disputes between parties of more than one country or disputes arising from transactions involving international issues may be submitted to arbitration, mediation, or conciliation for resolution in this state.

APPROVED by Governor April 12, 1993

EFFECTIVE July 1, 1993

S.B. 93-231 Liability - limitation of civil liability - professional baseball. Creates the presumption that spectators of professional baseball games have knowledge of and assume the inherent risks of observing such games, including injuries which may result from being struck by a baseball or a baseball bat. Limits the civil liability of owners of professional baseball teams and owners of stadiums used for professional baseball games toward spectators who incur injury, loss, or damage as a result of the inherent risks of attending professional baseball games.

Requires the owners of stadiums in which professional baseball games are played to post and maintain warning notice signs in certain conspicuous locations at such stadiums. Creates exceptions to the limited civil liability of an owner if such owner fails to make a reasonable and prudent effort to design, alter, and maintain the premises of a stadium in reasonably safe condition, intentionally injures a spectator, or fails to post and maintain the required warning notice signs.

APPROVED by Governor June 9, 1993

EFFECTIVE January 1, 1994

H.B. 93-1061 Damages - injuries sustained in the commission of a felony not recoverable. Bars a civil action to recover damages sustained by a person during the commission of a felony. Allows such person to bring an action only for the willful and deliberate conduct of the person causing such injuries except in self-defense situations or where a specified type of peace officer is acting within the scope of employment and using appropriate force.

APPROVED by Governor April 19, 1993

EFFECTIVE July 1, 1993

H.B. 93-1066 Mortality table. Updates the mortality table used as evidence in civil actions to establish the life expectancy of persons.

APPROVED by Governor March 31, 1993

EFFECTIVE July 1, 1993

H.B. 93-1215 Privileged communications - testimony concerning - mental health professionals. Adds licensed professional counselors, licensed marriage and family therapists, and licensed social workers to the list of mental health professional licensees whose communications with clients are privileged for purposes of testifying in court. Requires the client to waive the privilege before any testimony may be elicited on the witness stand from the licensee. Provides that the employees of such licensees cannot be examined about such privileged communications without the approval of their employers.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

H.B. 93-1259 Statute of limitations - civil actions involving sexual assaults or offenses. Redefines a "person under disability" for the purposes of the 6-year statute of limitations that runs upon the removal of a disability for a civil action based on a sexual assault or a sexual offense against a child. Includes as a person under disability a victim who is in a special relationship with the perpetrator of the assault or a victim of a sexual offense against a child or a victim who is residing in an institutional facility, and is psychologically or emotionally unable to acknowledge the assault or offense and the harm resulting therefrom. Defines "special relationship"

to include a relationship between the victim and the perpetrator which is a confidential trust-based relationship such as attorney-client, doctor-patient, psychotherapist-patient, minister-parishioner, teacher-student, or familial relationship. States that nothing in the act shall be construed to extend the statutory period with respect to vicarious liability.

Deems the filing of a claim in the circumstance in which the victim is psychologically or emotionally unable to acknowledge the assault or offense and the harm resulting therefrom as a limited waiver of the doctor-patient privilege or the psychologist-patient privilege to persons who are necessary to resolve the claim and allows such doctor or psychologist to be examined as a witness. Directs that all relevant medical records of the victim are admissible into evidence and shall be available for inspection.

Specifies that where the plaintiff is a victim of a continuous series of sexual assaults or sexual offenses, the statute of limitations commences with the last in the series of acts and that the plaintiff does not have to establish which act of the series caused the injury.

Requires a person under disability who is psychologically or emotionally unable to acknowledge the assault or offense to prove, as elements of the cause of action, that the assault or offense occurred and that such person was actually psychologically or emotionally unable to acknowledge the assault or offense and the harm resulting therefrom.

Limits the recovery of damages in a civil action where the victim is psychologically or emotionally unable to acknowledge the assault or offense and the harm resulting therefrom to damages for medical and counseling treatment and expenses, plus costs and attorney fees, if the plaintiff brings an action 15 years or more after the plaintiff attains the age of 18.

Prohibits the bringing of an action where the victim is psychologically or emotionally unable to acknowledge the assault or offense and the harm resulting therefrom if the defendant is deceased or is incapacitated to the extent that the defendant is incapable of rendering a defense to the action.

States that it is the intent of the general assembly to extend the statute of limitations as to civil actions based on repressed memory for which the applicable statute of limitations in effect prior to July 1, 1993, has not yet run on July 1, 1993.

APPROVED by Governor June 8, 1993

EFFECTIVE July 1, 1993

CRIMINAL LAW AND PROCEDURE

S.B. 93-38 Possession of weapons - school zones. Enhances the penalty for carrying a weapon in or around a public or private elementary, middle, secondary, junior high, high school, or vocational school. Provides that it is not an offense rather than specifying that in an affirmative defense, to possess a weapon if the weapon is unloaded and remains inside a vehicle, or if a person is in their own dwelling or place of business, is in a private automobile and is carrying the weapon for protection while traveling, has a license or permit to possess the weapon, is a peace officer, or has authority from school officials to carry the weapon in the school zone. Adds that it is not an offense to carry the weapon for educational courses on the repair or maintenance of weapons.

Expands the offense of carrying firearms or explosives within legislative offices or buildings to include carrying such weapons on the property of such offices or buildings.

APPROVED by Governor June 2, 1993

EFFECTIVE July 1, 1993

S.B. 93-48 Illegal discharge of a firearm - creation of crime - penalty - racketeering - "drive-by crime" - court records - juvenile delinquency proceedings - revocation of driver's license - counterpart municipal offense. Creates the offense of illegal discharge of a firearm. Defines such offense and establishes that it is a class 5 felony. Adds illegal discharge of a firearm to the list of offenses which constitute racketeering for purposes of the Colorado Organized Crime Control Act. Adds illegal discharge of a firearm to the list of offenses which constitute a "drive-by crime" for purposes of statutes related to the abatement of public nuisance. Reduces the penalty for defacing a firearm from a class 6 felony to a class 1 misdemeanor.

Clarifies that court records in juvenile delinquency proceedings shall be open to inspection by any local law enforcement agency or police department in the state of Colorado without a court order.

Extends the mandatory revocation of a driver's license for alcohol-related offenses to any counterpart municipal charter or ordinance offense.

APPROVED by Governor June 2, 1993

EFFECTIVE July 1, 1993

S.B. 93-81 Representation by counsel - juvenile delinquency - review hearings - criminal proceedings - plea discussions - plea agreements. Provides that counsel is not required to be present at juvenile review hearings unless notified by the court that a petition to revoke probation has been filed.

Requires the prosecuting attorney in misdemeanors, petty offenses, or motor vehicle or traffic offenses to tell the defendant any offer that can be made based on the facts as known by the prosecuting attorney, and to advise the defendant of the defendant's right to retain counsel or seek the appointment of counsel. Permits the defendant and the prosecuting attorney to engage in plea discussions, but states that the defendant is not obligated to do so. Provides that the application for appointment of counsel and the fee for such application shall be deferred until after the plea discussions with the defendant.

Extends the court's obligation to advise the defendant of the defendant's right to a court-appointed attorney prior to acceptance of the defendant's plea to all cases

rather than only those cases involving incarceration as part of the plea agreement. Requires the court to advise the defendant, prior to acceptance of the defendant's plea, that the court exercises independent judgment in deciding whether to grant charge and sentence concessions made in a plea agreement and that the court may therefore sentence the defendant in a manner that is different from that discussed during the plea discussions.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-94 Abatement of public nuisance - "Colorado Contraband Forfeiture Act" amendments. Conforms the "Colorado Contraband Forfeiture Act" with statutes pertaining to the abatement of public nuisance. Amends the legislative declaration of the contraband forfeiture act to include new policies concerning asset forfeiture which prohibit the abuse of asset forfeiture by seizing agencies and their employees. States that a person who seeks to contest a forfeiture must establish such person's standing as a true owner of the property or as a person with an interest in the property. Lists the factors to be considered by the court in deciding whether a person is a true owner. Establishes that the plaintiff in an action to forfeit property must prove that possession of the property is unlawful or that the owner was involved in or knew of the subject act. Establishes that evidence that the person took all reasonable steps to abate the subject act and to prevent the property from being involved in the subject act and subject to forfeiture shall be an affirmative defense.

Requires that the prosecuting attorney indicate in the initiating petition the existence of any liens and whether forfeiture of such will be sought. Deletes prior statutory language pertaining to a lienholder's interest. Specifies exceptions to the 60-day time limitation for the filing of a petition in forfeiture by the prosecuting attorney. Modifies procedures, time limits, and exceptions concerning the granting of a continuance. Specifies that the burden of proof at a forfeiture proceeding shall be by a preponderance of the evidence.

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

S.B. 93-111 Child victim hearsay exception - juror questionnaire - sealing of indictments - impaneling of judicial district grand jury - notice of defense of alibi - issue of governor's warrant. Establishes that when an out-of-court statement by a child victim of an unlawful sexual offense against a child or of child abuse is admitted into evidence, the court shall instruct the jury in the final written instructions that the jury is to determine the weight and credit to be given to the statement. Adds date of birth to the type of information required of a juror in a juror questionnaire. Permits the district attorney to move to seal the indictment of a county grand jury. Establishes that if a judicial district grand jury is impaneled, there is no need to impanel a county grand jury. Permits the attorney general to move to seal the indictment of a statewide grand jury. Permits the district attorney to move to seal the indictment of a judicial district grand jury. Requires a criminal defendant who wishes to assert an alibi defense to serve upon the prosecuting attorney a statement specifying such defense as soon as practicable, but not later than 30 days before trial. Allows any electronically or electromagnetically transmitted facsimile of a governor's warrant for extradition to be treated as an original document.

APPROVED by Governor April 26, 1993

EFFECTIVE July 1, 1993

S.B. 93-138 Mentally retarded defendant - death penalty prohibited - definition -

creation of pretrial procedure. Prohibits the imposition of the death penalty upon mentally retarded defendants. Defines "mentally retarded defendant". Creates a pretrial procedure whereby a person's status as a mentally retarded person can be determined.

APPROVED by Governor April 29, 1993

EFFECTIVE April 29, 1993

H.B. 93-1045 Crimes against persons - harassment - stalking. Enhances the penalty for the crime of stalking for second and subsequent offenses. Imposes a mandatory jail sentence of 30 days for second or subsequent offenses that occur within 7 years of the date of a prior offense for which the person was convicted.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1085 Controlled substances - sale on the grounds of public housing developments - enhanced penalty - fraud by check - penalty. Extends the scope of statutes which create "drug-free school zones" to cover the commission of drug-related criminal offenses on the grounds of public housing developments. Defines "public housing development". Provides that the enhanced penalty applies regardless of the age of the purchaser of the controlled substance.

Reduces the penalty for the crime of fraud by check from a class 5 felony to a class 6 felony.

APPROVED by Governor June 2, 1993

EFFECTIVE July 1, 1993

H.B. 93-1088 Various changes to statutes relating to prosecution of criminal laws - definitions - penalties - procedural changes - technical changes - extradition - parole eligibility. Clarifies that the department of health, rather than the board of pharmacy, is responsible for enforcement activities related to compliance with statutes concerning drug precursors. States that each notice of a temporary restraining order excluding a person from a shared residence shall contain in bold print notice that the person against whom such order has been obtained may return to the residence one time accompanied by a peace officer. States that any such order issued on or after January 1, 1994, shall be null and void if it does not contain such notification.

Adds the defendant's likelihood of success on appeal to the factors to be considered by the court in determining whether an appeal bond should be granted for a criminal defendant and in determining the amount of bail and the type of bond to be required. Adds the crime of sexual assault on a child by one in a position of trust to the list of crimes which have a ten-year statute of limitations.

Clarifies statutory language relating to the dismissal of criminal charges which have been subject to a deferred sentencing procedure. States that no child under 18 years of age is entitled to a trial by jury for a municipal ordinance violation for which jail is not a possible penalty, unless the offense charged would be a class 1 misdemeanor under a state counterpart statute. Provides that the death penalty shall be imposed by lethal injection regardless of the date of the commission of the offense or offenses for which the death penalty is imposed. Establishes that any order of a trial court granting a new trial in a criminal case after the entry of a verdict or judgment shall be immediately appealable to the Colorado supreme court. States that when a person has been served with a governor's warrant for extradition or interstate rendition to another state or territory, such person is no longer eligible to be admitted to bail. Permits a law enforcement agency in the state of Colorado to honor

a prior waiver of extradition to another state signed by a person released on probation, parole, bail, or any other conditional release by such other state.

Clarifies that persons who commit an unclassified felony are eligible for parole. Provides that a sentencing court shall have no power to suspend a sentence to a term of incarceration when the defendant is sentenced pursuant to a mandatory sentencing provision. Clarifies the definition of "toxic vapors" in relationship to the crimes of vehicular homicide and vehicular assault. Adds the buttocks to the definition of "intimate parts" for the purposes of unlawful sexual offenses. Clarifies the definition of "sexual contact" for the purposes of unlawful sexual offenses.

Clarifies that the statute concerning AIDS testing for persons charged with sexual offenses applies to adults and juveniles. States that such statute applies to persons who have waived a preliminary hearing and persons who are indicted for or convicted of a sexual offense. Permits the results of an AIDS test made pursuant to such statute to be reported to the designee of the court.

States that the crimes of first, second, and third degree criminal trespass apply only to persons who trespass on the property of another. Reduces the penalty for defacing property from a class 2 misdemeanor to an unclassified misdemeanor. Requires the court to order any person convicted of the crime of defacing property to personally repair the property damaged. Eliminates the possibility of a one year jail sentence for a second or subsequent conviction of said crime. Reduces the penalty for possession of burglary tools from a class 5 felony to a class 6 felony.*

Clarifies that statutes relating to crimes against at-risk adults apply also to at-risk juveniles and repeals two duplicative statutes. Deletes the provision which repeals the crime of illegal possession or consumption of ethyl alcohol by an underage person on July 1, 1993.

Adds firemen to the list of persons who are required to report child abuse or neglect. For purposes of the "Uniform Parentage Act", allows the court to grant use immunity for witness testimony, rather than transactional immunity if the witness refuses to testify on the grounds that the testimony may be self-incriminating. Conforms the penalties for the crimes of trafficking in food stamps, tampering with a motor vehicle, and theft of motor vehicle parts with the penalties for the crime of theft.

Requires that personal needs funds which are received from a patient at a nursing facility or from the state department of social services be deposited in a personal needs trust fund within 60 days of the receipt of such funds. Makes unlawful retention of patient personal needs funds a class 3 misdemeanor and a class 1 misdemeanor for a second or subsequent offense. Makes the penalty for unlawful use of a patient personal needs trust fund conform with the penalty for theft. Provides that any person convicted of any such crimes may not own or operate a nursing facility.

Changes the definition of "hazardous substance incident" to eliminate the requirement that a sudden discharge of a hazardous substance threaten immediate harm to the environment in the judgment of an emergency response authority.

Reduces the penalty for failure to pay controlled substances tax from ten times the amount of the tax to three times the amount of the tax and clarifies that additional criminal prosecutions are not foreclosed. Makes the violation of compulsory motor vehicle insurance laws a class 1 misdemeanor traffic offense and clarifies the definition of such crime.

APPROVED by Governor June 6, 1993

PORTIONS EFFECTIVE June 6, 1993

July 1, 1993

NOTE: The passage of the section of the bill which contained the reduction in the penalty for possession of burglary tools was contingent upon the passage of both HB93-1045 and HB93-1115. Since HB93-1115 did not pass, such reduction in penalty shall not take effect.

H.B. 93-1137 Peace officer - definitions - authority in carrying out assignments. Revises the definition of "direct supervision" in reference to assignments given to a peace officer, level IIIa, to authorize the carrying out of assignments where the peace officer, level IIIa, is in direct radio or telephone contact with the peace officer, level I, or sheriff who gives the assignment. Eliminates the qualification that assignments to a peace officer, level IIIa, to act at the express direction of a peace officer, level I, or sheriff where the presence of the peace officer, level I, or the sheriff is not required must be "narrowly" defined.

APPROVED by Governor March 22, 1993

EFFECTIVE March 22, 1993

H.B. 93-1209 Criminal offenses - preventing passage to and from a health care facility - engaging in prohibited activity near facility - civil damages - injunctions. Makes it a class 3 misdemeanor for a person to obstruct another person's entry to or exit from a health care facility or to approach another person within 8 feet of that other person, unless the person consents, for the purpose of protesting, educating, or counseling the person within a radius of 100 feet from any entrance door to a health care facility. Allows a person to recover civil damages and to obtain injunctive relief from a person who obstructs another person's entry to or exit from a health care facility.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1258 Peace officer - authority - procedures outside of jurisdiction. Establishes authority and procedures for peace officers to follow when making arrests or taking some other action in the jurisdiction of another law enforcement agency. Permits peace officers to act when a felony or misdemeanor has been or is being committed in such officer's presence, even if such officer is in some other law enforcement agency's jurisdiction in the state of Colorado.

APPROVED by Governor May 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1288 Bail bonds - secured by real property. Requires professional bonding agents to provide a written disclosure statement to property owners who file an application for a bail bond. Provides required language for the disclosure statement. Requires that the disclosure be printed on a document attached to the application or in a clear statement on the face of the application, and that the professional bonding agent provide the property owner with the disclosure statement and a completed copy of the instrument creating the lien before the property owner executes any instrument creating a lien against real property. States that any instrument creating a lien against real property shall be voidable if the professional bonding agent fails to comply with the disclosure requirements.

Requires the bonding agent to deliver to the property owner a fully executed and notarized reconveyance of title, a certificate of discharge, or a full release of any

lien against real property within 30 days after receiving notice of the expiration of the time to appeal the court order exonerating the bail bond. States that if a timely notice of appeal is filed, the 30-day period shall begin on the day the order affirming the lower court order becomes final. Requires the bonding agent to also deliver to the property owner the original cancelled note, the original deed of trust, security agreement, or other instrument that secured the bond obligation.

Enables the property owner to petition a district court to issue an order directing the clerk of the court to execute a reconveyance of title, a certificate of discharge, or a full release of the lien against the real property that secures performance of the bail bond if the bonding agent fails to comply with the reconveyance requirements.

States that any professional bonding agent who violates these requirements shall be liable to the property owner for all damages he or she may sustain because of the violation plus statutory damages in the amount of \$300 and, if the property owner prevails, court costs and reasonable attorney fees.

Eliminates the requirement that the property owner file an owner and encumbrances certificate with the bond and requires instead that evidence of title be filed.

States that when a bond is to be secured by sureties the amount required to secure performance may not be set by a corporate surety company but instead must be set by a professional bonding agent.

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

H.B. 93-1302 Habitual offender statutes - penalties - correctional facilities - locations - security levels - felony sentencing - presumptive ranges - consolidation of parole and probation supervision - interdepartmental agreements - misdemeanor sentencing - presumptive ranges - manslaughter - vehicular homicide - vehicular assault - penalties - direct filing of criminal charges - juveniles - victim prevention program - creation - appropriations - adjustment to appropriation. Amends the habitual sentencing statute which applies to persons convicted of a felony who have twice previously been convicted of a felony within a ten-year period by permitting class 1 through 5 felonies to be counted for the purpose of sentencing and changes the sentence from 25-50 years to a sentence of 3 times the maximum of the presumptive range for the class of felony of which the defendant is convicted. Amends the habitual sentencing statute which applies to persons who have 3 times previously been convicted of a felony by changing the sentence from life imprisonment with parole eligibility after 40 years to a sentence of 4 times the maximum of the presumptive range for the class of felony of which the defendant is convicted. Creates a new category of habitual sentences providing that persons who have previously been convicted under the "4-felony" habitual statute and who thereafter commit a felony crime of violence shall be sentenced to life imprisonment with parole eligibility after 40 years.

Specifies the locations and security levels of all correctional facilities under the control of the department of corrections.

Changes the felony sentencing statute for crimes committed on or after July 1, 1993, by requiring a mandatory period of parole supervision to be served by each person sentenced for a felony which cannot be waived by the offender or suspended by the sentencing court. Reduces the maximum permissible sentence in the presumptive range for class 3, 4, 5, and 6 felonies and adds on a mandatory period of parole supervision to all felonies other than class 1 felonies as follows:

<u>Class</u>	<u>Presumptive Range</u>	<u>Mandatory Parole Period</u>
1	Life/Death Penalty	None
2	8-24 years	5 years
3	4-12 years	5 years
4	2-6 years	3 years
5	1-3 years	2 years
6	1 year-18 mos.	1 year

Conforms the parole statutes to this new sentencing system and makes amendments to assure that the new system applies to offenses committed on or after July 1, 1993. Provides that offenders who have their parole revoked shall be returned to incarceration to serve out the mandatory parole period but shall receive no earned time after such revocation.

Repeals the pilot project to consolidate parole and probation supervision and permits the department of corrections and the judicial department to enter into interdepartmental agreements to consolidate parole and probation offices if the departments deem such a consolidation appropriate.

Creates a new "extraordinary risk" category of crimes for which the maximum sentence in the presumptive range is increased by 4 years for class 3 felonies, 2 years for class 4 felonies, 1 year for class 5 felonies, and 6 months for class 6 felonies. Establishes that sexual assault in the first to third degree, sexual assault on a child, sexual assault by a child by one in a position of trust, sexual assault on a client by a psychotherapist, incest, aggravated incest, aggravated robbery, and child abuse are "extraordinary risk" crimes.

Reduces the maximum presumptive range for class 1 misdemeanors from 24 months imprisonment to 18 months imprisonment. Creates a new "extraordinary risk" category of misdemeanors for which the maximum sentence in the presumptive range is increased by 6 months. Establishes that third degree assault, third degree sexual assault, child abuse, and harassment by stalking are "extraordinary risk" misdemeanors.

Makes amendments to assure that a mandatory period of parole is applied to unclassified felonies and felonies where no penalty is fixed by statute.

Increases the penalty for the crime of manslaughter performed in a "heat of passion" from a class 4 felony to a class 3 felony. Increases the penalty for the crime of vehicular homicide when the perpetrator is under the influence of alcohol or drugs from a class 4 felony to a class 3 felony. Increases the penalty for the crime of vehicular assault when the perpetrator is under the influence of alcohol or drugs from a class 5 felony to a class 4 felony. Combines first and second degree forgery into one crime and makes the new crime a class 5 felony. Changes the name of the crime currently referred to as third degree forgery to second degree forgery.

Permits the district attorney to file criminal charges against a juvenile in the district court if the juvenile is 16 years of age or older and is alleged to have committed a class 2 or class 3 felony which is a crime of violence. Creates a victim prevention program to make grants for the development of innovative ways to prevent crime.

Appropriates \$100,000 to the department of public safety, division of criminal justice, for the implementation of the victim prevention program. Adjusts the 1993 general appropriation act by reducing the appropriation to the department of education special contingency reserve by \$100,000. Appropriates \$6,452 and 0.2 FTE to the judicial department, state public defender's office, for the implementation of the act. Adjusts the 1993 general appropriation act by reducing the appropriation to the department of institutions, division of youth services, by \$6,452.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

EDUCATION - PUBLIC SCHOOLS

S.B. 93-2 School district employees - applicants selected for employment - fingerprinting. Provides that certificated school district employees and applicants selected for noncertificated positions who have submitted a set of fingerprints to any school district in the state during the 2-year period preceding a request for fingerprints shall not be required to submit a new set of fingerprints if they consent in writing to the transfer of the previous set of fingerprints to the requesting school district.

APPROVED by Governor March 26, 1993

EFFECTIVE March 26, 1993

S.B. 93-80 School finance - interest-free loan program - changes in management of program. Requires the state treasurer to approve applications of school districts for loans under the school finance interest-free loan program. Provides that no loan can be made in any month unless the school district demonstrates, to the satisfaction of the state treasurer, that a general fund cash deficit will exist for that month. Limits the amount of the loan in any month to an amount not to exceed \$1000 above the projected cash deficit for the month. Requires the state treasurer to determine how cash deficits will be calculated.

Provides for a school district to begin repaying loans during the months of March, April, and May when the district's available resources and next month's revenues exceed the next month's expenditures plus a cash reserve. Requires all loans to be repaid by June 25 or an alternate date established by the state treasurer.

Provides that the lien which exists for loans made under this program does not attach to property tax revenues for bond redemption purposes.

Clarifies that the state public school fund is a fund separate from the general fund. Allows the state treasurer to transfer moneys appropriated for school finance from the general fund to the state public school fund in 4 quarterly installments.

APPROVED by Governor February 16, 1993

EFFECTIVE July 1, 1993

S.B. 93-87 School finance - study of setting categories. Changes the deadline by which legislative council shall report findings of the study of school district setting categories from December 1, 1992, to August 1, 1993. Adds further considerations and recommendations which shall be contained in the study.

APPROVED by Governor April 29, 1993

EFFECTIVE April 29, 1993

S.B. 93-140 Compulsory attendance - enforcement - grounds for suspension, expulsion, and denial of admission - interscholastic activities - expanded participation eligibility. Provides that parents shall be responsible for their child's attendance at public school unless the child is enrolled in a non-public school or a home-based educational program. Upon meeting certain requirements, permits a child who is participating in a non-public home-based educational program to participate in public school interscholastic activities but stipulates that such participation shall not qualify the child to be counted for purposes of determining pupil enrollment. Authorizes boards of education to delegate to school principals the power to suspend a pupil for up to 10 days for serious violations unless such violation requires

mandatory expulsion. Increases to one year the length of time boards of education may deny admission to or expel a child. Includes behavior by a student committed on or off school property as grounds for suspension or expulsion from public school. Deletes behavior which is detrimental to morals as grounds for suspension or expulsion. Makes repeated behavior by a student which interferes with a school's ability to provide educational opportunities to other students grounds for expulsion or suspension. Allows a school district to deny admission to a child if, within the preceding 12 months, the child has been expelled from any school district or exhibited behavior in another school district that is detrimental to the welfare or safety of other pupils or school personnel. Defines "habitually truant" and requires boards of education to implement policies and procedures concerning children who are habitually truant.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

S.B. 93-183 Charter schools - application and approval process - restrictions - renewals and revocations - financing - evaluations - waivers. Authorizes the establishment of charter schools and limits the number of charters which may be granted statewide prior to July 1, 1997, to 50. Specifies that at least 13 of the 50 charters shall be reserved for charter school applications designed to provide educational opportunities for "at-risk" pupils. Requires charter schools to be public, nonsectarian, nonreligious, non-home-based schools which operate within and as part of a school district. Makes the governing body of a charter school responsible for the operation of the charter school consistent with current state constitutional and statutory provisions. Allows any individual or group to apply to the local board of education for a charter but prohibits applications to convert private schools or non-public home-based educational programs into charter schools. Sets forth an application process for obtaining a charter, the required contents of the application, and criteria for evaluating such application. Allows charters to be approved for up to 5 academic years and establishes renewal procedures. Authorizes the state board to review local board decisions concerning charter schools and to overrule such decisions in prescribed circumstances. Specifies grounds and procedures for nonrenewal or revocation of a charter. Requires that annual reports be made by the charter school. Explains teacher and pupil status relative to the charter school and the school district. Provides for funding of the charter school. Authorizes the waiver of certain state regulations and school district policies concerning schools pursuant to a contract between the charter school and the local board of education and extends the state board's authority to grant such waivers from July 1, 1994, to July 1, 1998.

Repeals the article on July 1, 1998.

APPROVED by Governor June 3, 1993

EFFECTIVE June 3, 1993

S.B. 93-198 Interscholastic activities - expanded participation eligibility. Allows a student enrolled in a school that does not sponsor a particular interscholastic activity to participate in such activity at another school in the student's school district of residence or at any school in a school district that borders the student's school district of residence if the student otherwise meets the eligibility requirements for participation in the activity. Authorizes the school or the school district to charge a fee for such participation. States the legislative intent that this provision is not to be used for recruitment purposes.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

H.B. 93-1032 School districts - personal information of students - release to military recruiting officers. Amends the open records law to mandate rather than permit the release of the names and addresses of secondary school students to military recruiting officers who request such information. Provides that home telephone numbers shall also be subject to such release.

Requires school districts to adopt either a policy that such information be released to recruiting officers, unless a student submits a written request to the contrary, or a policy that such information be released only if a student notifies the district to release such information. Specifies that the first policy shall apply if a school district fails to adopt one of the two policies.

Requires school districts to comply with any applicable provisions of the federal "Family Education Rights and Privacy Act of 1974", relating to the release of student information.

Mandates that the requestor of such information pay for any expenses incurred in obtaining such information.

APPROVED by Governor March 22, 1993

EFFECTIVE March 22, 1993

H.B. 93-1037 Colorado commission for achievement in education - membership. Provides that the governor shall consider school district directors when appointing voting members to the Colorado commission for achievement in education.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

H.B. 93-1081 School district directors - six-month term appointments. Provides that a school district director who is seeking appointment to the 6-month term created by changing election dates for such positions shall not participate in board of education proceedings concerning the appointment to the position held by that director. Provides that a school district director whose term is expiring may notify the board of education of such director's intention to be considered for the appointment in the time and manner prescribed by the board and in advance of the public notice of appointment by such board. Authorizes the board of education to appoint such director prior to the public notice of appointment. Provides that the public notice of appointment shall be made when the board is not notified that the director whose term is expiring intends to seek the appointment or such director is not appointed. Authorizes the board of education of a school district to appoint any qualified individuals to vacancies on the school board for the 6-month terms created by changing election dates when there are fewer applicants for the positions than positions available.

APPROVED by Governor March 22, 1993

EFFECTIVE March 22, 1993

H.B. 93-1093 Discipline - conduct and discipline code - adoption and enforcement by school districts - expulsion. Requires all school districts to adopt and enforce a conduct and discipline code. States what should be included in the conduct and discipline code including provisions relating to remedial discipline plans for disruptive students and policies concerning gang-related activities. Requires school districts to take actions necessary to enforce the conduct and discipline code. Directs every school to report to the school district on the learning environment in the school and directs the school district to compile reports for all its schools into a single report to be submitted to the state board of education.

Whenever a petition filed in juvenile or district court alleges that a child between the ages of 14 and 18 has committed an offense that would be a crime of violence if committed by an adult, requires that the basic identification concerning such child be provided immediately to the school district in which the child is enrolled. Allows the board of education, upon receipt of such information, to determine whether the child should be expelled from school or under what terms the child should be allowed to remain in school, pending a court decision. States that any information made available to the school district which is not otherwise made available to the public shall remain confidential.

Requires school districts to establish, as an alternative to suspension, a policy that encourages parents to attend school with their child. Requires mandatory expulsion from public school if the child is declared to be an habitually disruptive student. Mandates expulsion when certain serious violations specified in existing law are committed. Makes the parent responsible for educating a child who is expelled from public school for the remainder of the school year.

APPROVED by Governor April 19, 1993

EFFECTIVE July 1, 1993

H.B. 93-1095 Discipline - suspension and expulsion - students with disabilities. Includes as a ground for suspension or expulsion behavior by a student which creates a threat of physical harm to the student or other students. Specifies that a student with a disability cannot be expelled if such student's actions are a manifestation of such student's disabling condition, but requires the school to move such student from the classroom to an appropriate alternative setting for a time which is consistent with federal law and, during such time, to arrange for a reexamination of such student's individual educational program within 10 days of such removal.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

H.B. 93-1097 Discipline - suspension and expulsion - authority of teachers. Authorizes a teacher to suspend a student from such teacher's class for one day if such student is disrupting class. Provides that a student who is suspended from class 3 times during the term of such class shall be expelled from class for the remainder of the term. Requires a teacher who suspends or expels a student from class to document the reasons for such suspension or expulsion. Obligates the school in which such student is enrolled to attempt to notify such student's parents by telephone and to send written notice of class suspension or class expulsion to the parents of a suspended or expelled student. Prescribes that such written notice, to the extent possible, be in the native language of any parent or guardian who does not speak English. Specifies the contents of such notice.

Allows a parent or guardian of a suspended student to request a conference with a teacher to discuss the events leading to such student's suspension and possible remedial actions to be performed by such student. Permits a teacher, at such teacher's discretion, to remove a suspension from a student's record upon successful performance of remedial tasks by such student. Authorizes the principal of the school in which such student is enrolled or such principal's designee to act as arbiter if the teacher and parent or guardian disagree and grants such principal final authority to determine whether such suspension remains on the student's record.

Requires the principal or the principal's designee to designate activities for such student during the period of suspension or expulsion. Allows the principal to enroll a student who has been expelled from class in another class of the same subject for the remainder of the class term. Provides for the immediate expulsion of the

student from such class if the student is suspended from such class one time. Requires expulsions from class to comply with the expulsion procedures stated in the discipline code of the school district in which the student to be expelled is enrolled.

Prescribes that the provisions on suspension or expulsion from class be included in the discipline code of school districts.

VETOED by Governor April 30, 1993

H.B. 93-1101 Information pertaining to employees - unlawful behavior involving a child. With respect to school district employees who are dismissed or who resign as a result of an allegation of unlawful behavior involving a child, changes the level of evidence that must support such allegation from credible evidence to a preponderance of the evidence in order to trigger certain reporting requirements to the department of education. Requires notification to be provided to such employee if such information is forwarded to the department. Provides that such information shall be disclosed by the department of education only if the allegation results in such person's name being placed on the state central registry of child protection and only if such person's file has not been sealed or expunged.

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

NOTE: This bill further amends HB 93-1147.

H.B. 93-1118 School districts - contracts. Allows any school district to contract for the performance of any educational service. Expands statutory contracting provisions to include contracts which relate to adult education programs and programs for the mentally retarded and for the seriously disabled.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

H.B. 93-1147 Information pertaining to employees - nonpublic schools - prospective employees. Allows the governing board of a nonpublic school to obtain the same information from the department of education which is currently provided to public school districts. Such information includes whether a prospective employee has committed a crime involving unlawful sexual behavior or unlawful behavior involving children or has been dismissed or has resigned from a school district due to circumstances involving unlawful sexual behavior or unlawful behavior involving children which is supported by credible evidence. Requires any information obtained by such governing board to be kept confidential.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

NOTE: This bill is further amended by HB 93-1101.

H.B. 93-1265 Expelled students - annual report - exclusion from calculation of dropout rate. Excludes any student who is expelled from calculation of the dropout rate for the school or school district in which such student was enrolled. Requires each school district to annually report the number of students expelled from schools within such school district.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

H.B. 93-1284 School districts - preparation of school year calendar - schedule for staff in-service programs. Beginning with the 1993-94 school year, requires school districts to prepare a calendar for the school year which shall include the dates of all staff in-service programs. Stipulates that parents and teachers must be given an opportunity to offer input prior to scheduling the dates for staff in-service programs. Specifies that a copy of the calendar shall be made available to the parents and guardians of children enrolled in the district. Provides that any change in the school calendar, with certain exceptions, shall be followed with an adequate notice of the change within 30 days.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1304 School finance - funding for 1993-94 budget year - local override elections - school budgets - audit reports - procedures for reduction in force - appropriation. Establishes public school funding under the "Public School Finance Act of 1988" for the 1993-94 budget year and makes other changes relating to schools.

School finance. For "formula" districts, establishes school finance funding for the 1993-94 budget year by multiplying the district's 1992-93 per pupil funding by the district's 1993-94 funded pupil count. Establishes funding in "hold harmless" districts (those districts whose funding exceeds the formula amount) in a slightly different manner so that old students are funded at the "hold harmless" amount while new students and preschool students are funded at the "formula" amount. Includes both preschool program funding and 3- and 4-year-old handicapped program funding, if any, in the calculation of school finance funding for the 1993-94 budget year in lieu of separate calculations. Continues to require \$111 per pupil to be budgeted for instructional supplies and materials, instructional capital outlay, and other instructional purposes and \$202 per pupil to be budgeted for capital reserve and insurance reserve.

Eliminates the 55.5% state share provision in current law for the 1993-94 budget year. Establishes the district's share of "formula" school finance funding for said budget year by setting the district's property tax mill levy for the 1993 property tax year at the lesser of the district's 1992 levy, the 1992 certified uniform levy, the district's allowable levy under Amendment #1 (section 20 of article X of the state constitution), or the levy necessary to generate the district's total program minus minimum state aid. Allows a "hold harmless" district to make an additional levy for its "hold harmless" funding amount so long as the total levy does not exceed the prior year's levy or the allowable levy under Amendment #1, whichever is lesser. If a district's total mill levy for both "formula" and "hold harmless" funding is less than the district's prior year's levy or the allowable levy under Amendment #1, requires the district to make an additional levy to "buy out" categorical support funds. For purposes of Amendment #1's limit on property tax revenue, defines "student enrollment" as "funded pupil count". Repeals a limitation on mill levy increases that is obsolete because Amendment #1 allows mill levy increases only following voter approval.

Requires that state aid for the 1993-94 budget year be determined using the district's "formula" school finance funding amount and not the "hold harmless" funding amount. Provides that a district that reduces or eliminates business personal property taxes, as allowed by Amendment #1, shall have its state aid determined as if such action had not been taken. Establishes a method for prorating a reduction in state aid to school districts if the appropriation for state aid in any budget year is not sufficient to fund the state's share of school finance funding for said budget year.

Allocates additional state aid to those districts whose school finance funding is less than 94.5% of the statewide average. Caps the total additional state aid at

\$5,000,000 and establishes a formula for the distribution of such aid.

Increases the amount of voter-approved property tax revenues that may be raised and expended by school districts in addition to their school finance funding from 10% of "formula" funding to 15% of "formula" funding. Eliminates the current provision which only provides for elections to approve additional property tax revenues through the 1993 election. If a reduction in state aid occurs in the 1993-94 budget year, provides that the 15% limitation in those districts that receive no state aid (and whose total program is therefore not reduced) shall be reduced by the percentage reduction in state aid.

Allows any school district to apply to the state board of education for a payment from the state contingency reserve when the total amount of abatements and refunds for which the district is obligated exceeds the property tax levied and collected for such purpose.

Requires a district with a property tax carryforward to offset such carryforward against categorical support funds as well as state aid. Provides that a district that reduces its mill levy to eliminate the carryforward shall have its state aid determined as if such action had not been taken.

Defines preschool enrollment as the average of the enrollment taken in October and February. Defines 3- and 4-year-old handicapped enrollment in the same manner. Establishes the formula for calculating the increasing enrollment categorical for the 1993-94 budget year. Extends the end-of-budget-year loan program to the 1992-93 budget year and requires that any loan be repaid by August 31 of the succeeding budget year.

School district budgets and audits. Authorizes school boards to review and change the adopted budget at any time prior to September 30. Changes the date for submitting a copy of the budget to the commissioner of education from 30 days following adoption of the budget to October 15. Requires the commissioner to adopt a uniform budget reporting format for all school districts.

Changes the date for completion of school district audits from 6 months to 5 months after the close of the fiscal year of the school district.

Repeals the requirement that a school district establish a contingency reserve within its general fund since the district is required to establish an emergency reserve under Amendment #1.

Reduction in force. Changes current law which required that the employment contracts of probationary teachers be cancelled first when there is a justifiable reduction in teaching positions. Now allows the manner for determining which employment contracts to cancel to be established by contract between the school district and employees. If there is no contract provision, requires that the employment contracts of first-year probationary teachers be cancelled first with further reductions made in accordance with a policy established by the board of education.

Appropriation. Adjusts the 1993 long bill appropriation to increase funding for school finance by \$5,000,000 and to decrease funding for the contingency reserve by an equal amount.

APPROVED by Governor May 6, 1993

EFFECTIVE May 6, 1993

H.B. 93-1311 School district employees - contract dates - notice requirements. Effective July 2, 1993, changes the date by which a teacher or chief administrative

officer must give written notice to the school board of such teacher's or officer's intention not to fulfill the obligations of such teacher's or officer's contract during the succeeding academic year from July 15 to July 1.

Changes the date by which a school board must notify a probationary teacher of its intention not to reemploy the probationary teacher for the succeeding academic year from May 15 to June 1 and changes the date by which a probationary teacher must notify the school board of such teacher's intention not to accept such employment for the succeeding academic year from July 15 to July 1.

APPROVED by Governor May 11, 1993

EFFECTIVE May 11, 1993

H.B. 93-1313 Standards-based education - appointment of state standards and assessments development and implementation council - duties of council, state board of education, and school districts - adoption of content standards and assessments. Establishes a statewide system of standards-based education. Specifies that implementation of standards-based education shall be accomplished without gender or cultural bias and shall actively address the needs of disabled students. Recognizes the fundamental right to a free education which provides the student the opportunity to achieve the content standards established by the school district in which such student is enrolled.

Creates the state standards and assessments development and implementation council. On or before August 1, 1994, instructs the council to develop and recommend to the state board of education state model content standards in the areas of reading, writing, mathematics, science, history, and geography. Instructs the council to develop and recommend to the state board of education state model content standards in the areas of art, music, physical education, and civics as a second priority. Requires the council to hold at least 6 public meetings to hear public testimony regarding state model content standards. Requires the council to recommend a plan for implementation of standards-based education. Instructs the council to develop and recommend state assessments which are aligned with the state model content standards and to recommend an acceptable performance level on such assessments. Authorizes the council to contract for the development of content standards and assessments, subject to the approval of the state board of education. Instructs the council to review and revise the state model content standards, assessments, and model professional educator development materials and pilot programs as necessary to maintain their effectiveness.

By January 1, 1995, requires the state board of education to adopt state model content standards in the areas of reading, writing, mathematics, science, history, and geography. Requires the state board of education to adopt state model content standards in the areas of art, music, physical education, and civics as a second priority. Instructs the state board of education to adopt revisions of such state model content standards as necessary to maintain their effectiveness. On or before January 1, 1995, instructs the state board of education to adopt timelines for the implementation of standards-based education. On or before January 1, 1996, instructs the state board of education to adopt state assessments which are aligned with the state model content standards and to specify an acceptable level of performance on such assessments. Instructs the state board of education to establish a resource bank of materials for implementation of standards-based education to be used by school districts at their discretion.

In accordance with timelines adopted by the state board of education, but not later than January 1, 1997, requires all school districts to adopt content standards in the areas of reading, writing, mathematics, science, history, and geography which meet or exceed the state model content standards. Requires school districts to adopt content standards in the areas of art, music, physical education, and civics as a second

priority. Following adoption of content standards, instructs school districts to establish a plan for the implementation of standards-based education and specifies what shall be included in such plan. Requires school districts to review and revise content standards as necessary to maintain their effectiveness. Specifies that school districts shall instruct parents regarding standards-based education. Provides that any individual education program developed for a disabled student shall specify whether such student shall achieve the district content standards or individualized standards.

Requires the state board of education to temporarily waive regulatory requirements to enable school districts to concentrate on implementing standards-based education. On or before February 1, 1994, instructs the state board of education to submit a list of the activities which it recommends be reduced or eliminated to provide for the implementation of standards-based education.

Beginning January 1, 1995, requires the department of education to conduct random sample statewide assessments at the 4th, 8th, and 10th grade levels to measure the effectiveness of content standards. In accordance with timelines adopted by the state board of education, but not later than January 1, 1998, requires school districts to administer assessments at the 4th, 8th, and 10th grade levels. Specifies that the state results shall be included in an annual report published beginning January 1, 1997. Provides that the district assessment results shall also be included in such report in accordance with timelines adopted by the state board of education, but not later than January 1, 1999.

Requires the Colorado commission for achievement in education, in conjunction with the state board of education, the state standards and assessments development and implementation council, and the department of education, to hold an annual public meeting to discuss the implementation of standards-based education.

Authorizes the state board of education to withhold accreditation of a school district which does not adopt content standards and a plan for implementation by January 1, 1997. For budget years beginning on or after July 1, 1996, designates the total amount of state funds currently received by boards of cooperative services to be used to fund professional educator development programs in standards-based education. Temporarily suspends statutory statewide testing requirements.

Adds knowledge and application of standards-based education to the criteria the state board of education is required to consider when granting certification to teachers, principals, and administrators.

Requires the Colorado commission on higher education to develop policies to insure that persons entering the teaching profession are instructed in standards-based education.

APPROVED by Governor June 3, 1993

EFFECTIVE June 3, 1993

H.B. 93-1320 School districts - budgets - format. Requires the state board of education to establish a format for school district budgets which is in summary form and understandable by a layperson, which shows revenues and expenditures by fund and by pupil, and which allows for comparison of revenues and expenditures among school districts by pupil. Beginning July 1, 1993, directs the Colorado commission for achievement in education, in consultation with the financial policies and procedures advisory committee, to advise the state board in developing such budget format. Requires explanatory schedules or statements as needed and disclosure of planned compliance with section 20 of article X of the state constitution.

For the 1993-94 fiscal year, requires the budget format to contain a provision which allows school districts with a reduction in 1993-94 per pupil funding of 4.7% or more to declare an extreme emergency and apply for additional funding from the state contingency reserve. Provides that any additional funding shall not result in a reduction of less than the greater of 4.5% or, for "hold harmless" districts, 4% plus the percentage change in per pupil funding from the 1992-93 to the 1993-94 budget year resulting from enrollment increases. Provides that a district which has property tax revenue carried forward and which declares an extreme emergency shall not be eligible for additional funding from the contingency reserve but may expend such property tax revenue in response to the extreme emergency. Permits the district to advise the state board of such expenditure and subtract the amount expended, up to the permissible amount of additional funding, from the amount of excess property tax revenue which must be offset against state aid and categorical support funds under the school finance act.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1326 Postsecondary enrollment options. Increases the age limit for high school pupils seeking to enroll in courses in institutions of higher education from 20 to 21 and adds the requirement that the pupil be deemed in need of course work at a higher academic level or a different environment. Requires that notice of the availability of postsecondary enrollment be given by the school district to students and parents. Requires that the written notice submitted by the pupil to the school district include the courses in which the pupil intends to enroll. Provides for such courses to be counted as credit towards such pupil's graduation requirements unless such credit is denied as being inappropriate by the principal, the superintendent, and the local board of education.

Provides that course content and quality of instruction in courses offered by institutions of higher education for high school pupils shall be the responsibility of the institution of higher education and that such institution shall be reimbursed by the school district for costs of such courses pursuant to the cooperative agreement between the institution and the school district. Excludes pupils who are enrolled in such courses from the number of full-time equivalent students enrolled in such institution.

Requires that a pupil who enrolls in 3 or more courses at an institution of higher education during a term be responsible for the payment of tuition to such institution for the third and each additional course. Obligates the institution of higher education to include such pupil in counting full-time equivalent students. Authorizes the school district to determine whether or not such pupil should receive high school credit for such courses. Specifies that provisions of the article not be construed as limiting an institution of higher education's ability to independently offer courses for college credit outside the regular school day using school district facilities. Requires a pupil or such pupil's parent or guardian to reimburse the school district for tuition paid to an institution of higher education when the pupil voluntarily drops a course without the consent of the pupil's high school principal.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 93-30 Tuition classification - olympic athletes. Reestablishes the in-state tuition classification program for olympic athletes, which program provides that an olympic athlete at the United States olympic training center in Colorado Springs shall be classified as an in-state student for tuition purposes at any state-supported institution of higher education in El Paso or Pueblo county.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-136 Cash fund limitations - appointment of executive director - in-state student admission quotas - degree program transfer requirements within institutions. In order to comply with the limitation on state fiscal year spending under section 20 of article X of the state constitution, provides that the general assembly shall prescribe the total allowable cash fund revenue, including tuition and indirect cost recoveries, of all state-supported institutions of higher education for the 1993-94 fiscal year and fiscal years thereafter. Specifies that, if S.B. 93-74 is enacted and becomes law, the general assembly shall make annual appropriations of general fund moneys and of tuition funds as a single line item to each governing board of each state-supported institution of higher education.

Directs the governor, the speaker of the house of representatives, the president of the senate, the majority and minority leaders of the house of representatives and the senate, and the joint budget committee to annually identify 5 policy areas for additional funding within the state system of higher education. Specifies that the 5 policy areas be recommended to the general assembly in a bill to be introduced within the first 14 days of each regular session and, upon its passage, requires the Colorado commission on higher education to establish a distribution formula for each policy area. Stipulates that the increase in funding be in addition to the base funding received by the higher education system under current law. Authorizes the general assembly to allocate appropriations to each of the policy funding areas and to base funding. Limits the total amount of general fund appropriations received by the governing boards of institutions to the amount appropriated in the previous fiscal year if the bill establishing said policy areas does not pass.

Authorizes the governor to appoint, subject to approval by the senate, an executive director who shall be the executive officer of the Colorado commission on higher education and the department of higher education. Specifies that said executive director shall discharge the duties of the office in accordance with the policies, procedures, and directives of the commission.

Requires admission standards for out-of-state students at state-supported institutions of higher education to equal or exceed admission standards for in-state students. Directs the Colorado commission on higher education to develop admission policies, effective for the 1994 fall school year and thereafter, which will ensure that at least 55% of the incoming freshman class at each state-supported institution of higher education be in-state students and to ensure that, beginning in the fall of 1994, in-state students shall be at least 60% of the total student enrollment at the Colorado school of mines and at least 2/3 of the total student enrollment at all other state-supported institutions of higher education. Requires the Colorado commission on higher education to report such policies to the general assembly by January 1, 1995.

Requires the Colorado commission on higher education and the governing boards of institutions to develop policies by October 1, 1993, which specify the requirements for students who transfer from one degree program to another on the same campus or within

the same institution. Lists certain requirements which shall be included in such policies.

APPROVED by Governor June 11, 1993

EFFECTIVE June 11, 1993

NOTE: S.B. 93-74 was enacted and became law on May 6, 1993.

S.B. 93-152 Colorado advanced technology institute commission - incorporation of nonprofit corporations. Authorizes the Colorado advanced technology institute commission to establish nonprofit corporations for developing discoveries and technology. Requires any nonprofit corporation incorporated by a governing board of an institution of higher education or by the Colorado advanced technology institute commission to file with the general assembly a copy of its annual report. Specifies that governing boards and the Colorado advanced technology institute commission are subject to laws regarding competition between private enterprise and institutions of higher education. Requires the amount appropriated to the Colorado advanced technology institute to be reduced by an amount equal to the amount of moneys received by the institute from any nonprofit corporation incorporated by the commission.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

H.B. 93-1200 Auraria higher education center - board of directors - continuation. Continues from July 1, 1993, to July 1, 1998, the existence of the board of directors of the Auraria higher education board as presently constituted.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1236 Tuition classification - Russian and Chinese students. Authorizes state-supported institutions of higher education to annually grant in-state student classification for tuition purposes to up to 25 students from the Commonwealth of Independent States and the People's Republic of China, including 5 Tibetans if possible, who are enrolled in a graduate school of public affairs at a state-supported institution of higher education. Limits the total number of students receiving such classification to 50. Requires students to apply for such in-state classification. Authorizes the dean and the faculty council of the graduate school of public affairs at the university of Colorado at Denver to choose the 25 students who will receive said in-state classification. Establishes certain requirements which such students must meet to be eligible for in-state classification. Specifies that no student granted said in-state classification shall be admitted in lieu of a qualified Colorado resident. Requires the dean and faculty council to submit a 2-year review of the program to the Colorado commission on higher education and the chairs of the house and senate committees on education.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

H.B. 93-1334 Tuition classification - determination of domicile. Declares that the intent of the act is to make statutory changes which will preserve and increase opportunities for students properly classified as in-state residents. Encourages institutions of higher education to use any savings or additional revenues created by making such changes to increase financial aid for in-state students.

Includes students commencing postbaccalaureate degree-granting programs as

persons who are qualified to determine their own domicile. Provides that, if spouses file income tax returns in different states, the income tax paid to each state may be considered in determining whether Colorado domicile is proper. Makes exceptions for Colorado domiciliaries who have had a prolonged absence from Colorado if the absence was due to a temporary relocation required as a condition of employment and if the absence was for less than 3 years and the absent student's parent or legal guardian was and continues to be a Colorado resident. Includes as evidence of nonemancipation of a minor receipt of proceeds from an inter vivos trust which a minor depends upon for financial support. Specifies that the statutory presumptions and rules shall determine classification except when exceptions are made by the Colorado commission on higher education or by the general assembly.

Makes the act applicable to persons who will attain the age of 21 on or after July 1, 1993.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1355 Higher education auxiliary facilities and department of higher education student loan division - enterprise status - revenue bonding authority. Provides that any auxiliary facility which is managed by the governing body of an institution of higher education or by the board of directors of the Auraria higher education center may be designated as an enterprise for the purposes of section 20 of article X of the state constitution so long as such auxiliary facility meets the requirements for being an enterprise. Declares that, in regard to the requirement of authority to issue revenue bonds, it is sufficient that a governing body of an institution of higher education or the board of directors of the Auraria higher education center has authority to issue revenue bonds on behalf of an auxiliary facility which it manages.

Authorizes the governing body of an institution of higher education or the board of directors of the Auraria higher education center to designate an auxiliary facility which it manages as an enterprise. Provides that such designation shall expire on June 30 following the year in which adopted unless extended by bill enacted by the general assembly. Requires that all designations be filed with and be reviewed by the office of the state auditor and the legislative audit committee to ensure that such designation complies with statutory requirements.

Authorizes the governing body of an institution of higher education or the board of directors of the Auraria higher education center to issue revenue bonds on behalf of any auxiliary facility which it manages; except that bonds issued on behalf of certain auxiliary facilities are subject to prior approval by the general assembly and the governor.

Designates the student loan division of the department of higher education as an enterprise for the purposes of section 20 of article X of the state constitution so long as the division retains the authority to issue revenue bonds and receives less than 10% of its total annual revenues in government grants. Authorizes the student loan division to issue revenue bonds after approval by the advisory committee on student loans, the general assembly, and the governor.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

ELECTIONS

S.B. 93-63 Emergency absentee voting - physician's statement not required. Eliminates the requirement that an eligible elector confined in a hospital or place of residence on election day provide a doctor's statement in order to obtain an emergency absentee ballot.

APPROVED by Governor March 26, 1993

EFFECTIVE July 1, 1993

S.B. 93-98 Elections in odd-numbered years - subjects which may be submitted to voters. Specifies the matters which may be placed on the ballot at state and local elections required to be held in November of odd-numbered years pursuant to section 20 of article X of the state constitution. On the state level, includes initiated and referred amendments to the state constitution, initiated and referred statutes, and initiated and referred questions. States that such measures must concern "state matters arising under section 20 of article X of the state constitution", which is defined to include approval of tax increases, approval of debt or other multiple-fiscal year financial obligations, approval of emergency taxes, approval of revenue changes, approval of a delay in voting on ballot issues, and approval of the weakening of a state limit on revenue, spending, or debt.

On the local level, includes parallel provisions for initiated and referred ordinances, resolutions, and franchises if they concern local government matters arising under section 20 of article X of the state constitution. States that the submission of issues at local elections in November of odd-numbered years shall not be deemed the exclusive method of submitting issues to the voters and that the authority of local governments to hold issue elections in accordance with other provisions of law is not repealed, diminished, or otherwise affected.

APPROVED by Governor June 8, 1993

EFFECTIVE June 8, 1993

S.B. 93-135 Initiative and referendum process - ballot issues. Amends and reorganizes the statutory provisions that govern the initiative and referendum process. Makes various stylistic changes, such as converting language to gender neutral.

Requires proponents of a statewide ballot issue to designate 2 persons, rather than at least 3 and no more than 5 persons, to represent the proponents in all matters affecting the petition, and requires such a designation at the time a draft of the petition is submitted to legislative staff for review and comment. Requires that drafts be typewritten and preferably written in plain, nontechnical language which is understandable to the average reader. Requires that, when a substantial amendment is made to a draft after legislative staff review and comment, the amended draft shall be resubmitted to legislative staff for additional review and comment, prior to filing with the secretary of state, unless the amendments are in direct response to the comments of legislative staff. Eliminates the need for an additional public hearing when legislative staff notifies the proponents that staff has no additional comments concerning the amended draft.

Requires proponents who file an initiative draft with the secretary of state to file a copy of the draft submitted to legislative staff, a copy of the amended draft with changes highlighted or otherwise indicated if amendments were made after legislative staff review and comment, and a copy of the final draft which gives the final language for printing. Requires that drafts be filed 12 days, rather than 7 days,

before a meeting of the title board in order to be considered by the board, and requires fiscal impact information to be submitted from state agencies by 12 noon on the Friday before a Wednesday meeting of the title board, rather than by 5 p.m. on the Monday preceding such meeting. Provides that the first meeting of the title board shall be held no earlier than the first Wednesday in December after an election.

Requires that persons dissatisfied with the title, submission clause, or summary fixed by the title board must request a rehearing within 7 days after the title is fixed. Provides that the motion for rehearing will be heard at the next regularly scheduled Wednesday meeting of the title board.

Requires that affidavits executed by petition circulators include a statement that the circulator has read and understood the laws governing the circulation of petitions. Requires proponents to disclose the total amount paid to each circulator and other pertinent information in reports filed under the "Campaign Reform Act of 1974" and in monthly reports filed with the designated election official. Requires circulators to display an identification badge with the circulator's name and specific words indicating whether such person is a "paid circulator" or a "volunteer circulator" and the identifying information of the circulator's employer, in the case of a paid circulator. Requires that petition signers be eligible to vote on the measure.

Requires the secretary of state to verify the signatures on petitions by use of random sampling. Authorizes the secretary of state to promulgate rules to establish the proper method of conducting such random sample. If the random sample verification shows that the number of valid signatures is not at least 90 percent of the number required, requires that the petition shall be deemed insufficient, and, if the random sample verification shows that the number of valid signatures is at least 110 percent of the number required, requires that the petition shall be deemed sufficient. Requires the secretary of state to examine and verify every signature if the random sample verification shows that the number of valid signatures is between 90 and 110 percent of the number required. Extends the length of time allowed the secretary of state to make a determination of sufficiency or insufficiency.

Provides that any protest of the secretary of state's determination of sufficiency or insufficiency shall be filed directly in the district court, without intermediate administrative review. Where the registration of a signer is at issue in a protest, requires that the protest be accompanied by an affidavit of the elector or a copy of the election record of the signer. Authorizes the destruction of signed petitions after 3 years.

Establishes administrative provisions for the exercise of the initiative and referendum by political subdivisions. Provides that the local government official who is responsible for conducting ballot issue elections shall be the official responsible for administering the initiative and referendum provisions applicable to that political subdivision, with the same authority that the secretary of state has with respect to statewide ballot issues. Designates such official and the governing body of the local government as a title board responsible for fixing a title for each local initiative petition. Requires that signers of local initiative petitions be eligible to vote on the measure. Requires that completed petitions be filed within 6 months after the title for the measure is set and 90 days before the date of the election.

Provides that the requirements contained in section 20 of article X of the state constitution ("Amendment 1") relating to mailing notices of ballot issues shall apply to ballot issues involving increases in taxes or debt but shall not apply to any other ballot issues.

Provides that a petition submitted to the board of trustees of a junior college

district for a plan of dissolution allowing the junior college to become a part of the state system shall be signed by a least 5% of the eligible electors residing in each county in the junior college district, rather than by at least 500 eligible electors.

BECAME LAW without Governor's signature May 4, 1993

EFFECTIVE May 4, 1993

S.B. 93-228 Interference with distribution or display of campaign material - penalties. Prohibits any interference with the lawful distribution of campaign material during the period beginning 45 days before and ending 4 days after any election. Prohibits the removal, defacing, or destruction of any lawfully placed campaign material, including any billboard, sign, or written material during the same period. Imposes a maximum fine of \$750 for violations. Requires any person found guilty of removing, defacing, or destroying any campaign material to pay the cost of replacing the material. Allows the owner of the premises, the owner's agent, or any person charged with enforcing any law, ordinance, or regulation, to remove any material placed on the owner's premises without permission or authorization, placed in violation of law, or which is in place at any time other than 45 days before and 4 days after any election.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-229 Initiative and referendum process - petitions - choice of ink color. Expands the choice of ink color an elector is encouraged to use in signing an initiative or referendum petition.

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

H.B. 93-1113 Ballots - security and preservation. Requires absentee ballots to be preserved in ballot boxes, transfer cases, voting machines, packages, or electronic voting machines that are locked and secured with a numbered seal. Requires the election judges or watchers to supervise the locking and sealing of ballot boxes containing absentee paper ballots each night. Requires the maintenance of a record of the date, number of ballots, and seal number of each ballot box or transfer case until it is transferred to the supply judge for preparation for counting and tabulating. Requires the designated election official and a person not of the same political party as the designated election official, whenever a seal is broken, to record the number of the seal and maintain the seal with an explanation of the reasons for breaking the seal. Requires replacement, spoiled, voted, and unvoted ballots to be preserved in the same manner as other election records.

APPROVED by Governor March 23, 1993

EFFECTIVE July 1, 1993

H.B. 93-1155 Initiatives and referred measures - initiative drafts - ballot titles - effect of "yes" vote. Requires that initiative measures be drafted, to the extent possible, with clarity and simplicity so as to avoid confusion among voters. Requires that initiative measures be drafted in such a manner that voters casting a vote for the measure are likely to be casting a vote in favor of the proposition or viewpoint that they believe they are casting a vote for.

Requires that ballot titles for initiative measures be worded so that a "yes" vote means a vote in favor of the proposed law or constitutional amendment, and a "no" vote means a vote against the proposed law or constitutional amendment.

Requires that each ballot, as well as any ballot issue notice provided to electors by the secretary of state by mailing or by publication, include at the beginning the following explanation: "A 'yes' vote on any measure is a vote in favor of changing constitutional or statutory law, and a 'no' vote on any measure is a vote against changing constitutional or statutory law."

APPROVED by Governor April 1, 1993

EFFECTIVE April 1, 1993

H.B. 93-1159 Campaign reform act - limits on contributions - prohibition against earmarked contributions through political parties - independent expenditures - unexpended campaign funds. Limits the amount of political contributions and contributions in kind that an individual, partnership, committee, association, corporation, labor organization, political committee, political party, or other organization may make to candidates running in statewide elections and to candidates for the general assembly, district attorney, or regional transportation district. Limits the amount of contributions and contributions in kind that an individual, partnership, committee, association, corporation, labor organization, political committee, political party, or other organization, other than a political party, may make to a political party. Exempts political parties from the limits on contributions in kind. Increases the limits for the opponent of any candidate for statewide election or the general assembly who contributes or lends more than a specified amount to his or her own campaign. Requires a candidate who receives a contribution in excess of the limits to remit the excess to the contributor.

Prohibits a lobbyist from disbursing political party moneys to candidates of that party. Prohibits an individual, partnership, committee, association, corporation, labor organization, or other organization from making and political parties from accepting contributions to be passed through the party to candidates. Requires the reporting within 24 hours of any independent expenditure of \$500 or more made within 16 days of an election.

Permits the use of campaign funds to establish postsecondary educational scholarships or to defray any reasonable and necessary expenses related to being a candidate or to carrying out the duties as an officeholder. Limits the amount of political contributions that an officeholder may make to candidates running in statewide elections and to candidates for the general assembly, district attorney, or regional transportation district, unless the officeholder is within 6 months of the end of his or her term or is not seeking or is no longer holding any elected office. Allows the use of unexpended campaign funds in a candidate's subsequent campaign for public office.

Applies to contributions made on or after January 1, 1994.

VETOED by Governor June 11, 1993

H.B. 93-1174 Voter registration - cancellation of prior registration after change of county residence. When an eligible elector completes a "notice of registration" form after moving from one county to another, requires the county clerk and recorder of the elector's new county of residence to notify immediately the county clerk and recorder of the elector's prior county of residence of the new registration, using the statewide electronic registration system in counties that have on-line registration with the secretary of state. In counties that do not have on-line registration, requires the county clerk and recorder of the elector's new county of residence to transmit the forms weekly to the secretary of state and requires the secretary of state to notify the county clerk and recorders of any duplicate registration records throughout the state. Requires the county clerk and recorder of the county of prior registration to then

cancel the elector's registration record from the registration books if the name and social security number of the elector match.

APPROVED by Governor April 7, 1993

EFFECTIVE July 1, 1993

H.B. 93-1196 Campaign reform act - contributions to members of general assembly and governor during consideration of legislation. Prohibits lobbyists and their employers from making campaign contributions to members of the general assembly, to the governor, or to candidates for the general assembly or for governor during a regular session of the general assembly or to the governor or a candidate for governor when regular session legislation is pending before the governor. Permits lobbyists and their employers to participate in fund-raising events when the general assembly is in regular session or when regular session legislation is pending before the governor so long as the purpose of the event is not to raise moneys for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1255 Election code - implementation of article X, section 20 ("Amendment 1") - coordinated elections - absentee and early voting - miscellaneous changes. Provides that the state "Uniform Election Code of 1992" applies to all ballot issue elections and other authorized elections unless the uniform code provides otherwise. Makes the uniform code applicable to any municipal election conducted as part of a coordinated election. For elections that must be coordinated pursuant to section 20 (3) (b) of article X of the state constitution, allows a political subdivision to conduct the election pursuant to the enabling legislation but requires notice pursuant to the uniform code. Changes "joint" or "concurrent" elections to "coordinated" elections.

Establishes that the secretary of state has the duty to supervise the conduct of statewide ballot issue elections. Requires the secretary of state to transmit to each county clerk and recorder copies of the pertinent sections of the state election laws for office use. Requires the secretary of state to distribute to each election judge, to the secretary of each school board, and to any other designated election official, a copy of a manual of election procedures including pertinent sections of the state election laws. Requires the designated election official to collect the manuals after the election. Specifies that the county clerk and recorder is the chief designated election official for all coordinated elections. Requires the ballot content for coordinated elections to be certified to the county clerk and recorder 55 days before the election.

Shortens the computation of time under the uniform code to the previous business day which is not a Saturday, Sunday, or legal holiday. Requires notice to an official of an allegation of breach of duty or other wrongful act to include an opportunity to be heard.

For a nonpartisan election, allows a person who has resided within or who is a taxpaying elector of the political subdivision to register to vote. Changes high school, municipal clerk, and Indian reservation "deputy county clerk and recorders" to "deputy registrars".

Allows an elector to continue his or her party affiliation from a county of prior residence to a new county of residence. Prohibits affiliation to be continued from another state. Allows an elector to change his or her name, address, or party affiliation by submitting a personal letter to the county clerk and recorder. Allows

an elector to have his or her cancelled registration reinstated within 4 years if the elector provides proof to the county clerk and recorder that the elector has not moved since the last general election.

Beginning July 1, 1994, requires an authorized employee of the department of revenue to indicate on the driver's license of an applicant for voter registration at a driver's license examination facility that the bearer registered to vote at such a facility.

Requires the county clerk and recorder in consultation with other designated election officials of each political subdivision participating in an election to assure that the chosen polling place allows an elector to vote at one polling place for all ballot issues and candidates to be voted on the same date.

Conforms requirements for presidential primary elections to the requirements of national political party rules, and coordinates presidential primary elections requirements with those for other primary elections.

Establishes requirements for mailing notices of elections when publication is made. Establishes the arrangement of ballot issues and candidate names on ballots for partisan and nonpartisan elections, and on voting machines. Requires the county assessor to deliver an initial and a supplemental list of all recorded real property owners within the political subdivision before an election where owning property is a requirement for voting in the election. Authorizes independent testing authorities to test, approve, and qualify electronic voting systems for sale and use in the state if certain standards are met.

Allows the county clerk and recorder to combine precincts and polling places and use the same election judges for coordinated elections. Requires election judges to complete certifications of qualification before serving as judges. Allows an election judge to move a designated polling place if it becomes impracticable to hold an election because of an emergency. Requires the election judge to notify the designated election official of the change as soon as possible.

Requires the oath of watchers to include that they are eligible electors and that their names were submitted to the designated election official as a watcher for the election. Establishes self-affirmation requirements for those assisting disabled and non-English speaking voters.

Requires write-in votes to include the last name of the person for whom the vote is cast. Allows, rather than requires, a write-in vote to include a reasonably correct spelling of a given name, an initial or nickname, or both a given name and an initial or nickname.

Establishes that the county clerk and recorder is the coordinated election official for coordinated elections. Requires the political subdivisions for which the county clerk and recorder will conduct the coordinated election to enter into an agreement with the county clerk and recorder concerning the conduct of the election, including the allocation of responsibility between the county clerk and recorder and the political subdivisions and the sharing of the costs among the county and the political subdivisions.

Requires the designated election official or a designee to prepare to transmit to the county clerk and recorder any notice required by section 20 of article X of the state constitution. Requires the county clerk and recorder to mail the notice. Requires petition representatives pursuant to section 20 of article X to summarize comments in favor of the petition to submit the summary to the designated election

official at least 28 days before the election. Requires the designated election official to submit a plan for approval to the secretary of state if the official wants to count ballots at a location or use a method other than authorized by the uniform code.

Requires preserving election records that include a federal candidate for a specific period of time. Requires replacement, voted, and unused ballots to be preserved in the same manner as other election records.

Standardizes the requirements for absentee and early voting under the federal "Uniform and Overseas Citizens Absentee Voting Act". Establishes special write-in blank absentee ballots for citizens residing outside the United States.

Replaces "absent" with "absentee". Allows applications made in writing or by fax for absentee ballots. Establishes requirements and procedures for casting, receiving, counting, and challenging early voters' and absentee votes. Requires that one or more early voters' polling places be accessible to persons with disabilities. Eliminates some of the information to be included in the absentee ballot self-affirmation.

Establishes procedures for new special district organizational elections.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

FINANCIAL INSTITUTIONS

H.B. 93-1030 Trust companies - use of words "trust" or "trust company" - charter application requirement. Makes it unlawful for any person or entity to use the words "trust" or "trust company" in their business operations if the result is likely to cause the public to be confused, deceived, or mistaken into believing that the person or entity has been authorized to transact business as a regulated financial institution. Exempts persons and entities organized under the Colorado Banking Code of 1957, the Colorado Trust Company Act, the national banking laws, and certain industrial banks and hospital and health care trusts, if such person or entity is authorized to use such words as part of its name.

Specifies that an applicant for a trust company charter shall have the burden of proving that the proposed trust company's books and records will be kept in Colorado and that a substantial portion of its operations will be conducted in Colorado.

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

H.B. 93-1261 Director and officer insurance - fidelity bonds - state-chartered financial institutions. Establishes that directors' and officers' insurance or depository institution bonds containing regulatory exclusion endorsements or clauses excluding coverage for claims made against directors and officers by any depository insurance organization or any other federal or state regulatory agency or containing a provision that terminates the bond upon the taking over of the state financial institution by a receiver or liquidator or by state or federal officials are enforceable and consistent with the public policy of this state as contained in the laws regulating financial institutions.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

H.B. 93-1275 Financial services division - financial services board - creation - powers, duties, and functions. Creates the financial services board in the division of financial services. Specifies the membership of the board and its powers, duties, and functions. Changes the financial services division of the state of Colorado and the office of state commissioner of financial services from type 1 agencies to type 2 agencies under the "Administrative Organization Act of 1968" and places them under the policy direction of the financial services board.

Requires the financial services board to hold hearings prior to granting a community credit union charter. Specifies hearing procedures for applications for community charters. Permits any decision of the state commissioner of financial services to be appealed to the financial services board.

Specifies that any credit union consisting of groups which reside within a well-defined neighborhood, community, or rural district having a population greater than 100,000 is limited to one additional branch office until January 1, 1997.

Makes an exception to the division's confidentiality requirements to allow parties entitled to appear at hearings before the financial services board to have

access to an applicant's proposed articles or amended articles of incorporation, application for charter, and proposed bylaws.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

GENERAL ASSEMBLY

S.B. 93-8 Advisory bodies scheduled for repeal July 1, 1993. Continues the following advisory boards and committees: The advisory committee to the state housing board concerning camper trailers and camper coaches; the advisory committee on factory-built nonresidential structures; the advisory committee on factory-built housing; the Colorado board of veterans affairs; the advisory committee on governmental accounting; the organic certification advisory board; the advisory committee to the Auraria board; the advisory committee to the property tax administrator; the Colorado economic development advisory board; and the advisory board on hazardous materials responders.

Merges the advisory committee on factory-built nonresidential structures and the advisory committee on factory-built housing into one committee.

Revises the provisions that mandate the number and composition of the Colorado economic development advisory board by removing the requirement that 5 of the 12 members be elected officials and requiring instead that all 8 members be from the private sector. Empowers the board to provide advice to the legislative and executive branches of government, but repeals its duty to create a partnership between the 2 branches.

Revises the provisions that mandate the composition of the organic certification advisory board by adding a requirement that a member of the general public be on the board in lieu of a representative of the production or marketing community.

BECAME LAW without Governor's signature May 1, 1993

EFFECTIVE May 1, 1993

Note: The provision containing the Colorado board of veterans affairs was further amended in H.B. 1314 to establish a termination and review date of July 1, 1998.

S.B. 93-22 Committee on legal services - authority to sign vouchers. Authorizes the vice-chair of the committee on legal services to sign vouchers of the committee in the absence of the chair.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

S.B. 93-128 Committee on legal services - awarding of printing contracts - Colorado Revised Statutes. Authorizes the Committee on Legal Services to award future printing contracts for the official set of Colorado Revised Statutes upon the expiration of the new contract or the expiration of any extension of said contract. Requires the Committee to rebid the contract at least every 10 years. Requires the Committee to consider economic, fiscal, and tax impacts on the state in the award or extension of the contracts. Deletes obsolete language.

APPROVED by Governor April 29, 1993

EFFECTIVE April 29, 1993

S.B. 93-174 Compensation - expense allowance. Reorganizes provisions pertaining to compensation for members of the general assembly. Clarifies that per diem lodging and expense allowance is payable on any day during the legislative session, including legal holidays, primary election days, and weekends. Provides that members may decline to accept all or part of such expense per diem.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

H.B. 93-1027 State auditor - confidentiality - work papers. Provides that work papers and other documents produced by certified public accountants in the state auditor's office for the legislative audit committee, except reports submitted to and books and records specifically prepared for use by the committee, shall be confidential and privileged. States that any vote by the committee to waive the confidentiality or privilege of work papers applies only to those papers that are the subject of the vote. Provides further that support staff in the state auditor's office may not be required to testify as to communications made in the course of professional service to the legislative audit committee unless the committee has agreed, by a majority vote, to open such information to public inspection. Explains that certified public accountants in the state auditor's office shall not be examined with respect to any communication they have made in the course of professional service to the committee, either in person or through working papers or other documents.

BECAME LAW without Governor's signature March 2, 1993

EFFECTIVE March 2, 1993

H.B. 93-1069 Plain language - statutes - initiative petitions. Requires that, to the extent possible, all bills and amendments to bills shall be written in plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning which are understandable to the average reader. Stipulates that enactment of a bill by the general assembly creates a presumption that the bill conforms to such requirement.

As part of the review and comment procedure of every initiative petition for a proposed law or amendment to the state constitution conducted by the directors of legislative council and the office of legislative legal services or their designees, requires that, where appropriate, such comments shall also contain suggested editorial changes to promote compliance with the requirement that such petitions be written in plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning which are understandable to the average reader.

APPROVED by Governor June 2, 1993

EFFECTIVE June 2, 1993

H.B. 93-1246 Legislative council - membership - when appointed - powers and duties - interim studies. Restructures the legislative council so that it consists of the executive committee, comprised of the president of the senate, the speaker of the house, the majority leaders of both houses, and the minority leaders of both houses, plus 6 senators appointed by the president of the senate and 6 representatives appointed by the speaker of the house of representatives, resulting in an increase of 4 members. Directs that the speaker of the house of representatives and the president of the senate shall alternately serve as the chairman and vice-chairman of the executive committee for 2-year terms. Directs that appointments be made to the legislative council no later than 10 days after convening of the first regular session rather than not less than 20 days prior to the close of the regular session held in odd-numbered years.

Sets forth the powers and duties of the legislative council and the executive committee. Repeals the legislative commission and shifts its powers and responsibilities to approve annually the salary pay range used for setting the salaries of legislative service agency directors to the executive committee. States that the executive committee has the powers and responsibilities to perform legislative management functions when the general assembly is not in session.

Requires the legislative council to meet each session to make recommendations through a joint resolution on interim studies. Provides that if the study resolution

is not adopted by the end of the regular session, the executive committee shall determine the interim studies.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

GOVERNMENT - COUNTY

S.B. 93-46 County officers - standing. Gives counties and county officers standing in district court to defend any action brought against such county or county officer by contesting the constitutionality of a statute underlying such action and affecting such county or county officer.

APPROVED by Governor March 26, 1993

EFFECTIVE March 26, 1993

H.B. 93-1080 County power - fire control - fine surcharge - urban renewal. Eliminates the county population threshold necessary for sheriffs to request assistance from a fire protection district or municipality in controlling or extinguishing a fire and for reimbursement for such assistance. Exempts property owners notifying the county sheriff of a controlled burn of a structure from liability for any costs resulting from the response by a fire protection district or municipality to such burn. Empowers a board of county commissioners to ban open fires under certain circumstances. Imposes a surcharge on persons convicted of violating a county ordinance and provides for the deposit of such amount in the victims and witnesses assistance and law enforcement fund. Requires a governing body to submit any proposed urban renewal plan to the board of county commissioners prior to the approval of such plan.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1139 County records - procedures - marriage licenses - real estate records - posting of tax sale certificates and tax deeds - recordation of chattel mortgage on motor vehicles - abstracts of mining claims. Requires marriage license application forms to contain a statement as to whether the parties submitting such application are currently married to each other. Provides that marriage licenses issued in Colorado are not valid for use outside the state. Stipulates that marriage licenses are void within Colorado if not used within 30 days of issuance. Requires such licenses to be returned to the county clerk and recorder for cancellation.

Authorizes the parties to a marriage to solemnize their own marriage. Requires any person or party to a marriage who solemnizes a marriage to complete the marriage certificate form and forward it to the county clerk and recorder within 60 days after solemnization. Decriminalizes and eliminates criminal fines for the failure to comply with such forwarding requirements. Imposes a late fee with the same minimum and maximum range as the previously imposed criminal fine. For purposes of determining whether a late fee should be assessed, provides that the date of forwarding shall be deemed to be the date of postmark. Excepts a currently valid marriage between parties from the prohibition against entering into a marriage prior to the dissolution of an earlier marriage of one of the parties.

Requires the county clerk and recorder to record and index in the real estate records: A notice of federal lien; a refile of a notice of federal lien; or a notice of revocation of a certificate of release, nonattachment, discharge, or subordination of any tax lien. Eliminates the requirement that refiled notices of federal liens and certificates of release, nonattachment, discharge, or subordination of any tax lien be permanently attached to the original notice of the lien and entered in the alphabetical lien index on the line where the original notice of lien is entered. Requires the clerk and recorder to enter such refiled notices or certificates only in the general and inverted indices and receiving book.

Clarifies that the minimum length of time for posting the list of tax sale

certificates and tax deeds in the county courthouse is 30 days.

Requires the holder of any chattel mortgage on a motor vehicle who wishes to record such rights to present the signed original, or signed duplicate original of said mortgage, and the certificate of title to the authorized agent of the director in the county or city and county in which the mortgagor of such motor vehicle resides. Stipulates that a mortgage is deemed to be a signed original or a signed duplicate original if the signature appearing thereon was affixed personally by the mortgagor or the mortgagor's attorney-in-fact in ink, carbon, or by any other means.

Repeals the requirement that each county clerk and recorder procure an abstract of mining claims and retain such as a public record. Repeals the requirement that each board of county commissioners cause maps or plats to be made designating mining claims as shown by the abstract on file in the office of the county clerk and recorder.

APPROVED by Governor April 19, 1993

EFFECTIVE July 1, 1993

H.B. 93-1249 County officers - Gilpin county - location of offices. Authorizes district court judges regularly assigned to Gilpin county to sit at a single location within the county other than the county seat and to maintain official chambers at such location. Authorizes related county offices, including but not limited to the offices of the sheriff, county clerk and recorder, county treasurer, clerk of district court, and clerk of county court, to be maintained at such location.

APPROVED by Governor March 30, 1993

EFFECTIVE July 1, 1993

GOVERNMENT - LOCAL

S.B. 93-78 Programs delegated to local governments - termination or reduction of subsidies - procedure. Requires any local government which seeks to reduce or terminate its subsidies to any programs delegated to such local government by the general assembly to provide written notice to the governor, the speaker of the house, the president of the senate, the chairman of the joint budget committee, and the head of any state department or agency affected. Requires the notice to contain information identifying the program and to specify whether the local government intends to reduce its subsidy to the program and the amount of such reduction, or whether it intends to terminate its subsidy to the program entirely. Allows the local government to establish an effective date for the reduction or termination which date shall not be less than 90 days after receipt of the notice. Requires the reduction or termination to take place in 3 equal annual amounts. Authorizes the director of the division of local government of the department of local affairs to promulgate rules for implementation and administration of this provision.

APPROVED by Governor February 16, 1993

EFFECTIVE February 16, 1993

H.B. 93-1050 Counties bordering other states - reciprocal law enforcement agreements. Authorizes any county in this state which borders a county in another state to enter into an intergovernmental agreement with such county to provide for reciprocal law enforcement. Waives the peace officer residency requirement for any nonresident peace officer who is assigned to law enforcement duty in this state pursuant to a reciprocal law enforcement agreement. Authorizes the sheriff of a county which has entered into a reciprocal law enforcement agreement with a bordering county in another state to request law enforcement assistance from and to provide assistance to such bordering county under the terms of such agreement. Requires any peace officer certified by a bordering state who is serving in this state under the terms of a reciprocal law enforcement agreement to be certified as a peace officer in Colorado either by waiver or as otherwise provided in statute.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

GOVERNMENT - MUNICIPAL

S.B. 93-142 Fire and police pension plans - termination of disability benefits - reinstatement to former position - release of medical reports. Permits an employer to refuse to restore a member to a position which requires state certification if such member's certification has lapsed, expired, or been revoked. Requires an employer to afford the member an opportunity to gain certification and to hold open the position for a period not to exceed one year. Continues disability benefits during such period. Directs the board to evaluate the impact of this plan on employers. Permits the board to order the member to proceed with certification training if, when the member's disability ceases to exist, there is no opening for the member. Relieves the employer of further obligations and discontinues disability benefits if the member refuses to take the steps necessary for certification or fails to complete such steps within the one-year period. Extends the period within which a member who is no longer disabled has the right of first refusal for any appropriate vacancies from 3 to 5 years after the date of original disablement.

Requires that the board of directors of the fire and police pension association provide employers with certain medical reports regarding the examination or reexamination of members for whom hearings concerning termination of disability are requested. Prohibits the release of such medical reports by the association and by employers who receive such medical reports. Sets forth an exception.

Discontinues benefits to a member who refuses to accept a vacancy in the same position or a position with equal base pay to his former position, with an exception. For purposes of determining whether a disability benefit is to be reduced due to additional earned income, specifies the amount of money purchase plan benefits to be included in the calculation of total income.

Modifies the type of employment which results in the termination of disability benefits awarded to members with occupational disabilities. Eliminates the requirement that, prior to a determination of occupational disability, an employer certify that no position exists which the member can perform or that a position exists but no vacancy in such position exists. Specifies that, upon a determination of the board that an applicant is not disabled, the employer is required to reinstate such applicant to his former position and that, upon failure of the employer to do so, the employer shall pay benefits to the applicant as if occupationally disabled until the applicant is reinstated or declines an offer of reinstatement.

APPROVED by Governor May 6, 1993

EFFECTIVE May 6, 1993

S.B. 93-162 City of Black Hawk - territorial charter - repeal and reenactment. Repeals and reenacts, with amendments, the territorial charter for the city of Black Hawk, thereby providing for the city boundaries; the form and composition of the city's government, including a city council consisting of a mayor and board of aldermen; the right of recall; ordinance power; the time of elections and adoption of the municipal election code; the authority and method for initiative and referendum; appointments in the city administration, including city manager, city attorney, and municipal judge; the specific powers and authority of the city; and the financial powers of the city.

APPROVED by Governor April 29, 1993

EFFECTIVE April 29, 1993

H.B. 93-1016 Fire and police pension plans - volunteer firemen - supplemental payments. Authorizes supplemental pension payments to volunteer firemen 50 years of age or older.

who have been in active service in excess of 20 years, subject to the approval of 65% of the active and retired volunteer firemen in the fire department and with the consent of the governing body in the case of a municipality. Limits supplemental payments to 5% of the monthly pension payment multiplied by the number of years of service over 20 up to a maximum of 10 years so long as the monthly pension payment and the supplemental payment does not exceed the statutory maximum monthly amount. Allows supplemental payments only when they are actuarially sound.

APPROVED by Governor March 4, 1993

EFFECTIVE March 4, 1993

H.B. 93-1031 Fire and police pension plans - volunteer firemen - benefit and state contribution limitations. Increases from \$300 to \$450 the maximum monthly retirement pension which may be paid by the board of a municipality, with the consent of the governing body of such municipality, or the board of a fire protection district or county improvement district to volunteer firemen above age 50 and with 20 years of active service if such pension is indicated to be actuarially sound. When a municipality or district levying 1/2 mill or less increases its property tax levy to pay pensions in excess of \$300 per month, limits the amount of state contributions to such pension plans to the amount required to pay pensions of \$300 per month.

APPROVED by Governor March 22, 1993

EFFECTIVE July 1, 1993

H.B. 93-1063 Municipal elections - revision of election code. Allows a municipality to provide by resolution for the use of the regulations and procedures of the "Uniform Election Code of 1992" instead of the "Colorado Municipal Election Code of 1965" with respect to any election. Requires the secretary of state to provide each municipal clerk a copy of the state municipal election laws at least 30 days before any regular election. Instructs the secretary of state also to prepare and transmit an election manual including pertinent sections of the municipal election laws to each municipal clerk for distribution to the election judges in each municipal election precinct.

Allows a change of address by the elector within the county within 24 days of the election by sworn affidavit. Requires nomination petitions to indicate the office being sought and to include a sworn affidavit stating that the candidate meets the requirements to hold municipal office. Specifies that any objection to an affidavit attached to a nominating petition be made within 3 days of filing.

Allows the municipal clerk to appoint another qualified person if any person appointed as an election judge is unable to serve. Requires an election judge to swear or affirm that he or she is a registered elector in Colorado.

Specifies that candidate names must appear on the ballot arranged by lot as prescribed by the municipal clerk under the designation of the office sought.

Makes absentee voting an option for any registered elector without the necessity of giving a reason. Requires delivery of absentee ballots to voters within 72 hours of receipt from the printer. Extends the time for voters to return absentee ballots and for the municipal clerk to deliver the completed absentee ballots to the judges. Extends the time for voters to request and return emergency absentee ballots.

Requires the municipal clerk to request the mayor's assistance in conducting the canvass of votes. Requires the municipal clerk to appoint a member of the election commission or a person qualified to be an election judge but who did not serve as an election judge in the election to assist the municipal clerk if there is no mayor or if the mayor was a candidate in the election. Provides that in a municipality that uses

4-year overlapping terms of office for governing body members, the candidates receiving the highest number of votes shall be awarded any available 4-year terms of office. Provides that the candidate receiving the next highest number of votes shall be awarded a shortened term of office.

Allows a losing candidate or supporters of a losing ballot issue to submit a written request for a recount to the municipal clerk within 10 days after the election, if the candidate lost or the ballot issue failed by one percent or less. Requires the municipality to pay the cost of the recount unless provided otherwise by ordinance. Instructs the municipal clerk to determine the cost of the recount and notify the requesting party of the cost before conducting the recount, if the ordinance requires the requesting party to pay the cost.

If the losing margin is more than one percent, allows the losing candidate or supporters of the losing ballot issue to submit a written request to the municipal clerk within 10 days after the election for a recount at the requesting party's expense. Requires the municipal clerk to determine the cost of the recount and notify the requesting party before conducting the recount. Requires the requesting party to pay the cost of the recount upon demand of the municipal clerk. Allows for the refund of such payment if, after the recount, the candidate requesting the recount is declared the winner or if the ballot issue is declared passed, without regard to the margin of victory.

Makes the municipal clerk responsible for conducting the recount and specifies that the municipal clerk be assisted by those assisting in the preparation of the official abstract of votes. Provides for appointment of another person should a previous assistant be unable to participate in the recount.

Allows the municipal clerk to require documentary evidence regarding the legality of any vote cast or counted and to correct the survey of returns based on the evidence.

Requires recounts of the ballots cast to be tallied on sheets other than those used at the election in precincts using paper or electronic ballots. Requires recounts of the votes tabulated on voting machines and specifies that separate tally sheets be used for each machine in precincts using voting machines.

Prohibits anonymous statements concerning candidates or issues.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1138 Urban renewal plans - division of taxes. Allows any urban renewal plan to provide for the division of municipal sales and property taxes for a period in excess of the 25-year period of limitation for such a division if existing bonds remain unpaid and are in or are about to go into default.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1204 Fire and police pension plans - board of trustees - membership. Provides that the board of trustees of a policemen's pension fund need not include members of the police department if there are no members available or willing to serve on such board. Authorizes any municipality or fire protection district to alter the membership of the firemen's pension fund board of trustees of such municipality or fire protection district upon the approval of a majority of the voting members accruing benefits in the fund and a majority of the voting members receiving benefits from the fund.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1216 Fire and police pension plans - eligible rollover distribution requirements. Effective January 1, 1993, allows any distributee entitled to an eligible rollover distribution from a local fire or police pension fund or from the statewide fire and police pension plan to elect to have the portion of such distribution which would otherwise be subject to federal income tax transferred directly to a designated eligible retirement plan.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1243 Fire and police pension plans - withdrawal from statewide pension plan - participation in statewide money purchase plan. Allows employers currently participating in the statewide pension plan for fire and police members to withdraw from such plan for the purpose of participating in a statewide money purchase plan to be developed by the board of directors of the fire and police pension association. Distinguishes between the 2 plans by designating the current pension plan as the statewide defined benefit plan. Requires the board to adopt a statewide money purchase plan document and sets forth items to be included in such document. Creates the fire and police members' statewide money purchase plan benefit fund to consist of member and employer contributions to the plan. Provides for investment options that may be included in the statewide money purchase plan. Establishes procedures for the withdrawal of employers from the statewide defined benefit plan.

Changes the name of the statewide pension plan to the statewide defined benefit plan in other statutory sections and designates the current pension fund as the fire and police members' benefit fund.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

GOVERNMENT - SPECIAL DISTRICTS

S.B. 93-53 Regional transportation district - farebox recovery ratios - "Americans with Disabilities Act of 1990". Revises the method of computing the regional transportation district's farebox recovery ratio by exempting costs incurred and revenues generated as a result of providing transportation service mandated by the federal "Americans with Disabilities Act of 1990".

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

S.B. 93-194 Consolidations - voter approval of financial obligations. Specifies that the summary of special conditions in the published election notice for consolidation of special districts include the provisions of any preconsolidation agreement regarding the assumption of debt and the approval of a financial obligation as debt. Provides that a financial obligation which may be approved as debt includes accrued unfunded pension liability.

Requires the district court, if a financial obligation of one or more consolidated districts is to be submitted to the voters to approve as debt, to order that the electors vote separately on the question of consolidation and the question of approval of the financial obligation as debt. Provides that, if the electors approve consolidation but not the debt, the consolidated district must assume the financial obligation in the same manner other obligations of consolidated districts are assumed, unless a preconsolidation agreement provides that the consolidation is contingent upon approval of the debt, in which case the consolidation is not approved.

States that the board of a consolidating special district shall request the court to order submission of the proposition treating financial obligation as debt to the electors of the consolidated district at a consolidated election, if the board determines by resolution that the interests of the special district and of the consolidated district and the public interest require that the obligation to pay a financial obligation, including accrued unfunded pension liability, remain the obligation of the taxpayers of the consolidating special district which incurred the obligation or maintained the pension plan. Specifies the information the consolidating district is required to provide at the court hearing for each financial obligation to be submitted at the election: (1) The purpose for which the financial obligation was incurred or the pension plan to which the accrued financial liability attaches; (2) the estimated total cost of discharging the obligation; (3) the estimated term over which the obligation will be discharged and the estimated annual cost; (4) the initial mill levy needed to pay the annual costs; and (5) whether consolidation of the districts is contingent upon approval of the obligation as debt.

Provides that the court, if it finds the board's request complies with the statute, shall grant the request and order that the electors vote separately on consolidating the district and on each financial obligation.

Requires taxpayers with taxable property within the boundaries of the consolidating district that incurred the debt or maintained the pension plan to pay the financial obligation if the electors approve the obligation as debt. Instructs the board of the consolidating district to levy a general property tax each year until the debt is retired.

Specifies that nothing prevents consolidated districts from being bound by preconsolidation agreements entered into and which have become part of the terms and conditions of the court order, including the assumption of financial obligations as

debt.

Excludes elector-approved debt from special district obligations that the consolidated district must assume and pay.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

H.B. 93-1021 Property excluded from special districts - bonded indebtedness - liability. Requires that the order for exclusion of property from a special district contain a recital of any outstanding bonded indebtedness for which the property to be excluded is liable and the date such indebtedness is scheduled to be retired. After July 1, 1993, provides that the failure of the order to contain such information, when due to error or omission by the special district, shall not constitute grounds for correction of the omission of a levy on the property from the assessment roll. Applies to privately owned and municipal property which is excluded from a special district or the Three Lakes water and sanitation district.

APPROVED by Governor March 29, 1993

EFFECTIVE March 29, 1993

H.B. 93-1054 Metropolitan sewage disposal districts - time limitation on contracts. Eliminates the 50-year time limitation on any contract entered into by any metropolitan sewage disposal district.

APPROVED by Governor March 4, 1993

EFFECTIVE March 4, 1993

H.B. 93-1203 Local taxing districts - composition or adjustment of indebtedness - repeal of sunset provision. Repeals the statute which would have terminated the provisions relating to the composition or adjustment of indebtedness of local taxing districts on July 1, 1993.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

H.B. 93-1312 Denver metropolitan major league baseball stadium district - eminent domain authority. Authorizes the board of directors of the Denver metropolitan major league baseball stadium district to exercise the power of eminent domain to acquire real property for parking facilities, stadium facilities, and stadium site access on or before April 30, 1995, on behalf of said district. Limits said board's authority of eminent domain to property which is within 1,000 feet of the boundary of district property as of January 31, 1993, or to the center line of Blake street or to the center line of 19th street, whichever is closer. Specifies that any property obtained through the power of eminent domain may only be sold, leased, rented, or given away in connection with the sale or lease of the entire stadium unless such sale, lease, or gift arises from an agreement with the major league baseball franchise located within said district.

APPROVED by Governor May 18, 1993

EFFECTIVE May 18, 1993

GOVERNMENT - STATE

S.B. 93-7 Controlled maintenance trust fund - appropriations from interest earned - capital construction fund - general fund transfers. Creates the controlled maintenance trust fund for the purpose of generating a sufficient amount of interest to be dedicated to the state's controlled maintenance needs. Prohibits the principal amount of the trust fund balance from being appropriated. Prohibits the appropriation of interest earned on the trust fund until the principal balance of the fund is \$300,000,000. On July 1, 1993, or as soon thereafter as moneys become available, authorizes a transfer of 50% of the fiscal year 1992-93 gross general fund revenues in excess of \$3,304,400,000 to such trust fund. Provides that such transfer shall not exceed \$50,000,000. For the purpose of calculating the 1993 transfer, specifies that general fund revenues shall exclude the beginning general fund reserve base amount of \$145,100,000. In January 1995, and in January of each fiscal year thereafter, authorizes the following sum to be transferred to the trust fund: 50% of the general fund revenues for the prior fiscal year in excess of general fund appropriations, not to exceed \$50,000,000, after retention of the statutorily required general fund reserve. Provides that transfers made pursuant to the provisions of the act are not subject to limitations on the level of state general fund appropriations. Requires the capital development committee to make an annual recommendation to the joint budget committee concerning the amount to be allocated to the controlled maintenance trust fund.

On September 1, 1994, and on September 1 of each year thereafter, requires the state treasurer to certify to the general assembly the amount of interest actually earned on the moneys in the controlled maintenance trust fund during the previous fiscal year and an estimate of the interest expected to be earned on such moneys during the current fiscal year. After such time as the state treasurer certifies that the assets in the trust fund have reached \$300,000,000, authorizes the interest earned on the trust fund balance to be appropriated for controlled maintenance as follows: Up to 50% of the amount of interest expected to be earned on the trust fund balance during the current fiscal year and the amount of interest actually earned on the trust fund balance during the previous fiscal year as certified by the state treasurer, not to exceed a maximum of \$35,000,000 in any fiscal year.

Increases the amount of money to be transferred from the general fund to the capital construction fund on July 1, 1994, and July 1, 1995, from \$25,000,000 to \$50,000,000. Specifies that \$25,000,000 of the amount to be transferred on July 1 of each such year shall be transferred from general fund reserves. Provides for \$50,000,000 to be transferred from the general fund into the capital construction fund on July 1 of 1996, 1997, and 1998.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-14 Crime victim compensation fund act - limit on award of damages - continuation of standards approved - increases in costs levied - VALE funds - increases in surcharges levied - continuation of surcharges on sex offenses - allocation to criminal justice agencies - grants - reappointment of advisory board members. Permits local crime victim compensation boards to compensate a crime victim in an amount greater than a \$10,000 limit on aggregate damages if the board votes unanimously to award such compensation, but in no event may the board award aggregate damages in excess of \$15,000. Continues the authority of the governor's board appointed pursuant to the federal "Victims of Crime Act" to approve standards for the administration of the crime victim compensation fund and the victims and witnesses assistance and law enforcement fund and continues the victims compensation and assistance coordinating committee which authority and committee were scheduled to be repealed on July 1, 1993.

Increases the costs levied on criminal actions which are credited to local crime victim compensation funds from \$100 to \$125 for felonies and from \$40 to \$60 for misdemeanors. Conforms the amount of such costs levied on juvenile delinquency proceedings to the amount of costs which would have been levied upon a juvenile if such juvenile had been convicted in adult court. Increases the minimum surcharges levied on criminal actions which are credited to local victims assistance and law enforcement funds from \$100 to \$125 for felonies and from \$40 to \$60 for misdemeanors and requires that such surcharges be paid on juvenile delinquency actions. Continues a surcharge levied upon persons convicted of sex offenses which surcharge was scheduled to be repealed on July 1, 1993.

Permits the victims assistance and law enforcement fund to be allocated to criminal justice agencies in the department of public safety to help implement and coordinate statewide or multi-jurisdictional victim services and to help implement state constitutional requirements relating to the rights of crime victims. Permits the division of criminal justice to accept and evaluate applications from criminal justice agencies which request grants of funds from the victims assistance and law enforcement fund for operating expenses related to victim assistance and notification programs. Permits a person who has served on the victims assistance and law enforcement advisory board and been reappointed once to be reappointed to such board if it has been at least one year since such person served on the board.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

S.B. 93-49 Central state motor vehicle fleet - verification of valid driver's license for employees who drive state vehicles. Requires the division of central services of the department of administration to obtain verification that any employee driving a state vehicle have a valid driver's license, instead of a valid Colorado driver's license, as part of the recordkeeping system for assigning and using a motor fleet vehicle.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

S.B. 93-73 State property - 100 West 7th Ave in Denver - authority to sell or exchange. Amends a 1986 act by directing that the sale or exchange of property located at 100 West 7th Avenue be conducted by competitive sealed bidding procedures. In the event no bid is received which is equal to or greater than the appraised value, authorizes the state to sell, exchange, or otherwise dispose of the property at market value as determined by private negotiation or through a sealed bid procedure.

APPROVED by Governor March 26, 1993

EFFECTIVE March 26, 1993

S.B. 93-74 Fiscal policies - implementation of section 20 of article X of the state constitution. Enacts new statutory provisions and amends existing statutory provisions for purposes of implementing, as it relates to state government, section 20 of article X of the state constitution, which imposes limitations and requirements upon the spending and taxing authority of state and local governments and which was approved by voters at the 1992 statewide general election.

Establishes a limitation on state fiscal year spending. Specifies the calculation of such limitation. Requires the department of local affairs to determine and report the annual percentage change in state population for purposes of said calculation. Specifies the base for purposes of calculating reserve increases as part of state fiscal year spending. For purposes of complying with the limit on state fiscal

year spending, provides that the state may refuse to accept moneys from enterprises and gifts, including real property, which would require state expenditures for maintenance and operation and which do not include sufficient revenues for said purposes.

Specifies that, for purposes of complying with the limit on state fiscal year spending, moneys continuously appropriated by permanent statute or constitutional provision shall be included in the general appropriation bill for informational purposes; authority to expend such moneys shall be modified only by statutory or constitutional amendment, as applicable; and such moneys shall be subject to revenue and expenditure limits established by the general assembly, except for moneys continuously appropriated by the state constitution to the limited gaming control commission. Requires each state institution of higher education to prepare quarterly reports containing specified information regarding such institution's enterprises.

Requires the creation of a state emergency reserve and specifies the required minimum amount of such reserve. Requires the declaration of a state emergency by the general assembly or for certain types of state emergencies, by the governor, prior to the expenditure of the state emergency reserve. Provides for the imposition of emergency taxes by the state. Establishes requirements for the imposition of an emergency tax. Provides for the submittal of any emergency tax to a statewide vote subsequent to imposition of such tax. Imposes limitations upon the expenditure of emergency tax revenues. Requires the refund of any emergency tax revenues not expended on a declared emergency.

Provides for the general assembly to prescribe for each fiscal year the total amount of revenues that may be collected by each department and agency of the state, except the limited gaming control commission, based upon the limitation on state fiscal year spending and the desired level of activity for all state departments and agencies. Specifies certain cash funds to constitute reserves. Makes the following subject to annual appropriation by the general assembly: 1) Expenditures from certain cash funds which were previously continuously appropriated; and 2) allocation of certain moneys which previously occurred automatically. Requires the general assembly to make annual appropriations of cash funds to the governing boards of state institutions of higher education and states that the amount of cash funds so appropriated is the maximum amount of cash funds that can be raised, spent, or transferred to reserves by such governing boards.

Sets forth certain programs which any local district is prohibited from reducing or ending subsidies to pursuant to article X, section 20 (9) of the state constitution. Specifies that the enactment of any requirement that a local district contribute toward the funding of any program operated by an officer or agency not under the control of a local district does not imply that such program has been delegated by the general assembly to the local district for administration. Prohibits a board of county commissioners from ceasing to exercise or perform its inherent legislative, executive, or quasi-judicial powers, duties, or functions under the guise of reducing or ending its subsidy to a program.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-120 Cooperative health care agreements - submission procedure - board - Hospital Efficiency and Cooperation Act - antitrust exemption - recordkeeping. Creates the "Hospital Efficiency and Cooperation Act" for the purpose of regulating cooperative health care agreements that involve hospitals and are submitted voluntarily for approval to a cooperative health care agreements board in the department of local affairs. Exempts approved agreements from state and federal antitrust laws.

Creates a cooperative health care agreements board in the department of local affairs consisting of 11 members appointed by the governor with the consent of the senate. Describes the board composition, members' terms, and board operating procedures. Requires board members to disclose potential conflicts of interest prior to confirmation.

Provides a voluntary procedure by which the parties to a cooperative health care agreement may submit their agreement to the board for approval. Describes the submission procedure, which includes forwarding a copy of the application to the attorney general and a disclosure of the parties to the agreement. Requires the board to review all submitted applications to determine if the agreement is likely to improve the cost-effectiveness, availability, quality, or delivery of hospital or health care services in Colorado and if it is consistent with other state statutory health care policies and programs. Sets forth factors to be considered in making such determination.

Requires that board review include a public hearing and that a notice of submitted applications be published and mailed to each person requesting such notice. Allows the attorney general to become a party to any review proceeding. Permits the director of the department of local affairs to set aside actions of the board only if they are found to be arbitrary and capricious.

Allows the board to terminate or modify its approval of an agreement upon a showing by a preponderance of the evidence that certain stated circumstances have occurred. Prohibits the board from terminating its approval if it is reasonably possible for the parties to modify the agreement to accommodate the change in circumstances. Establishes a procedure the board shall follow prior to terminating any agreement.

Requires the parties to any approved agreement to submit an annual information report to the board. Provides that the board may, or upon request of the attorney general shall, audit the parties' operations and records.

Grants subpoena power to the chairperson of the board and requires the board to maintain records of all approved agreements. Requires all submitted agreements to be open to public review and inspection.

Immunizes the parties to an approved agreement from any civil and criminal antitrust action, if such action is based upon the agreement or conduct that was reasonably necessary and reasonably foreseeable to implement either the agreement or an order or decision of the board. Grants immunity to persons who participate in community planning, discussions, or negotiations intended in good faith to culminate in a cooperative agreement to be filed with the board, if such negotiations and planning occur after the required notice of such activities has been sent to the board. Requires that the notice be provided at least once every six months if negotiations are continuing.

Makes the failure of the parties to an agreement to submit such agreement to the board inadmissible in any antitrust action if such action is based upon the agreement or arises from conduct reasonably necessary and reasonably foreseeable to implement the agreement.

Empowers the board to establish application and processing fees. Creates the cooperative health care agreements fund, to which such fees shall be credited. Provides that moneys in the fund shall be subject to annual appropriation by the general assembly for the administrative costs of the act. Enables the board to accept donations and grants for any purpose that is connected with its work, and allows it to dispose of such

moneys for any purpose consistent with the terms and conditions under which the moneys are given.

Requires that, prior to July 1, 1997, the department of local affairs shall complete an evaluation of the performance of the board and submit a report that will include its findings and recommendations to the general assembly. Requires that a committee of reference in each house of the general assembly hold a public hearing to consider the report, prior to the termination, continuation, reestablishment, or revision of the board or its functions. Sunsets the board's power to approve agreements submitted on and after July 1, 1998, if such agreements have not been previously approved.

Appropriates \$26,288 and 0.3 FTE to the department of local affairs for allocation to the cooperative health care agreements board for the implementation of the act.

APPROVED by Governor June 8, 1993.

EFFECTIVE July 1, 1993

S.B. 93-133 State agencies - state administrative procedure act. Defines "interested persons" for the purposes of rule-making proceedings. Authorizes agencies to charge a reasonable fee for defraying the costs of mailing copies of proposed rules. Narrows an agency's justification for invoking emergency rule-making procedures. Prohibits the introduction of evidence or information into the record from outside of the rule-making hearing. Reduces the time for commencing an action to contest the validity of a rule. Requires the secretary of state to correct typographical and other non-substantive errors in rules arising after final adoption.

Adds a circumstance when a licensee is denied a reasonable opportunity to comply with lawful requirements prior to agency proceedings for a revocation, suspension, annulment, limitation, or modification of a license. Changes how an agency's denial of an application for renewal of a license is treated for purposes of further proceedings. Authorizes a licensee to request a hearing where such application has been denied.

Requires persons given notice of a hearing to file an answer within a specific time and authorizes the entry of a default for failure to do so. Authorizes any agency, administrative law judge, or hearing officer to award attorney fees under certain circumstances. Specifies that, for appeals to an agency, exceptions must be filed with the agency and provides for a waiver of the right to judicial review for failure to do so. Requires that the record on appeal from the decision of an administrative law judge or hearing officer be made within a certain time and that relevant portions of such record be designated on appeal. Allows an agency to change the effective date of a decision under certain circumstances.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-166 Colorado tourism board and Colorado tourism promotion fund - continuation date - conditional appropriation. Continues the Colorado tourism board and the Colorado tourism promotion fund.

Authorizes the board to accept gifts and donations.

Appropriates \$8,000,000 and 14.0 FTE to the department of local affairs from the Colorado tourism promotion fund for allocation to the Colorado tourism board for use in promotional and board operation expenses during the 1993-94 fiscal year, conditioned

upon voter approval of the continuation of the Colorado tourism promotion fund tax at a state-wide election in November, 1993, as provided for in H.B. 93-1330.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-189 Civil rights charges - procedure - time limit - notice of right to sue. Extends the time limit for processing civil rights charges filed with the Colorado civil rights commission from 180 days after the filing of the charge to 270 days after such filing. Authorizes the charging party to request, in writing, a written notice of right to sue prior to service of a notice and complaint. Establishes that such notice shall constitute final agency action and an exhaustion of administrative remedies.

APPROVED by Governor April 29, 1993

EFFECTIVE April 29, 1993

S.B. 93-245 Debt - vouchers and warrants - multiple-fiscal year obligations - definition for purposes of "Amendment 1". Provides that commitment vouchers or contracts under which the obligations of the state are contingent upon funds being appropriated, budgeted, and otherwise made available shall not be deemed to create multiple-fiscal year direct or indirect debt or financial obligations for purposes of section 20 of article X of the state constitution ("Amendment 1"). Prohibits the issuance of certificates of participation and other instruments which extend over more than one year, even if they are contingent on funds being appropriated, budgeted, or otherwise made available, unless and until a final court decision determines that such instruments are constitutional.

Amends the master leasing act to limit the powers of the nonprofit corporation, organized by the state for the purpose of executing lease-purchase agreements, to the refinancing of instruments issued prior to the adoption of "Amendment 1" pending a court decision on the constitutionality of certificates of participation and similar instruments. Conditions any future lease-purchase agreements providing for the issuance of such instruments on the outcome of such court decision.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

S.B. 93-249 State employees - workers' compensation claims - insurance. Specifies that, if the state chooses to self-insure for workers' compensation claims or to insure for such claims through an insurer other than the Colorado compensation insurance authority, the state shall assume liability on all such claims for compensation arising on or after the beginning date of the initial policy period in the annually renewable memorandum of agreement containing a premium payment plan between the state and the Colorado compensation insurance authority. Prohibits such an election by the state prior to the beginning of a fiscal year in which sufficient funds are appropriated to effect such self-insurance. Makes the assumption of future liability for workers' compensation claims as authorized in the act contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-250 State employees - statewide travel management program. Creates the statewide travel management program to coordinate and oversee state employee travel. Requires the division of central services to perform the following functions under the direction of the director of the department of administration: Establish uniform reporting requirements and management controls, establish a method for evaluating

commercial travel vendors, maintain and make available a current list of approved vendors, establish a uniform credit card system, monitor travel patterns and practices to identify opportunities for cost savings, enter into contracts with commercial travel vendors and credit card companies, promulgate rules and regulations in consultation with the state controller, enforce such rules and regulations, and ensure that all policy changes regarding the program are announced in a timely manner to each state agency. Requires the division to submit a written report with its annual budget request evaluating the progress of the program.

Requires any employee of a department, board, bureau, commission, institution, or other agency of the state, including institutions of higher education, who travels in the performance of official duties to participate in the program. Unless otherwise authorized by the division, requires such employees to utilize only approved vendors. Authorizes the division to approve the use of a non-approved vendor when the division determines that an emergency situation exists, when the use of an approved vendor would result in additional cost to the state, when a non-approved vendor offers a lower price than an approved vendor, or when the use of a non-approved vendor would facilitate ease of access to the service required. When a non-approved vendor is authorized for the purpose of facilitating ease of access, limits reimbursement to the contract price for such service or, in the event no contract has been entered into for such service, directs the division to authorize reasonable reimbursement.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-252 State employees - postponement of salary adjustments - annual merit-based salary increases. Postpones until May 1, 1994, salary survey increases for the 1993-94 fiscal year, implementation of the method for adjusting the maximum monthly salary ceiling, and implementation of the senior executive service. Effective July 1, 1994, changes the system for periodic salary increases to one based on merit and performance or the expectation of performance, and requires the state personnel director to submit recommendations to the general assembly by January 1, 1994, for statutory changes necessary for implementation of that system. Repeals the existing system for such increases effective July 1, 1995.

APPROVED by Governor June 11, 1993

EFFECTIVE July 1, 1993

H.B. 93-1003 State treasurer's office - procedures. Designates the treasury department as the transaction-approving authority for all moneys transmitted to and received by it. Deletes the requirement that a copy of the receipt for moneys transmitted to the treasury department be furnished to the person delivering the moneys and to the division of accounts and control in the department of administration. Eliminates the requirement that paid warrants be retained for one year. Expands the method of storing copies of paid warrants to include optical storage and other recognized state-of-the-art storage technologies. Changes the reference from "general revenue fund warrants" to "general fund warrants". Deletes the requirement that the controller certify that the general fund has sufficient moneys accruing to pay and retire general fund warrants prior to the drawing of warrants. Requires the state treasurer to pay noninterest bearing general fund warrants in the order in which presented and to report quarterly only the general fund cash balance. Provides that the remaining maturity term of securities purchased by money market funds in which public funds are invested be as stated in federal rule and that such remaining maturity not exceed 3 years. States that the dollar-weighted average portfolio maturity of any money market fund in which the state treasurer invests state funds be as stated in federal regulations and that such dollar-weighted average portfolio maturity not exceed 180 days. Authorizes state moneys to

be invested in bank accounts in other states and in foreign countries to enable state agencies to operate projects in such other states or foreign countries. Specifies that the state not assume liability for any risk, casualty, or loss of such investments.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1008 State employees - workweek and overtime - compliance with Fair Labor Standards Act of 1938. Repeals certain provisions pertaining to the determination of overtime work, the workweek, work time, overtime compensation for Sundays, holidays, or periods of authorized leaves of absence, and the rate of compensation for overtime.

Eliminates the controller's authority to approve other workweeks, changes in working hours, overtime compensation eligibility, and compensatory time limits, to make exceptions to the workweek for law enforcement, fire protection, and hospital employees, and to make professional, executive, outside sales, or administrative employees ineligible for overtime compensation.

Eliminates the authority of an administrative head of a department, institution, or agency to authorize overtime work, and eliminates the authority of an executive director of a department to authorize compensatory time off for employees holding professional, executive, outside sales, or administrative positions.

Requires the state personnel director to adopt procedures insuring that the state personnel system is in full compliance with the "Fair Labor Standards Act of 1938", as amended, and describes certain provisions pertaining to the workweek, overtime, and compensatory time that those procedures shall include.

APPROVED by Governor March 18, 1993

EFFECTIVE July 1, 1993

H.B. 93-1022 State historical society - disposition of excess material. Permits the president and board of directors of the state historical society to dispose of redundant material, material beyond the scope of the society's mission or collection, or material lacking in usefulness or historical value. Specifies that revenue generated from the sale of such material shall be held and disbursed in accordance with the statutory provision concerning disbursement of revenues.

APPROVED by Governor March 1, 1993

EFFECTIVE July 1, 1993

H.B. 93-1035 Statewide telecommunications network - demonstration project - policy recommendations. Expands the mission of the statewide telecommunications network to include participation by medical and health facilities, economic development organizations, the judicial system, and local governments. Delays the sunset date on the advisory commission to July 1, 1995. Authorizes the telecommunications advisory commission to coordinate a project to demonstrate the capabilities of the statewide telecommunications network which includes participation by public schools, institutions of higher education, the judicial system, and any state agencies. Instructs the advisory commission to identify issues and recommend policy options regarding the state's telecommunications infrastructure and information infrastructure and to publish a report of its findings.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1046 State employees - deferred compensation program - investments in plans

offered by persons not authorized to do business in Colorado. Allows the administrator of the state's deferred compensation plan to invest in an investment plan offered by a person not authorized to do business in this state if such person agrees to be subject to the jurisdiction of the state and federal courts in Colorado and irrevocably appoints the secretary of state as such person's agent for service of process.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

H.B. 93-1048 State property - 4210 East 11th Avenue - lease purchase agreement between department of health and board of regents - acquisition of real property by department of health for construction of laboratory facility. Authorizes the department of health, as lessor-seller, and the regents of the university of Colorado, as lessee-purchaser, to enter into a lease with an option to purchase all improvements on property located at 4210 East 11th Avenue, Denver, Colorado, and all remaining leasehold interests to such property currently held by the department of health. Sets the purchase price at \$2,000,000 and establishes a payment schedule.

Authorizes the department of health to acquire fee title interest in real property suitable for the construction of a laboratory facility, but subjects such acquisition and construction to prior approval by the general assembly. In the event the regents exercise the option to purchase, authorizes the controller to make a 6-month loan in the amount of \$1,150,000 to the department of health for the purpose of purchasing laboratory equipment.

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

H.B. 93-1052 State buildings - energy management plans - state building energy management fund - repeal. Requires the department of administration to develop energy management plans for selected state buildings. Excludes any building owned or operated by the department of higher education from the definition of "state building". Specifies that such plans may provide for: Building improvements or extensive studies of such improvements designed to reduce energy consumption or allow the use of alternative energy sources; identification of energy needs and uses, technical resources, specific energy management measures; establishment of measurable goals and objectives for reducing energy use and target dates for implementation; flexibility in the use of utility line-item appropriations to fund current and future energy conservation measures through energy savings; or a pilot program demonstrating a specific new energy conservation technology.

Creates the state building energy management fund for the purpose of funding building energy management plans. Provides that such fund shall consist of any moneys received by the department of administration from the federal government and from contributions, grants, gifts, bequests, and donations. Authorizes the department to accept such gifts, grants, or donations from public or private sources for any purpose which is consistent with the provisions of the act. Provides that moneys in the fund shall be subject to annual appropriation. Stipulates that any moneys not appropriated or expended by January 1, 1996, shall be returned to the original donor.

Requires the executive director of the department of administration to submit a report no later than January 1, 1996, to the governor and the general assembly concerning the implementation of the act and providing recommendations for implementing a statewide program.

Provides for repeal of the act effective January 1, 1996.

APPROVED by Governor May 28, 1993

EFFECTIVE July 1, 1993

H.B. 93-1057 State property - authority to transfer property in Fremont County from the department of corrections to the state board for community colleges and occupational education. Authorizes the department of corrections to transfer all right, claim, and title to real property known as "Prison Gardens" in Fremont County, Colorado to the state board for community colleges and occupational education. Directs the state board for community colleges and occupational education to accept the property, and authorizes the state board to use the property for purposes consistent with the state board's statutory duties.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

H.B. 93-1071 State employees - state auditor's office - procedures for classification, selection, and examination - state personnel director. Authorizes the state personnel director, in consultation with the state auditor and consistent with the Colorado constitution, to establish special procedures for the classification, selection, and examination of employees of the state auditor's office who are within the state personnel system.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1075 Fire safety programs - voluntary firefighter certification - voluntary first responder certification - voluntary fire service education and training - fire safety advisory board - firefighter and first responder certification fund - funds. Recreates the voluntary firefighter and first responder certification programs, the voluntary fire service education and training program, and the 9-member advisory board within the division of fire safety. Sets forth the duties of the division of fire safety and the advisory board pertaining to the firefighter and first responder certification programs and the fire service education and training program. Creates the firefighter and first responder certification fund and recreates the fire service education and training fund. Consolidates moneys in the repealed voluntary certification fund with the firefighter and first responder certification fund and the moneys in the repealed fire service training fund with the fire service education and training fund.

Sets July 1, 1998, as the automatic termination date of the fire suppression program of the division of fire safety pursuant to the provisions of the sunset law.

Sets July 1, 1999, as the automatic termination date of the fire safety advisory board pursuant to the sunset review provisions for advisory committees.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

H.B. 93-1119 State employees - personnel system - temporary appointments - leaves of absence - retirement. Eliminates the state personnel director's discretion to authorize the employment of persons from outside the state personnel system on a temporary basis for up to 1,040 hours for any 12-month period. Transfers rulemaking authority over leaves of absence from the state board of personnel to the state personnel director. Eliminates a probationary employee's right to a hearing to review any disciplinary action while a probationary employee. Deletes certain requirements pertaining to the establishment of procedures for replacement of superannuated employees, offering counseling to employees with demonstrable depreciation, and retirement of employees

reaching 70 years of age.

APPROVED by Governor March 4, 1993

EFFECTIVE March 4, 1993

H.B. 93-1127 State employees - group health and life insurance plan - state contribution - appropriation. Increases the state contribution for group health and life insurance for state employees and officials and their covered dependents as follows: From \$133 per month to \$148.15 per month for a single employee; from \$180 per month to \$184.29 per month for an employee with one covered dependent; and from \$237 per month to \$258.58 per month for an employee with 2 or more covered dependents.

Appropriates \$2,873,083 from the general fund, cash funds, and federal funds to the various departments of state government for the implementation of this act.

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

H.B. 93-1132 State employees - job evaluation system - conditions for sustaining pay rates - elimination and change of certain terms. Changes the term "classification system" to "job evaluation system" under the classification and compensation provisions for the state personnel system. Amends the requirement that the results of a job evaluation study be submitted to the general assembly for inclusion of its fiscal impact in the annual general appropriation bill by specifying that such results be submitted to the joint budget committee. Changes the conditions under which the compensation rate of an employee may be sustained in the event of being placed in a lower pay grade and imposes a maximum duration for such compensation level. Eliminates the term "regrading" and changes the terms "reclassification" to "allocation" and "classification" to "class" under the provision barring employee claims against the state for the difference in salary between pay grades.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1145 Public records - users of public utilities, facilities, and recreational or cultural services - right to inspect - peace officers. Creates an exception to the open records law restriction on inspection of certain information about users of public utilities, public facilities, or recreational or cultural services by allowing such data to be inspected by certain peace officers.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1146 State courts and agencies - use of recycled paper - pleadings filed by attorneys-at-law. Beginning January 1, 1994, requires any attorney admitted to practice law before state courts of record to use recycled paper when submitting pleadings or paper appendices to such pleadings to either a state court of record or a state agency concerning an adjudicatory proceeding before such agency. Provides that the following documents are exempt from such requirement: Photographs, original documents prepared or printed prior to January 1, 1994, documents not created at the direction or under the control of the submitting attorney, facsimile copies, and existing stocks of non-recycled paper and preprinted forms acquired or printed prior to January 1, 1994. Stipulates that the requirement is inapplicable if recycled paper is not readily available. Prohibits any court or state agency from refusing a document solely because it is not submitted on recycled paper. Provides that any procedure adopted by a court of record to implement the act shall not impede the conduct of court business or create grounds for an additional cause of action or sanction. Provides that any policy,

procedure, rule, or regulation adopted by a state agency to implement the act shall not impede the conduct of state business or result in the denial of access to the services or programs of a state agency.

Redefines "recycled paper" as such term is used in statutes pertaining to the preference for the use of recycled paper in state government contracts.

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

H.B. 93-1157 Local government investment pooling - administration and enforcement - registration of trust fund with securities commissioner. Amends provisions concerning the authority of local governments to establish trust funds for purposes of investment pooling. Adds certain items to be included in the resolution authorizing the trust fund, including a statement of the trust fund's purposes and objectives, and the appointment and separation of duties of an administrator, investment adviser, and custodian for the trust fund. Requires the board of trustees to file the resolution with the securities commissioner. Makes unlawful activities of the board that might result in a conflict of interest. Prohibits various activities of a custodian except under certain circumstances when a financial institution is acting as custodian. Holds an investment adviser, a broker-dealer, or a financial institution acting in an advisory capacity to the same standard of conduct as a trustee with respect to discretionary functions and specifies certain unlawful activities for advisers, investment adviser representatives, broker-dealers, and financial institutions. Requires that the trust fund be administered by an administrator and prohibits certain actions of that administrator.

Provides the division of securities and the securities commissioner with administration and enforcement powers. Makes certain activities of custodians, investment advisers, broker-dealers, and financial institutions unlawful under the "Colorado Securities Act". Enacts the "Local Government Investment Pool Trust Fund Administration and Enforcement Act". Prohibits a board of trustees from investing the assets of and a local government from participating in a trust fund that is not registered with the securities commissioner. Describes the registration, reporting, annual audit, and filing fee requirements for a trust fund. Gives the securities commissioner access to the records of a trust fund and imposes confidentiality requirements in connection with such access.

APPROVED by Governor April 8, 1993

EFFECTIVE July 1, 1993

H.B. 93-1210 Economic development commission - continuation - roll-forward of unexpended appropriations. Extends to July 1, 1997, the automatic termination of the Colorado economic development commission and the statutory provisions governing the commission. Provides that appropriations to the commission that are unexpended at the end of any fiscal year may be expended in the next fiscal year without further appropriation.

APPROVED by Governor April 21, 1993

EFFECTIVE April 21, 1993

H.B. 93-1212 Contracts for personal services - state employees - privatization. Establishes guidelines for the use of personal services contracts by state government.

Authorizes personal services contracts to achieve increased efficiency in the delivery of government services if the state personnel director determines that all of the following conditions are met: The contract would not result directly or indirectly

in the separation of certified employees from state services; the contracting agency clearly demonstrates that the contract will result in overall cost savings to the state, excluding any savings to the state attributable to lower health insurance benefits provided by the contractor; the savings are large enough to offset rate increases during the term of the contract; the contracting agency clearly demonstrates that the contract will provide at least the same quality of services as that offered by the contracting agency; the contract includes specific provisions pertaining to the qualifications of the staff that will perform the work; the contract contains nondiscrimination provisions required by law to be included in state contracts; the contract contains termination provisions for breach of contract by the contractor; and the potential economic advantage of contracting is not outweighed by the public interest.

Also allows personal services contracts when the functions contracted are performed by persons exempt from the state personnel system by the state constitution or when the state personnel director determines that any of the following conditions are met: The contract is for an existing state program never performed by employees in the state personnel system or it is for an existing state program that is different in scope or policy objectives from a program previously carried out by employees in the state personnel system; the contract is for a new state program and the general assembly has statutorily authorized the use of independent contractors; the services contracted are not available within the state personnel system; the services are incidental to a contract for the purchase or lease of real or personal property, such as an equipment maintenance agreement; independent contractors are necessary to avoid a conflict of interest situation or to ensure independent and unbiased findings; the contractor will provide supplies, facilities, or services that could not feasibly be provided by the state in the location where the services are to be performed; the contractor will conduct training courses for which appropriately qualified state personnel system employees are not available; or the services are of an urgent, temporary, or occasional nature. Also permits contracts that create an independent contractor relationship for certain purchased services that directly benefit specific groups or individuals in the public at large.

Requires the contractor to assume all liability arising from its own acts or omissions, and provides that the state's sovereign immunity shall not extend to the contractor, except where provided by law. Establishes standards to avoid conflicts of interest. Requires state agencies to submit annual reports to the state personnel director concerning personal services contracts approved during the preceding fiscal year.

Requires the state personnel director to promulgate procedures to implement the act. Requires that such procedures include provisions for consideration of contractors that utilize a preference for hiring veterans and provisions for an annual certification process for ongoing personal services contracts. Authorizes the state personnel board to promulgate rules consistent with the act.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1223 Government-supported officials or employees - post-employment compensation - "golden parachute" - employment contracts and settlement agreements - public records. Prohibits the payment of post-employment compensation by any governmental unit or government-financed entity to any official or employee. Provides an exception to such prohibition for the payment of a maximum of three months of salary and the provision of a maximum of three months of employee benefits to an official or employee. Limits such compensation to any official or employee employed for less than five years and allows such compensation to be paid only if the appointing authority for the official or employee takes positive action to approve the compensation. Provides that the

payment of any such compensation shall be solely the option of the appointing authority and no employee or official shall have a right to receive any post-employment compensation.

Requires that any employment contract between a governmental unit or government-financed entity and an official or employee or any extension of such a contract state that: Such contract is subject to termination by either party at any time during the term of such contract; such official or employee shall be deemed to be an employee-at-will; and no compensation shall be paid to such official or employee after the termination of such contract except for compensation earned during the contract's term. Requires that any such employment contract or employment contract extension be available for public inspection. Prohibits any employment contract intended to evade the requirements of the act.

Requires that information regarding any settlement agreement between a governmental unit or government-financed entity and an official or employee that settles any employment dispute and that involves the payment of any compensation after the end of such official or employee's term of employment be available for public inspection.

Exempts the following from the provisions of the act: Any employee in civil or classified service; any tenured or tenure track faculty member employed by a state institution of higher education whose primary job assignment is teaching or research; or any employee employed by a unit of local government whose governing body is directly elected by the electors of such local government. Defines "local government" as a county, municipality, city and county, or school district or a special district created pursuant to the "Special District Act".

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

H.B. 93-1235 Public employees' retirement association - feasibility study - transfer of benefits. Requires the PERA board of trustees, in cooperation with the retirement board of the Denver public schools retirement system, to conduct a feasibility study which will result in mechanisms for the transfer of retirement benefits between the 2 systems. Specifies that the results of such study must be included in a report which shall be submitted to the general assembly not later than January 1, 1994.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1245 Colorado emergency planning commission - regulatory authority - SARA title III fund - grants. Increases the membership of the Colorado emergency planning commission to include a representative of the Colorado state patrol. Establishes the powers and duties of the commission, to include promulgating rules and regulations, establishing a uniform system for the reporting and management of information required by the federal "Emergency Planning and Community Right-to-Know Act of 1986" (Title III of the federal "Superfund Amendments and Reauthorization Act of 1986" (SARA)), creating forms for reporting under the act, and coordinating its activities with the activities of the Colorado state patrol relating to the transportation of hazardous materials.

Creates the SARA Title III fund. Provides that moneys appropriated by the general assembly or obtained from the federal government and from public or private grants, gifts, bequests, donations, and other contributions shall be part of the fund. Requires the commission to evaluate applications and make recommendations to the department of local affairs regarding grants of the moneys in the SARA Title III fund to first responder organizations and local emergency planning committees for training and planning programs and training and planning equipment.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1250 Youth educational programs - department of natural resources. Grants power to the executive director of the department of natural resources and the directors of the divisions within the department to develop integrated natural resources and environmental educational programs within the various divisions of the department. Specifies what an integrated natural resources and environmental educational program must include. Directs the department to implement a youth educational program and to establish a natural resources summer work program. States what the goals and emphasis of the youth educational program are, including fostering an interest in the natural resources of the state. Specifies that funding for the educational and work programs shall be from gifts and devises made to the department.

APPROVED by Governor April 15, 1993

EFFECTIVE April 15, 1993

H.B. 93-1307 State capitol building - public buildings trust fund. Authorizes the state capitol building advisory committee to accept gifts, grants, or donations from any public or private source. Provides that such gifts, grants, or donations are to be transmitted to the state treasurer for deposit in the special account within the public buildings trust fund. Continuously appropriates moneys in the special account to the committee for the purposes specified in existing law and, in addition, for such purposes as are necessary or incidental to promoting historic interest in and preservation of the state capitol building.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1324 Public employees' retirement association - benefit provisions - early retirement. Effective July 1, 1993, adds members who retire at the age of 50 with at least 25 years of service credit to those eligible for reduced service retirement benefits, provides the method for calculating those benefits, and makes certain vested inactive members and their surviving spouses eligible for annual indexed benefit increases.

Effective March 1, 1994, makes changes in calculating retirement benefits and survivor benefits. Changes the method and establishes a date for annually recalculating the increase applied to all benefits paid and eliminates a different recalculation for benefits paid from the judicial division. Removes the provision for annual increases for benefits effective prior to May 1, 1969, and the table of cost of living increases. Terminates the cost of living stabilization fund and transfers the assets of such fund to the retirement benefits reserve within each of the division trust funds.

APPROVED by Governor April 23, 1993

PORTIONS EFFECTIVE July 1, 1993
March 1, 1994

H.B. 93-1327 State lottery division and Colorado lottery commission - enterprise status. Designates that the state lottery division and the Colorado lottery commission of the department of revenue as an enterprise for purposes of section 20 of article X of the state constitution so long as they meet the requirements for being an enterprise. Specifies that the division and the commission shall be subject to the public meetings and open records laws regardless of whether they constitute an enterprise. Authorizes the commission to issue revenue bonds in an amount not to exceed \$10 million in the aggregate after approval by the general assembly and the governor. Establishes procedures and requirements for the issuance of such bonds.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1328 Public employees' retirement association - persons ineligible - student employees' retirement plan - creation. Adds certain students employed by a public employer affiliated with a state college or university to those students who are ineligible for membership in the public employees' retirement association. Eliminates the ability of certain student members to continue such membership. Changes which public school students are ineligible for membership in the association.

Authorizes the department of higher education and governing boards of state colleges and universities to establish a student employee retirement plan and requires the participation of all eligible student employees of institutions offering a plan. Specifies, subject to certain exceptions, that no annuity contract or certificate purchased under such a plan shall be assignable or subject to creditors. Makes payments from such a plan subject to the definition of earnings for purposes of writs of garnishment, the definition of wages for purposes of child support enforcement procedures, and the provisions on assignments of payments for payment of support or maintenance

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1337 Public records - department of transportation - exemption for market analysis data and bid analysis and monitoring system records. Creates an exemption from open records disclosure requirements for any market analysis data generated by the department of transportation's bid analysis and monitoring system for the confidential use of the department in awarding contracts for construction or for the purchase of goods or services and any records, documents, and automated systems prepared for such system.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1341 Voter and motor vehicle registration - consolidated data processing system - appropriations. Creates the consolidated data processing system for voter and motor vehicle registration. Authorizes the department of state to acquire computer equipment, design software, and provide training to implement the system. Requires the department of state to facilitate the department of revenue's control over such computer equipment to carry out the purposes of the act. Requires the department of revenue to establish and maintain computer services within the distributive data processing system for the purpose of maintaining a telecommunications network which provides access from the offices of county clerk and recorders to the master list of registered electors. Requires the department of state to reimburse the department of revenue for personnel costs related to operating and maintaining the consolidated data processing system on behalf of the department of state. Provides that such reimbursement shall be made by the state treasurer from moneys in the department of state cash fund. Creates a subcommittee of the authorized agents' advisory committee for the purpose of facilitating the consolidated data processing system.

Requires the department of revenue, the department of state, and the joint budget committee to execute a memorandum of understanding no later than June 30, 1993, concerning the implementation of the consolidated data processing system. Specifies that the memorandum shall provide for the orderly implementation of a county pilot program by August 1, 1994, and full implementation of the consolidated data processing system by November 1, 1995. Provides that the memorandum shall also establish the scope of the county pilot program, the specific services to be provided by the department of

revenue, the method of calculating and verifying the direct and indirect cost of utilizing department of revenue personnel to perform system functions, the method of reimbursement for the performance of such functions, the appointment of members to the subcommittee of the authorized agents' advisory committee and the functions to be carried out by such subcommittee, and such additional information as may be necessary and appropriate to ensure the implementation of the act.

Appropriates \$151,579 from the department of state cash fund to the department of state for the fiscal year beginning July 1, 1993, for the purpose of implementing the act. States that appropriations from the general fund or from the department of state cash fund will be required for subsequent fiscal years, and estimates that the amount required to be appropriated for the fiscal year beginning July 1, 1994, is \$282,010.

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

H.B. 93-1349 Public records - criminal justice records - sexual assault notation. Limits the existing requirement for deletion of a victim's name from a criminal justice record prior to the release of such a record to those records bearing the notation "SEXUAL ASSAULT". Describes when a criminal justice agency or custodian of criminal justice records is required to make such a notation.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

HEALTH

S.B. 93-13 Nursing facilities - violations of federal medicaid regulations - sanctions. Continues until July 1, 1996, the authority of the department of health to impose civil money penalties against nursing facilities which violate federal rules for the medicaid program. Exempts nursing facilities from the imposition of civil penalties if a violation is due to circumstances beyond the reasonable control of the facility. Provides procedures to govern recommendations and assessments by the department. Authorizes the department to implement the minimum requirements to comply with final federal requirements.

VETOED by Governor April 29, 1993

S.B. 93-86 Statewide trauma system - development - report. Requires the division of emergency medical services of the department of health to develop a statewide trauma system within existing state appropriations. Authorizes the division to seek and accept grants for development and operation of the system. Requires the system to promote access to and standards for trauma care, research, and communications consistent with national standards. Requires the division to submit a plan for establishment and implementation of the system to the general assembly on or before November 15, 1993.

APPROVED by Governor April 29, 1993

EFFECTIVE April 29, 1993

S.B. 93-114 Pesticides - authority of commissioner of agriculture - rules governing storage, mixing, and loading facilities - study of local regulations. Itemizes the sizes and types of storage, mixing, and loading facilities subject to control through rules of the commissioner of agriculture. Exempts field mixing and loading of agricultural chemicals and continues the existing requirement for a 3-year phase-in period for new rules. Directs the department of regulatory agencies, as part of its sunset review of the agriculture commissioner's functions under the "Pesticide Applicators' Act" prior to the scheduled repeal of the act on July 1, 1996, to report on the extent of local regulation of pesticides.

APPROVED by Governor June 2, 1993

EFFECTIVE June 2, 1993

S.B. 93-126 Radioactive materials - naturally occurring radioactive material - regulations. Defines "naturally occurring radioactive material" as any nuclide that is radioactive in its natural physical state and is not manufactured, excluding source material, special nuclear material, or by-products of fossil fuel combustion. Directs the state board of health to promulgate regulations regarding naturally occurring radioactive material prior to January 1, 1994.

APPROVED by Governor April 26, 1993

EFFECTIVE April 26, 1993

S.B. 93-137 HIV anonymous counseling and testing program - expansion. Expands the anonymous testing program for HIV infection originally begun as a pilot program in Denver by authorizing the department of health to conduct anonymous counseling and testing programs at selected sites throughout the state. Permits the department to contract with local boards of health to conduct such anonymous testing sites, subject to maintaining performance standards set by the state board of health. Directs the state board of health to adopt rules specifying performance standards for anonymous

testing sites which include standards for notifying and counseling HIV-infected persons and for partner notification. States that a person may voluntarily provide personal identifying information after receiving counseling.

Repeals language pertaining to the original anonymous testing site. Eliminates the scheduled July 1, 1993, repeal of the anonymous testing site program.

APPROVED by Governor April 29, 1993

EFFECTIVE July 1, 1993

S.B. 93-177 Travel reduction program - extension. Extends the date for completion of the travel reduction pilot program until December 31, 1993, and extends the date for submission of the report until June 30, 1994.

Extends the automatic termination date of the travel reduction program advisory board to July 1, 1995, pursuant to the provisions of the sunset law.

APPROVED by Governor April 21, 1993

EFFECTIVE April 21, 1993

S.B. 93-181 Governmental immunity - county health care practitioners - county boards of health - provision of environmental health services - fees. Includes within the definition of "public employee", for purposes of governmental immunity, a health care practitioner who is employed less than full-time by a county and who has an independent or other health care practice. States that such public employee status applies only to the extent that such health care practitioner is engaged in activities at or for the county. Permits county boards of health to provide environmental health services and to assess fees for such services.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

S.B. 93-182 Water quality control - commission - use and disposal of biosolids - rules - fees - permits. Permits the water quality control commission to promulgate control regulations concerning the requirements, prohibitions, standards, and concentration limitations on the use and disposal of biosolids. Precludes such regulation from being more restrictive than the requirements adopted for solid wastes disposal sites and facilities, except as necessary to be consistent with the federal "Water Pollution Control Act".

Requires the commission to establish fees for the use and disposal of biosolids and describes the manner in which such fees are to be established. Prohibits the commission from levying additional or duplicative fees.

Precludes any person from using or disposing of biosolids except as authorized by regulations; however, permits existing authorization for the use or disposal of biosolids to continue until permits are issued. Authorizes the division of administration in the department of health to impose requirements, prohibitions, standards and concentration limitations on the use and disposal of biosolids as conditions to the issuance of permits, provided such prohibitions, standards, and concentration limitations imposed are no more restrictive than the requirements adopted by the commission for the solid wastes disposal sites and facilities.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-197 Solid wastes disposal sites and facilities - repeal date for reviewing fee.

Deletes the repealer for the reviewing fee charged by the department of health for the review of any written recommendation and findings of a private contractor concerning an application for a solid wastes disposal site and facility.

APPROVED by Governor April 21, 1993

EFFECTIVE April 21, 1993

S.B. 93-225 State and local departments - authority to release confidential health information for child abuse and neglect reports. Allows local or state departments of health personnel to release confidential information in connection with a report of child abuse or neglect. Specifies that only the name and address of the child, the person responsible for the child, and the alleged perpetrator; the gender of the child; and the nature of the child's injuries shall be included in the report. Specifies in the statutory section requiring health care personnel to report incidents of child abuse and neglect that only the information allowed in the health statutes need be reported.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1141 Ozone depleting compounds - registration - fees - appropriation. Authorizes the air quality control commission to promulgate rules to charge fees for registering as stationary sources refrigeration systems and appliances that discharge ozone depleting compounds. Directs that such fee not exceed \$25 per unit nor \$200 per facility.

Appropriates \$165,240 and 1.0 contract FTE to the department of health for the implementation of this act.

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

H.B. 93-1156 Hazardous waste incinerators - destruction of obsolete chemical munitions - elimination of exemption. Eliminates the exemption from the requirements of the "State Hazardous Waste Incinerator Siting Act" that is provided for facilities performing destruction of obsolete chemical munitions pursuant to international treaty.

APPROVED by Governor April 3, 1993

EFFECTIVE April 3, 1993

H.B. 93-1185 Mammography exams - qualifications of mammographers - mammography quality assurance advisory committee. Sets forth a legislative declaration concerning breast cancer and its effect on women in the state. Defines "mammographer" as a person operating an x-ray machine in the conduct of a mammography exam. Requires the state board of health to adopt regulations regarding the technical qualifications of mammographers. Requires that at a minimum such regulations provide that mammographers achieve a passing score on an examination for the limited practice of radiography. Requires the regulations to be modeled after the federal "Mammography Quality Standards Act of 1992". Prohibits a person from performing a mammography exam unless such person has been approved by the department of health as meeting the qualifications for mammographers adopted by the state board of health. Requires the state board to adopt rules requiring that all x-ray machines used for mammography exams be operated only by qualified mammographers, that a list of such mammographers be posted, and that such machines be inspected annually.

Requires that the mammography quality assurance advisory committee established by the Colorado women's cancer control initiative in the department of health review the provision of mammography services in Colorado, make recommendations regarding

quality assurances and the qualifications of mammographers, make recommendations concerning implementation of the federal act, and cooperate with the department of regulatory agencies regarding certification or licensure of occupations related to mammography. Authorizes the advisory committee to make recommendations to the general assembly regarding proposed legislation relating to mammography. Provides for the repeal of such advisory committee on July 1, 1998.

APPROVED by Governor May 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1186 Solid wastes disposal sites and facilities - solid waste user fee - extension of repeal date. Extends the repeal date of the statutory provision establishing the solid waste user fee from January 1, 1995, to January 1, 1999.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1227 Vital statistics - birth certificates - establishment of parentage - child as party to paternity action - appropriation. Requires either parent of a child to verify rather than attest to the accuracy of the personal data on the child's birth certificate. Requires institutions where births occur to certify the authenticity of birth registrations. Specifies that for purposes of a birth registration, the mother of a child is deemed to be the woman who gives birth to the child. Eliminates the requirement that a mother's husband be named in the birth certificate as the child's father when the mother and husband execute an affidavit stating that the husband is not the father of the child, or when the mother, the husband, and the putative father execute affidavits attesting that the putative father is the father of the child. Requires institutions to provide unmarried parents with an opportunity to complete an affidavit acknowledging paternity. Requires the department of health to make such affidavits available to the office of child support enforcement upon request. Establishes that these changes are effective on or after September 1, 1993.

Specifies that a child may be made a party to a paternity action.

Appropriates \$1,726 to the department of health for allocation to the division of vital statistics and records for the implementation of this act.

APPROVED by Governor May 28, 1993

EFFECTIVE September 1, 1993

H.B. 93-1309 Air pollution emission notices - fees - fund - appropriation. Specifies that fees collected for filing an air pollutant emission notice or amendment shall be credited to the stationary sources control fund. Deletes contradictory language on the amount of the fee. Requires the air quality control commission to designate those classes of sources of air pollution which are exempt from the requirement of paying an annual fee based on tonnage of air pollution. Increases the fee for nonexempt sources of air pollution from \$8.40 to \$10.98 per ton. Clarifies that moneys in the stationary sources control fund may be appropriated for all air quality programs related to the control of air pollution from stationary sources.

Appropriates \$197,936 and 1.0 FTE to the department of health for allocation to the division of administration for the implementation of the act.

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

H.B. 93-1318 Solid waste - disposal alternatives - waste tire fee - Colorado housing

and financing authority grants - appropriation. Allows local governmental entities to give a preference to bidders for using recycled products for public projects. Requires the Colorado office of business development to provide information concerning tax incentives, state and local procurement policies, and economic development incentives that are available to businesses engaged in waste diversion and recycling activities.

Authorizes state and county purchasing agents to purchase products with recycled content, that have been source-reduced, or that are reusable or have been composted. Provides for exceptions. Authorizes purchasing agents to purchase, when cost-efficient and economically feasible, equipment that reduces paper usage.

Expands the subject matter of the statutory article governing recycled plastics to include statutory provisions concerning waste diversion and recycling strategies and programs in the state. Amends the legislative declaration for such article to reflect the expanded purposes of the article. Expands the existing statute preempting local governments from prohibiting the sale and use of plastic products to include in the preemption other specified recyclable materials and products and to preempt local governments from prohibiting packaging and labeling requirements for recyclable products. Authorizes the executive director of the department of local affairs to establish a pilot program for waste diversion and the recycling of all products, which program is similar to the pilot plastics recycling program.

Creates a new statutory part concerning waste diversion and recycling strategies for motor vehicle waste tires. Imposes a recycling development fee on specified motor vehicle waste tires at the time the owner of the tire delivers or transfers the tire to a retailer of new tires for disposal. Specifies which waste tires are exempt from the fee. Sets forth collection procedures, including the procedure for submitting and making reports to the department of revenue. Creates a waste tire recycling development cash fund. Makes moneys in the fund available to the department of revenue for administrative costs related to the collection of fees and to the Colorado housing and finance authority to finance projects for the development and implementation of waste diversion and recycling strategies and alternatives throughout the state and for a feasibility study on the use of transportation grants to transport waste tires to other end users. Makes additional directives to the authority concerning the use of allocated moneys for waste diversion and recycling projects. Requires the authority to report to the general assembly on the expenditures of allocated moneys, specified activities related to waste diversion and recycling throughout the state, and the feasibility and cost-efficiency of awarding grants for transporting waste tires in the state to other end users. Describes the reporting requirements.

Authorizes a board of county commissioners to purchase recycled paper under an existing price agreement between the state purchasing division and a supplier when the paper is comparable in cost and quality to paper which a county proposes to purchase.

Extends the repeal date for the recycled plastic pilot program to July 1, 1998, and applies the repeal date to the expanded statutory purposes, including local government preemption provisions and the recycled products pilot program.

Repeals the statutory provisions concerning the collection of the recycling development fees and certain duties of the Colorado housing and finance authority, effective July 1, 1998.

Appropriates \$15,967 to the department of revenue and \$1,352,338 to the department of local affairs for allocation to the Colorado housing and finance authority for the implementation of this act.

BECAME LAW without Governor's signature June 12, 1993

EFFECTIVE June 12, 1993

H.B. 93-1347 County hospitals - enterprise status. Authorizes a board of public hospital trustees to designate a county hospital as an enterprise for the purposes of section 20 of article X of the state constitution whereby such county hospital shall not be subject to the provisions of said section so long as the county hospital meets the requirements for being an enterprise. Establishes procedures for such designation and the revocation of such designation.

Authorizes a board of public hospital trustees to issue revenue bonds, subject to review by the board of county commissioners. Specifies the procedures and requirements for the issuance of such revenues bonds.

Clarifies that, for purposes of the open meetings law and the open records law, the board of public hospital trustees shall continue to be a local public body and the records of the county hospital shall continue to constitute public records, regardless of whether such county hospital is designated as an enterprise.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

INSTITUTIONS

H.B. 93-1059 Department of institutions - employment - background investigations for direct and unsupervised contact positions. Authorizes the executive director or division heads of the department of institutions to require individuals, prior to employment in positions which require direct and unsupervised contact with recipients of services, to submit fingerprints for Colorado and federal bureau of investigation searches. Authorizes the executive director or division head to contact previous employers of such individuals. Authorizes local agencies or providers of services to investigate applicants for employment.

Provides that previous employers are immune from civil liability for information provided upon request. Provides that the executive director, division heads, and local agencies or providers who conduct investigations are immune from civil liability for actions taken based on the information received. Removes immunity when the information provided is false and the person providing or relying on the information knows it is false or acts with reckless disregard with respect to the truth of the information.

Authorizes the executive director to promulgate rules to implement the provisions of the act.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

INSURANCE

S.B. 93-11 Regulation - individual prepaid dental plans. Provides that individual prepaid dental plans are subject to regulation by the commissioner of insurance. Current law provides that only group prepaid dental care plans are subject to regulation.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-21 Health care coverage entities - responsibility for activities of private utilization review organizations. Allows an insurance carrier to contract with a private utilization review organization and receive a utilization review opinion from that organization. Requires any insurer which does not pay benefits in reliance upon the opinion of a private utilization review organization to pay benefits which are later determined to be due and owing, as well as past benefits, interest, costs, and attorney fees. Makes any private utilization review organization providing services to a health insurer, nonprofit hospital and health care service corporation, or health maintenance organization the direct representative of such regulated entity. Makes the health insurer, nonprofit hospital and health care service corporation, or health maintenance organization responsible for the activities and functions of private utilization review organizations operating within the scope of any contract and on behalf of any such regulated entity, including specifically actions which result in any violation of rules and regulations of the commissioner of insurance related to the payment of benefits.

APPROVED by Governor April 26, 1993

EFFECTIVE April 26, 1993

S.B. 93-55 Colorado uninsurable health insurance plan - continuation - appropriation. Continues the Colorado uninsurable health insurance plan. Requires the plan to maintain claim reserves based upon accepted actuarial practices. Continues a funding mechanism for the plan involving the use of unclaimed moneys due and payable by insurance companies under the "Unclaimed Property Act" after termination of the special fund for relief of industrial bank depositors.

Appropriates \$2,757,672 to the department of regulatory agencies from the Colorado uninsurable health insurance plan cash fund for allocation to the plan for the implementation of the act.

APPROVED by Governor June 2, 1993

EFFECTIVE June 2, 1993

S.B. 93-72 Fraternal benefit societies - regulation. Recodifies, reorganizes, and updates provisions of law relating to the regulation of fraternal benefit societies. Updates regulatory provisions to conform to definitions provided in the act and to reflect terminology used in the regulation of life insurers by the division of insurance. Clarifies provisions concerning the structure and purpose of fraternal benefit societies, membership of such societies, governance, contractual benefits which may be provided by such societies, financial requirements for such societies, regulation by the division of insurance, and miscellaneous matters related to such regulation.

Requires fraternal benefit societies to have a representative form of government. Specifies that such a representative form of government exists when the supreme governing body is either an assembly composed of delegates elected by members or a board composed of persons elected by members, when the officers of the society are elected, when only members are eligible for election, and when each voting member has one vote.

Sets forth membership requirements for such societies, including qualifications for membership, eligibility standards, the process for admission, and the rights and privileges for each class. States the procedures to be followed when amending the governing documents of any society. Clarifies how consolidations and mergers are to be accomplished.

States that fraternal benefit societies may create, maintain, invest, disburse, and apply any special fund or funds necessary to carry out any purpose permitted by the governing documents with prior written approval of the commissioner.

Provides for minimum standards of valuation for certificates evidencing the benefit contract which are issued on and after July 1, 1994. Specifies the information to be included in reports to be filed with the commissioner of insurance. States that fraternal benefit societies shall renew their certificate of authority annually beginning July 1, 1994. Requires that every society maintain a minimum surplus level to avoid situations which would create undue financial risk to members. States the grounds for liquidation and receivership of a domestic society.

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

S.B. 93-91 Insolvent insurers - annuity contracts - guaranty association coverage - restricted premium tax offset for assessments paid. Requires that the "Life and Health Insurance Protection Association Act" cover annuity contracts issued or assumed by insurers that were insolvent as of July 1, 1991, subject to annuity contracts issued or assumed by insurers that became insolvent after July 1, 1991. States that an insurer may not use the annuity assessments that are levied to cover insurers who became insolvent on or before July 1, 1991, as a premium tax offset to the extent such assessments exceed the tax paid on the insurer's annuity business.

VETOED by Governor June 11, 1993

S.B. 93-113 Health - autism - coverage. Requires sickness and accident insurance, nonprofit hospital, medical-surgical, and health service corporations, and health maintenance organizations which provide coverage for autism to provide such coverage under policy provisions other than the provisions which outline coverage for the treatment of mental illness. States that coverage for autism is not mandated. Specifies that autism is not a mental illness for insurance purposes.

Applies to all policies or hospital service or indemnity contracts issued or renewed pursuant to the sickness and accident insurance provisions, the nonprofit hospital, medical-surgical, and health service corporations provisions, or the health maintenance organizations provisions of the Colorado Revised Statutes, on or after January 1, 1994.

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

S.B. 93-119 Insurance companies - solvency - limitations on the payment of dividends - use of letters of credit by alien insurers. Prohibits an insurer from paying a shareholder dividend unless its surplus as regards policyholders is reasonable in relation to its liabilities and adequate to meet its financial needs. Adds additional factors to those which the division of insurance must use in determining whether an insurer's surplus is reasonable and adequate. States that any distribution with a fair market value in excess of the greater, rather than the lesser, of 10% of the insurer's surplus or the net gain from its operations or its net income shall be an extraordinary

dividend.

Authorizes the division of insurance to promulgate rules defining when an insurer's surplus as regards policyholders is not reasonable and adequate and to restrict the payment of shareholder dividends when the division has determined that an insurer is financially distressed. Requires the division to review the ordinary shareholder dividends paid each year by domestic insurers to aid it in determining whether such dividends are reasonable, and provides factors the division may consider in making such a determination.

Requires that shareholder dividends be declared or paid only from earned surplus unless the division approves the dividend prior to payment.

Provides that insurers, other than life insurers, may no longer carry forward net income from previous calendar years that has already been paid out as dividends when determining whether a dividend is extraordinary.

Requires members of insurance holding companies to report shareholder dividends within 5 days after their declaration and at least 10 business days before their payment. States that if the division determines that the insurer's surplus is not reasonable and adequate it may, before the described 10-day period expires, enter an order prohibiting the payment of the dividend. Provides for a hearing to be scheduled, at the insurer's request, and for the entry of a final order within 30 days after the hearing. Authorizes the division to promulgate rules concerning the reporting of proposed dividends and the conduct of hearings.

Provides that alien insurers may place a letter of credit in trust, in addition to other investments, to meet the requirement that a specified amount be deposited for the benefit of United States policyholders. States that this provision shall be effective upon the governor's signature.

APPROVED by Governor April 26, 1993

EFFECTIVE October 30, 1993

S.B. 93-164 Insurance companies and fraternal benefit societies - investments - liens on real property. Provides that an insurance company's investment in an indebtedness secured by a lien on real property is an admitted asset only to the extent that the indebtedness does not exceed 95% percent of the property's value. Also limits aggregate investments in indebtednesses of this type. Provides that the maximum amount of a loan made to any one obligor which may be an admitted asset shall not exceed 2% of the company's admitted assets. Reduces the maximum percentage of admitted assets which may be used for loans secured by first liens on real property to 50% of the company's admitted assets. Allows an insurance company which exceeds the maximum to reduce the excess over a 5-year period at the rate of at least 20% per year of the excess amount invested until the amount no longer exceeds 50% of the company's admitted assets.

Reduces the maximum percentage of admitted assets of a fraternal benefit society which may be used for loans secured by first liens on real property to 60% of the society's admitted assets. Allows a fraternal benefit society which exceeds this maximum to reduce the excess over a 5-year period at the rate of at least 20% per year until the amount no longer exceeds 60% of the society's admitted assets. Thereafter requires a fraternal benefit society to further reduce its outstanding aggregate investments in first liens on real property to 50% of its admitted assets by 20% per year over a 5-year period, unless an exemption is granted by the commissioner of insurance based on an analysis of the financial condition of the fraternal benefit society.

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

H.B. 93-1041 Health insurance - uniform billing and electronic data exchange - advisory board - creation. Enacts the "Uniform Billing and Electronic Data Exchange Act" for health care coverage. Requires the commissioner of insurance to appoint an advisory board to encourage the development and implementation of a comprehensive, uniform electronic system for billing and paying claims and exchanging related information among health care providers, health care carriers, third-party payers, and employers. Requires the commissioner of insurance to oversee the operation of electronic data interchange projects for purposes of uniform billing and electronic data exchange for health benefit coverages in Colorado and to coordinate such activities with the departments of labor and employment, health, and social services, and with the Colorado health data commission, as appropriate.

Establishes guidelines for the composition of the advisory board. Requires the advisory board to develop an implementation plan by June 30, 1993, for the coordination of a statewide voluntary effort to establish a uniform system for electronic billing, claim processing, and information exchange within the health care and insurance industries. Authorizes the advisory board to facilitate the establishment of pilot electronic data interchange projects in Colorado. Restricts funding for the act to sources exempt from the definition of "fiscal year spending" in the state constitution and authorizes the division of insurance, the department of labor and employment, the department of social services, the department of health, and the Colorado health data commission to accept and expend gifts and federal funds on behalf of the advisory board for purposes of the act.

Requires the advisory board to report annually to the commissioner of insurance, who must comment thereon and forward the report to the general assembly and to the Colorado cost containment and guaranteed access commission. Repeals the "Uniform Billing and Electronic Data Exchange Act" on July 1, 1998.

APPROVED by Governor March 22, 1993

EFFECTIVE March 22, 1993

H.B. 93-1100 "No-fault" motor vehicle insurance - assignability of health benefits. Requires that persons insured under "no-fault" policies be allowed to make written assignments to health care providers of their medical benefits for covered services. Provides that the insured may revoke the assignment with or without the agreement of the health care provider. Requires each provider, upon receipt of such an assignment, to bill the insurer directly. Makes the insurer liable to the provider in the event the insurer fails to honor such an assignment and the insured fails to pay for the services.

Reserves the rights of insurers to determine the scope of benefits or services they will cover, to contract with providers for varying levels of reimbursement, and to negotiate other lawful contract provisions with providers.

APPROVED by Governor May 6, 1993

EFFECTIVE January 1, 1994

H.B. 93-1136 Health care coverage - mandatory provisions - prostate cancer screening. Requires that certain insurance companies and other entities offering health care coverage provide for annual screening, on and after July 1, 1993, for the early detection of prostate cancer in men over 50 years of age and in men over 40 years of age in high-risk categories. Specifies the form and manner of screening, including the requirement that it be conducted by a qualified medical professional and that it include

at least two separate tests: A prostate-specific antigen ("PSA") blood test and a digital rectal examination. Limits the charge for such screening to \$65 or the actual cost, whichever is less.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

H.B. 93-1207 Insurance fraud - reporting of claims under the "Fraudulent Claims and Arson Information Reporting Act" - deceptive trade practices - penalties. Raises the civil penalty for engaging in an unfair method of competition or an unfair or deceptive act or practice when the violator knew or reasonably should have known of the violation. Such penalty is increased from not more than \$5,000 for each violation up to an aggregate maximum of \$50,000 in any 6-month period, to \$10,000 for each violation up to an aggregate maximum of \$150,000 in any 6-month period.

Expands the scope of the "Arson Information Reporting Act" to include the reporting of all types of fraudulent insurance claims. Changes the short title of the law to the "Fraudulent Claims and Arson Information Reporting Act".

Permits insurers to obtain fire loss information and other claim information from law enforcement agencies upon written request, subject to such restrictions as the law enforcement agency deems appropriate. Permits law enforcement agencies receiving notices of potentially fraudulent claims to release any such notice or other information to other law enforcement agencies.

Requires any insurer providing information pursuant to the act to cooperate with law enforcement agencies.

Specifies that in the absence of actual malice, no criminal proceedings or civil penalties or damages shall arise as a result of an insurer's furnishing information or taking action pursuant to the act. States that nothing in the act affects the responsibilities of insurers under the unfair claim settlement practices provisions of the laws related to unfair competition and deceptive practices in the business of insurance.

APPROVED by Governor April 19, 1993

EFFECTIVE July 1, 1993

H.B. 93-1214 Unauthorized insurers - cease and desist orders. Authorizes the commissioner of insurance to issue an emergency cease and desist order ex parte to any person believed to be engaging in the business of insurance in violation of the law, if it appears that the alleged conduct is fraudulent, creates an immediate danger to the public safety, or can reasonably be expected to cause significant, imminent, and irreparable injury to the public. Requires the commissioner to serve upon the subject of the order an order containing the charges and the cease and desist order.

Allows the subject of any cease and desist order to request an immediate hearing before the commissioner to show cause why the order should not be upheld. States that the provisions of the "State Administrative Procedure Act" shall apply to any such hearing. Allows any person adversely affected by the commissioner's decision to appeal the decision to the court of appeals.

Grants the commissioner sole responsibility for determining when an emergency cease and desist order has been violated. Allows the commissioner to hold a hearing to assist in making such determination. Permits the commissioner, upon finding that an order has been violated, to impose a \$25,000 civil penalty for each act of violation, direct that the violator make complete restitution to all state residents, insureds,

and entities operating in this state that were damaged by the violation or failure to comply, or impose the civil penalty and direct restitution. States that any party so ordered may appeal the order by commencing an action within 20 days after the date of the order in the court of appeals. Allows the commissioner to refer the matter to the attorney general for enforcement or to cancel any permit, license, certificate of authority, certificate, registration, or other authorization issued to such person if the person fails to pay a penalty or make complete restitution.

APPROVED by Governor April 12, 1993

EFFECTIVE July 1, 1993

H.B. 93-1241 Exemption from insurance regulation - multiple employer health benefit arrangements. Exempts from regulation by the division of insurance certain multiple employer welfare arrangements and multiple employer health trusts. Makes such arrangements and trusts subject to the statutes on unfair methods of competition and unfair or deceptive acts or practices. States that such entities shall be subject to division regulation if the division finds that their operation is hazardous to the public or to beneficiaries.

Specifies that a multiple employer health trust, to be exempt from regulation, must be maintained by an entity of the state or a political subdivision of the state for the benefit of the entity's employees, or established pursuant to a collective bargaining agreement under which the covered employees are provided health benefits, wages, and other benefits.

Explains that a multiple employer welfare arrangement, to be exempt from regulation, must be sponsored by an association which has been in existence for a period of 10 years, is engaged in substantial activities for its employer members, and has members who share a common business interest. Explains further that such multiple employer welfare arrangements must have been in existence prior to January 1, 1983, meet certain reserve and financial reporting requirements, and provide benefits that are in substantial compliance with state mandated benefit provisions.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

H.B. 93-1270 Licensing - unified procedure - "Colorado Single Insurance Producer Licensing Act". Replaces current statutory provisions concerning licensing of public adjusters, agents, brokers, and representatives with the "Single Insurance Producer Licensing Act" recommended by the National Association of Insurance Commissioners ("NAIC"). Relocates the current provisions which governs continuing education. Renumbers current provisions concerning reinsurance intermediaries and managing general agents.

Directs the commissioner of insurance to issue uniform, perpetual licenses to individuals and agencies (in place of the current specialized, 2-year renewable licenses) authorizing such persons to solicit or sell insurance or to receive commissions on contracts of insurance. Requires licensees to complete prelicensure education and pass an examination for each line of insurance authorized under the license. In place of current renewal procedures, allows continuation of licenses on payment of continuation fees and completion of continuing education requirements. Eliminates current references to agent and broker licensing in favor of uniform "producer" terminology. Allows amendments to the license as the licensee's range of authorized activities increases.

Allows expiration dates and continuation fees to be set by regulation to even out the commission's workload and make practices consistent with those of other agencies

in the department of regulatory agencies. Eliminates agency appointments as a condition precedent to licensing but requires notification to the commission and the payment of fees for making and terminating all appointments. Imposes penalties for failure to furnish notice of termination. Requires surplus line producers to post a \$1500 bond or comparable security.

In regard to prelicensure and continuing education:

- Authorizes the commissioner to approve or disapprove prelicensing education courses and to require future approval of such courses.
- Allows future expansion of education requirements through use of the relatively broad term "health coverage" where appropriate.
- Adds prelicensing requirements for nonresidents and encourages reciprocal agreements with other states to help implement the requirements.

Takes effect January 1, 1995, but allows licenses in effect as of said date to be extended or exchanged or to expire in accordance with rules promulgated by the commissioner of insurance.

APPROVED by Governor June 6, 1993

EFFECTIVE January 1, 1995

LABOR AND INDUSTRY

S.B. 93-57 Class A fuel products - specifications of the American society for testing and materials. Specifies that for purposes of fuel product inspection by the oil inspection section of the division of labor, certain fuel products meeting the requirements for class A products shall comply with the most current specifications of the American society for testing and materials. States that class A products shall not be blended at a retail location with casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline.

APPROVED by Governor April 26, 1993

EFFECTIVE April 26, 1993

S.B. 93-125 Workers' compensation - claim files - electronic access - access by consumer reporting agencies - penalties - appropriation. Categorizes information regarding a claimant's injury which is contained in a workers' compensation claim file as obtainable, under certain conditions, by consumer reporting agencies. Specifies what information regarding the injury is obtainable and excludes information regarding treating physicians, medications, hospital stays, and treatments. Makes information which is obtainable available via electronic transfer subject to the costs of the division being paid by the agency requesting the information. Imposes civil penalties for violations of the act by the consumer reporting agency, or the employer, or both, if the violator has not been assessed a federal penalty for the same violation.

Appropriates \$28,743 to the department of labor and employment for allocation to the division of workers' compensation for implementation of the act.

VETOED by Governor June 11, 1993.

S.B. 93-132 Independent contractors - workers' compensation benefits - exclusion. Amends the definition of "employee" in the "Workers' Compensation Act of Colorado" to exclude independent contractors, thereby excluding them from workers' compensation benefits. Specifies that an independent contractor is any individual who performs services for another if it is shown that such individual is free from control and direction in the performance of the service. Provides that the required level of independence may be shown either by a preponderance of evidence or through a written document signed by both parties. Specifies that a written document may show independence if such document does not: Require the service provider to work exclusively for the person for whom services are provided; establish a quality standard; provide pay at a salary or hourly rate; give the right to terminate work during the contract period; provide for more than minimal training; provide tools or benefits; dictate the time of performance; pay the service provider personally; or combine business operations with the service provider. Provides that such a document shall contain a disclosure in large, boldface, or underlined type that the independent contractor is not entitled to workers' compensation benefits and must pay federal and state income tax on moneys earned pursuant to the contract.

APPROVED by Governor April 12, 1993.

EFFECTIVE April 12, 1993

S.B. 93-155 Underground facilities - excavation - owners and operators - notification association. Creates the statewide notification association of owners and operators of underground facilities to administer the notification program whereby excavators can receive information on the location of underground facilities. Requires all owners and operators of underground facilities in the state to join and cooperate with the

notification association. Divides owners and operators into "tier one" and "tier two" groups with the greater degree of responsibility falling on tier one members. Specifies that tier two members are "limited" members. Names local governments, electric cooperatives, cable television operators, and small local exchange telephone providers as tier two members. Provides that members can change their status from one tier group to the other. Specifies that railroads are not owners or operators for purposes of the requirements of the notification association.

Requires that excavators give advance notice to owners and operators of underground facilities. Mandates that notification be resubmitted if the excavation is not completed within 30 days. Specifies the form and content of notice to be given. Allows excavators to request written information concerning the location of underground facilities from the association. Directs excavators to retain certain information concerning the location of underground facilities for the duration of the excavation. Provides direction to excavators if they discover that the information they have on any facilities in the area of excavation is inaccurate. Requires that certain types of markings be used to identify different types of underground facilities. Specifies how long such markings shall be valid.

Creates civil penalties for the violation of the notification requirements and for damaging underground facilities in violation of the act.

APPROVED by Governor April 26, 1993

EFFECTIVE September 1, 1993

S.B. 93-178 Workers' compensation hearings - administrative law judges - transfer of functions and property - delay. Delays the date of the transfer of the administrative law judges in the division of administrative hearings who hear workers' compensation cases to the division of workers' compensation from 1993 to 1997. Makes adjustments in the 1993 long bill to account for the change.

APPROVED by Governor May 6, 1993

EFFECTIVE May 6, 1993

H.B. 93-1078 Workers' compensation - reinstatement of funding for "Workers' Compensation Cost Containment Act". Reinstates the increment added to the surcharge on workers' compensation insurance premiums paid by insurers to fund the activities of the division of workers' compensation related to the "Workers' Compensation Cost Containment Act". Clarifies that a "certified" cost containment or risk management program is one that has been implemented for at least one year and certified by the workers' compensation cost containment board.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1109 Workers' compensation insurance - Colorado compensation insurance authority - authority to cancel binders for nonpayment of premium. Authorizes the Colorado compensation insurance authority ("CCIA") to cancel, without notice, binders it issues to employers for workers' compensation insurance in cases where the employers fail to pay for coverage as required.

APPROVED by Governor March 22, 1993

EFFECTIVE March 22, 1993

H.B. 93-1114 Motor fuels - units of measurements - gallon equivalents. Defines "gallon diesel equivalent" and "gallon gasoline equivalent" as amounts of motor fuel containing certain specified amounts of energy. Allows the sale of motor fuels by gallon

equivalents in addition to sales based on other units of measurement. Requires that certain information and statements be displayed on any dispenser used to dispense motor fuels by gallon equivalents. Provides required methods to be followed by sellers to calculate the conversion factor used to convert measurements of motor fuel to gallon equivalents. Repeals the act on July 1, 1997.

APPROVED by Governor April 7, 1993

EFFECTIVE July 1, 1993

H.B. 93-1148 Employer-employee relations - confidentiality of information - deductions from wages - separation wages. Allows the director of the division of labor to enter into reciprocal agreements with other governmental entities to further employer-employee relations. Orders the director to institute policies to maintain confidentiality regarding information collected on employers, employees, and certain other persons. Mandates exceptions to such confidentiality policies for matters concerning the resolution of a dispute brought pursuant to laws regulating employer-employee relationships or for a cooperative effort with other subdivisions of government.

Redefines deductions which may be made from an employee's paycheck. Authorizes those deductions made under local, state, or federal law; deductions made pursuant to a written agreement between the employer and the employee; deductions made to cover the costs of theft by the employee; and deductions made pursuant to an employee's revocable authorization. Specifies that deductions made to cover theft by an employee are subject to the adjudication of the claim of such theft and that any wages wrongfully withheld because of a claim of theft may subject the employer to penalties. Provides that attorney fees and costs may be available to the prevailing party in an action concerning wages withheld due to theft.

Modifies where and when an employer shall make a former employee's final check available to such employee.

APPROVED by Governor May 6, 1993

EFFECTIVE May 6, 1993

H.B. 93-1165 Petroleum storage tanks - underground storage tank fund - eligibility for reimbursement - underground storage tank advisory committee - responsibilities - reduction of claims. Separates statutory provisions pertaining to underground and aboveground storage tanks. Eliminates the requirement that any rules promulgated by the state inspector of oils with respect to underground storage tanks be in substantial conformity with generally accepted standards of safety.

Amends the provisions that describe when moneys in the underground storage tank fund shall be available to pay required cleanup costs and third-party liability payments. States that when eligible persons request the department of health to perform the cleanup, the department may acquire moneys from the fund without the requesting party's meeting further eligibility requirements.

Enumerates the persons who are eligible to receive moneys from the fund without payment of a deductible when they have been deemed to bear no responsibility as follows: Property owners who have never operated tanks on the property where the release occurred, had no reason to know about the release, and acquired the property on or before June 3, 1992; an owner or operator of tanks who, at the time of acquisition, had no reason to know about the release and the release was detected on or before December 22, 1998; when an orphan or abandoned tank is involved, the owner, operator, or property owner who never operated the tank and had no reason to know that a release had occurred; a mortgagee or holder of an evidence of debt that is secured by a deed of trust who, through foreclosure, acquired property on which an abandoned tank is located

and such deed of trust was dated on or before January 1, 1993; and any mortgagee or holder of an evidence of debt that is secured by a deed of trust dated after January 1, 1993, who, through foreclosure, acquired property on which a storage tank is located and obtained a statement of eligibility from the state inspector of oils.

Eliminates the requirement that rules promulgated by the state inspector of oils with respect to aboveground storage tanks installed before July 1, 1993, be no more stringent than those contained in the national fire code, and requires instead that such rules shall be no more stringent than the regulations in place on the date of installation, except as mandated by federal spill prevention, control, and countermeasures regulations issued by the federal environmental protection agency.

Authorizes the underground storage tank advisory committee to regulate aboveground storage tanks and to approve but reduce claims for noncompliance, in the stated amounts. Authorizes but does not require the committee to approve claims involving tanks not operated in substantial compliance. Describes the regulations which the advisory committee must issue with respect to reductions for noncompliance. Requires that the committee at its first meeting each year set aside an amount equal to 20% of the total annual allocation to the capital construction budget of the department of health for reimbursements from the fund to eligible individuals.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1238 Workers' compensation - permanent partial disability benefits - medical impairment benefits - determined by accredited physicians. Clarifies that an authorized treating physician who determines an impairment rating for purposes of calculating workers' compensation benefits for permanent partial disability shall be accredited by the division of workers' compensation at level II accreditation.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

H.B. 93-1247 Workers' compensation - officers' "opt-out" provision - application to limited liability companies. Allows members of limited liability companies to reject workers' compensation coverage in the same manner currently allowed for corporate officers. Defines "member" of a limited liability company as the holder of at least 10% of the membership interest of the company.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1262 Workers' compensation - sole proprietors or general partners. Provides that any working general partner or sole proprietor of a business who is actively engaged in the business may elect to be included in workers' compensation insurance coverage by endorsement as an employee of the insured, even if the insured does not employ any other person under a contract of hire.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1264 Workers' compensation - data from self-insured employers to update 1993 Colorado closed claim study - appropriation. Sets out specific requirements for the collection and reporting of data by the executive director of the department of labor and employment on closed workers' compensation claims against self-insured employers for purposes of inclusion in the annual study and report to the general assembly by the commissioner of insurance. Repeals provisions of the act on July 1, 1996.

Appropriates \$6,300 from the workers' compensation cash fund for the 1993-94 fiscal year for implementation of the act.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1279 Workers' compensation - violations - enforcement provisions. Establishes procedures which the director of the division of workers' compensation may use to facilitate action against employers who do not maintain the required workers' compensation insurance. Requires the director to notify the employer of the right to request a prehearing conference on the issue of default. Provides that the director may thereafter conduct a hearing to determine whether an employer has violated the workers' compensation insurance provisions, and if after the hearing the director believes a violation has occurred, the director may then issue an order directing the employer to cease and desist from continuing its business operations pending compliance with the insurance requirements. Requires that any order issued by the director include specific findings of fact based upon evidence that the employer received notice of the hearing, employs persons for whom it must carry workers' compensation insurance, does not have a complying policy in effect, and continues to operate its business in the absence of such coverage.

States that the director may request the attorney general to bring an action for injunctive relief in the district court of any county in the state where the employer does business. Provides that a certified copy of any cease and desist order issued by the director shall constitute prima facie evidence of the facts in the record. Requires that any temporary restraining order remain in effect until the defaulting employer has procured the required insurance or has posted adequate security. Provides that a court, in its discretion, shall determine what constitutes adequate security.

States that the issuance of a cease and desist order or an order for injunctive relief shall be in addition to any increase in benefits required by the workers' compensation laws.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1305 Employment - "Colorado Employment Security Act" - employee leasing companies - treatment. Amends the definition of "employing unit" for purposes of the unemployment compensation provisions to provide that an employee leasing company that has the right to set workers' pay rates, pay workers from its own account, and hire and terminate workers shall be considered the employing unit of such workers. Defines "employee leasing company" as any employing unit which, for a fee, places a client company's workers onto its payroll and assigns them to the client company for at least 6 consecutive months.

Requires each employee leasing company to keep and have open for inspection by the department of labor and employment a list of its client companies and their workers, and to maintain all reports required by the "Colorado Employment Security Act".

Requires the division of employment and training to revoke the status of any employee leasing company as an employing unit if it fails to file the required reports or taxes. States that the revocation provisions apply if any part of the employing unit's business can be characterized as an employee leasing company, but not if the employee leasing company acts as an agent for a client company and files the required reports and taxes under an account established for the client company. Exempts certain temporary help contracting firms.

States that an employee leasing company shall not be required to report wages for any client company which is not otherwise subject to the unemployment compensation laws. Provides that such employee leasing and business management companies shall not report remuneration paid for services performed by certain clients or any other services that do not constitute employment.

States that there shall not be an experience rate transfer when a company's account is made inactive because it has entered into an agreement with an employee leasing company, or because such an agreement is terminated.

APPROVED by Governor May 6, 1993

EFFECTIVE May 6, 1993

H.B. 93-1351 Workers' compensation - lessor contractor-out deemed employer - liability - who excluded. Specifies that the exception to the employee/employer relationship in the "Workers' Compensation Act of Colorado" for independent contractor operators of commercial vehicles shall not be construed to prohibit such persons from being excluded from the definition of "employee" in such act.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1354 Workers' compensation insurance - deductible policies - study of workplace safety, risk management, and cost containment programs. Directs the commissioner of insurance to undertake a full study of the workplace safety, risk management, and cost containment programs offered by insurers for the purpose of reducing both the overall costs of on-site job injuries and workers' compensation insurance premiums. States that the study shall include programs offered by the Colorado Compensation Insurance Authority as well as a review and analysis of the incentives insurers use to obtain policyholder participation. Requires the commissioner to consult with the department of labor and employment in conducting the study and sets forth a number of factors to be examined.

Calls upon the commissioner to report all findings, recommendations, and any proposed legislation to the general assembly by January 1, 1994. Requires insurers to make available to the commissioner all necessary information and records that relate to their workplace safety programs and bear the reasonable costs of the study as determined by the commissioner.

Requires insurers to issue policies with a deductible provision when requested by the insured employer, subject to regulations of the commissioner establishing criteria that will allow an insurer to deny a deductible policy to an employer if the employer does not have the financial ability to pay for the selected plan.

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

H.B. 93-1356 Workers' compensation - benefits - subsequent injury fund - major medical insurance fund - consolidation, closure - adjustment to appropriation. Combines the surcharge rates assessed for the subsequent injury fund and major medical insurance fund into a single rate to be assessed on insurers and self-insureds, and states that the surcharge shall fund the liabilities of the major medical insurance fund in addition to those of the subsequent injury fund. Requires the moneys received to be apportioned between the subsequent injury fund and the major medical insurance fund, based on estimates of the actuarial present value of future payments to be made from such funds. Mandates that the director of the division of workers' compensation employ private actuaries to estimate the present value of all claims and the proper allocation of

revenue between the funds, with the results of such estimates reported annually to the general assembly. Requires the surcharge rate be reduced to zero when balances in the major medical and subsequent injury funds exceed the present value of claims on the funds.

Closes the subsequent injury fund to new cases of injury and, effective April 1, 1994, of occupational diseases. Effective April 1, 1994, removes the current \$10,000 cap on liability of the last employer of an employee disabled by certain long-term occupational diseases such as silicosis. For purposes of premium calculation, apportions liability between the last employer and previous employers of an employee disabled by successive injuries or occurrences of occupational disease. Allows the last employer to challenge such apportionment only through an independent medical examination procedure.

Directs the executive director of the department of labor and employment to prepare a detailed plan for the transfer to a private insurer of the subsequent injury fund's portfolio of claims. Provides for settlement of claims by settlement specialists under contract to the division.

Requires that the subsequent injury fund solvency surcharge continue to be paid in addition to the combined workers' compensation insurance surcharge established in the act until the solvency surcharge is no longer required. Repeals separate provisions for the imposition and collection of current assessments for the subsequent injury fund and the major medical insurance fund.

Makes an adjustment to the 1993 general appropriations act to increase the total appropriation made to the department of labor and employment from the subsequent injury fund for allocation to the division of workers' compensation by the sum of \$71,000 for implementation of the act.

BECAME LAW without Governor's signature June 12, 1993

EFFECTIVE July 1, 1993

MILITARY AND VETERANS

H.B. 93-1005 Military forces called into active service by the governor - payroll and expense audit by state auditor. Eliminates the duty of the state auditor to audit and certify payrolls and expense bills which are to be paid out of the general fund when any of the military forces are called into active service by the governor and funds are insufficient. Retains the duty of the adjutant general to perform such audit and certification.

APPROVED by Governor March 18, 1993

EFFECTIVE March 18, 1993

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 93-9 Accidents on divided highways involving vehicle damage only - removal of vehicle from highway. Makes an exception to the duty requiring a driver involved in a noninjury accident to remain at the scene of the accident until fulfilling the statutory requirements to give notice, information, and aid, by requiring a driver involved in an accident on a divided highway resulting only in damage to a vehicle to move the vehicle to a suitable location before fulfilling the statutory requirements to give notice, information, and aid.

APPROVED by Governor April 26, 1993

EFFECTIVE July 1, 1993

NOTE: The provision containing the Colorado board of veterans affairs was further amended in HB 93-1314 to establish a termination and review date of July 1, 1998.

S.B. 93-109 Habitual traffic offenders - reckless driving - violations of municipal ordinances. Adds offenses for driving a motor vehicle in a reckless manner to those offenses that, for purposes of the habitual traffic offender statute, include convictions under certain laws and ordinances that conform to state motor vehicle statutes. Changes the provision stating that violations of certain "town or city ordinances" shall be taken into account for purposes of the habitual traffic offender statute, by providing instead that violations of certain "ordinances of a municipality" shall be taken into account.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-148 License plates - special plates for purple heart recipients - design - issuance or replacement fee. Eliminates the requirement that special license plates on motor vehicles owned by purple heart recipients have a blue background with white lettering. Clarifies that the one-time fee of \$10 for such license plates represents an issuance or replacement fee.

APPROVED by Governor April 21, 1993

EFFECTIVE January 1, 1994

H.B. 93-1006 Express consent law - driver's license revocation hearing - scheduling. Allows an express consent hearing to be scheduled beyond the 60-day limit when the hearing officer is unavailable because of medical reasons, a law enforcement emergency, another court or administrative hearing, or any other legitimate just cause. Provides that the 60 days begins running when the request for a hearing is received by the department of revenue, rather than on the day of "filing". Makes the address the respondent stated on the hearing request form the last known address of the respondent for purposes of notice for an express consent hearing. Relocates existing provisions within the express consent statute.

APPROVED by Governor March 18, 1993

EFFECTIVE March 18, 1993

H.B. 93-1007 Recodification of traffic laws - highway legislation review committee - extension of deadline for final report. Extends the deadline for the highway legislation review committee's final report on its recommendations for legislation concerning the traffic law from January 1, 1993, to January 1, 1994. Changes the repeal date for the provisions concerning the highway legislation review committee's study of revisions to the traffic law from July 1, 1993, to July 1, 1994.

APPROVED by Governor March 22, 1993

EFFECTIVE March 22, 1993

H.B. 93-1012 Reclassification of certain traffic offenses to traffic infractions. Reclassifies a misdemeanor traffic offense involving a hazardous materials transportation permit to a class B traffic infraction and a violation of the provisions on the use of noncommercial or recreational vehicles for cargo or passenger transport from a class 1 misdemeanor to a class B traffic infraction. Changes class 2 misdemeanor traffic offenses concerning vehicle registration, width, loads, height and length, trailers and towed vehicles, highway use restrictions, and interference with official devices to class B traffic infractions. Makes other class 2 misdemeanor traffic offenses class A traffic infractions that involve emergency vehicles, railroad crossings, yielding to handicapped persons, following too closely, runaway vehicle ramps, air pollution control systems, and liability for highway damage. Reclassifies certain violations involving the use of lights or signals by volunteer firemen and volunteer ambulance attendants from a class 3 misdemeanor to a class B traffic infraction. Changes the class 2 petty offense involving handicapped parking privileges to a class B traffic infraction.

APPROVED by Governor April 7, 1993

EFFECTIVE July 1, 1993

H.B. 93-1018 Port of entry weigh stations - powers and duties of personnel - display of flag. Adds the same authority for peace officers as already exists for police officers to require the driver of a vehicle to stop and submit to a weighing of the vehicle when the officer has reason to believe that the vehicle and load exceed lawful weight limits. Authorizes port of entry personnel to enforce the statutes concerning drivers' licenses. Permits the flag of any adjacent state to be displayed with the Colorado state flag at the ports of entry weigh stations, in recognition of any joint state port operation.

APPROVED by Governor March 18, 1993

EFFECTIVE July 1, 1993

H.B. 93-1026 Motor vehicle records - certification by department of revenue. Clarifies the procedures to be used by the motor vehicle division in certifying the authenticity of motor vehicle records. Provides that such records may be certified by the executive director of the department of revenue or the executive director's "appointee", rather than the executive director or the executive director's "deputy". Requires that such certified records be accompanied by a cover page that provides specified information. Provides that a certified record need not include the entire document if the portion certified includes all material relevant to the trial or hearing for which it is prepared.

APPROVED by Governor March 18, 1993

EFFECTIVE July 1, 1993

H.B. 93-1219 Mailing requirements and methods of service for notices and orders - driving under restraint. Requires that all documents mailed pursuant to the motor vehicle laws be mailed by first-class mail. Provides that any notice or order of the department of revenue under the motor vehicle laws shall be presumed to have been received if the department maintains a copy of the notice or order and a certification of mailing.

Allows any order or notice required to be served under the motor vehicle laws to be served in any manner reasonably designed to notify the person to be served of the material provisions of such notice or order. States that a person has been served when

such person has knowledge of the material provisions of a notice or order regardless of the manner in which such knowledge was acquired. Limits the definition of "material provisions" to notices or orders relating to driving restraints. Requires the department to develop proof of service forms. Specifies the information to be included on the form. Allows service of notice or order to be made personally by any employee of the department, any peace officer, any municipal, county, or state prosecutor, or any municipal, county or district court judge, magistrate, or judicial officer.

Changes offenses involving driving under license suspension or revocation to require that the person charged must have been driving with knowledge that his or her license or privilege to drive was suspended or revoked.

Adjusts the appropriations made in the 1993 general appropriation act to the department of revenue as follows: Reduces the amount appropriated from the highway users tax fund to the department by \$248,509 and 2.9 FTE.

APPROVED by Governor May 28, 1993

EFFECTIVE July 1, 1993

H.B. 93-1301 Salvage vehicles - designation - disclosure requirements on sale or transfer. Establishes a method for determining whether a damaged vehicle should be designated as a "salvage vehicle". Redefines "salvage vehicle" to include any vehicle which is damaged to the extent that the cost of repairing the vehicle for legal operation on the highways exceeds the retail fair market value immediately prior to damage. Excludes hail-damaged vehicles from the definition of "salvage vehicle". In determining whether a vehicle is a salvage vehicle, specifies that the retail fair market value shall be determined by reference to sources generally accepted within the insurance industry including, price guide books, dealer quotations, computerized valuation services, newspaper advertisements, and certified appraisals, taking into account the condition of the vehicle prior to damage. Provides that only those vehicles with a manufacturer's model year of eight years or less at the time of damage shall be eligible for salvage vehicle designation.

Requires the owner of a vehicle rebuilt from salvage to prepare a disclosure affidavit prior to selling or transferring ownership of such vehicle stating that the vehicle was rebuilt from salvage and also stating the nature of the damage which resulted in the salvage vehicle designation. Requires the words "rebuilt from salvage" to appear in bold print at the top of each such affidavit. Requires any person who sells a vehicle rebuilt from salvage to provide a disclosure affidavit to each prospective purchaser and to obtain a signed statement that each such purchaser has received, read, and understands such affidavit. Provides that any person who purchases a vehicle rebuilt from salvage who was not provided with a disclosure affidavit and who, subsequent to sale, discovers that the vehicle was rebuilt from salvage shall be entitled to a full and immediate refund of the purchase price from the owner. Relieves the owner of the obligation to make such refund if such owner produces the purchaser's signed statement evidencing that a disclosure affidavit was provided. Provides that any owner, seller, or transferrer of a vehicle rebuilt from salvage who fails to comply with the mandatory disclosure requirements of the act shall be guilty of a misdemeanor and, if convicted, shall be punished by a fine for a first offense not to exceed \$1,500 and a fine of \$5,000 for each subsequent offense.

Requires the executive director of the department of revenue to prescribe rules and regulations for the purpose of implementing the provisions of the act.

APPROVED by Governor June 9, 1993

Effective July 1, 1993

H.B. 93-1340 Motor vehicle emissions control - enhanced emissions program - basic emissions program - fees - stationary sources of air pollution - sunrise provision. Revises the Colorado AIR program to comply with the requirements of the federal "Clean Air Act Amendments of 1990" and federal regulations thereunder by creating the "enhanced emissions program" and the "basic emissions program". Declares that although the General Assembly has enacted legislation to comply with federal mandates, it does not foreclose the state from bringing legal action to challenge such mandates.

Continues the current AIR program provisions until January 1, 1995, for all or part of the counties of Adams, Arapahoe, Douglas, and Jefferson and the city and county of Denver. Continues the current AIR program provisions for Boulder county until July 1, 1995. Replaces the current AIR program with the enhanced emissions program after the current AIR program is discontinued in those counties. Continues the current AIR program provisions for areas of El Paso, Larimer, and Weld counties until January 1, 1994, at which time the basic emissions program goes into effect.

Effective January 1, 1994, creates the **Basic Emissions Program** with the following provisions:

Specifies that the basic emissions program will be a continuation of the current auto emissions inspection program using inspection and readjustment stations. Requires a biennial inspection on vehicles that are 1982 and newer after reaching 4 years of age, unless transferred sooner. Requires an annual inspection on vehicles that are 1981 and older. Allows a fee of up to \$15 to be charged for an inspection of a vehicle operated in the basic emissions program area. Requires repairs of at least \$75 for vehicles 1981 and older and \$250 for vehicles 1982 and newer before a compliance waiver may be issued.

Effective January 1, 1995, creates the **Enhanced Emissions Program** with the following provisions:

Specifies that the enhanced emissions program will involve the use of a contractor and independent services providers to operate inspection-only centers in the enhanced emissions program area. Allows a fee of up to \$25 for 1982 and newer and \$15 for 1981 and older vehicles to be charged for an inspection of any such vehicle operated in the enhanced emissions program area. Specifies that the enhanced inspections shall be required biennially on 1982 and newer vehicles after such vehicles are at least 4 years old, unless transferred sooner. Specifies that 1981 and older vehicles operated in the enhanced emissions program area shall be inspected annually by stations pursuant to the current AIR program requirements. Requires that any necessary repairs to 1982 and newer vehicles in the enhanced program area be made by repair facilities which are required to be separate from enhanced inspection centers and independent services providers. Requires repairs of at least \$75 for vehicles 1967 and older and \$450 for vehicles 1968 and newer before a compliance waiver may be issued. Mandates that an inspection station provide a free retest of any vehicle that it tested and which did not initially pass. Permits the owners of fleets of more than 19 vehicles to have such fleets inspected by a fleet inspection station. Specifies that if a vehicle is tested at a fleet inspection station and does not pass it cannot be subject to compliance waiver and either must be repaired or not used. Permits new motor vehicle dealers to have vehicles inspected by a licensed motor vehicle dealer test facility operating through a local professional association of which such dealers are members.

Provides for the licensing of emissions inspectors for inspection-only facilities, fleet inspection stations, and motor vehicle dealer test facilities, and the authorization for such inspectors for enhanced inspection centers for the enhanced emissions program. Provides for a voluntary registration program for repair facilities and technicians.

Requires a review of the licensing requirements for the enhanced emissions program by the joint sunrise and sunset review committee of the general assembly prior to January 1, 1995.

Clarifies the enforcement and rule-making authority of the departments of health and revenue and the air quality control commission related to the AIR program.

Prohibits the performance of emissions repairs under the "Motor Vehicle Repair Act of 1977" to bring motor vehicles into compliance with the provisions of the AIR program when any such repairs are not indicated by the identified emissions failure.

Clarifies that existing stationary sources of air pollution located in attainment areas do not have to demonstrate compliance with ambient air quality standards prior to issuance of a renewable operating permit under the "Colorado Air Pollution Prevention and Control Act".

APPROVED by Governor June 8, 1993

EFFECTIVE July 1, 1993

NATURAL RESOURCES

S.B. 93-43 Division of wildlife - continuation of wildlife management programs - migratory waterfowl stamps and rocky mountain bighorn sheep and goat licenses -proceeds to education projects. Repeals the automatic repeal provisions of the migratory waterfowl stamp program and the program of auctioning or raffling Rocky Mountain bighorn sheep and goat licenses. Allows the division to use proceeds from such auctions or raffles for education projects in addition to the currently authorized uses, which comprise research and habitat development.

APPROVED by Governor April 26, 1993

EFFECTIVE April 26, 1993

S.B. 93-60 Sailboards - regulation - adjustment to appropriation. Defines "sailboard" for purposes of the provisions that regulate vessels. Exempts sailboards from the provisions that require the numbering of vessels and the payment of a vessel registration fee. Requires instead that sailboards be marked with the owner's name and address in a clearly visible and durable manner. Provides that any operator who violates this requirement is guilty of a petty offense that is punishable by a fine of \$15.

Exempts sailboard operators who wear a wet suit from the requirement to carry a personal flotation device.

Makes an adjustment to the 1993 general appropriations act to decrease the total appropriations made to the department of natural resources from the parks and outdoor recreation cash fund for allocation to the division of parks and outdoor recreation by the sum of \$4,206.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-227 Great outdoors Colorado program - state board of the great outdoors Colorado trust fund - memorandum of understanding - debt service repayment account - distribution of net lottery proceeds - capital construction projects -debt repayment schedule - state agencies - use of general fund moneys - cash funds subject to appropriation - report. Establishes policies and procedures to implement article XXVII of the state constitution, known as the "Great Outdoors Colorado Program", as follows:

Requires the executive director of the department of natural resources to secure a memorandum of understanding among the joint budget committee, the department of natural resources, and the state board of the great outdoors Colorado trust fund for the purpose of establishing policies and procedures to facilitate cooperation and coordination of efforts concerning investment in and development, operation, and management of the state's parks and wildlife systems.

Provides that public members of the state board of the great outdoors Colorado trust fund shall be appointed by the governor, subject to the consent of the senate. Specifies the procedure for removal of trust fund board members.

Creates a special account within the capital construction fund to be known as the "debt service repayment account". Specifies that net lottery proceeds distributed for the payment of debt on capital construction projects for the 5-year period beginning with the fourth quarter of the 1992-93 fiscal year are to be deposited in such account. Provides that all moneys unexpended or unencumbered in any fiscal year shall remain in

the account. Specifies that all interest earned from the investment of moneys in the account shall revert to the general fund.

Establishes the distribution schedule for net lottery proceeds from the fourth quarter of fiscal year 1992-93 through the fourth quarter of fiscal year 1997-98. Requires the state treasurer to make monthly distributions from such proceeds to the conservation trust fund, the division of parks and outdoor recreation, and to the debt service repayment account. Establishes the debt service repayment schedule for capital construction projects to be paid from such proceeds. Provides that such payments are subject to bank charges, arbitrage calculation, insurance premiums, and other charges.

Specifies that the final payment to the city and county of Denver for the Colorado convention center shall be paid from such proceeds by September 1, 1993; however, in the event the state board of the great outdoors Colorado trust fund authorizes an earlier payment, requires such payment to be made on the date specified. In the event net lottery proceeds are insufficient to defray payments under the debt service repayment schedule, directs the state treasurer to loan moneys to the debt service repayment account from moneys in the general fund not immediately required to be disbursed. In the event such loan is made, requires that succeeding distributions of net lottery proceeds be made to the conservation trust fund, the division of parks and outdoor recreation, and then to the debt service repayment account for the purpose of defraying payments under the debt repayment schedule. Thereafter, requires that distributions be made to the debt service repayment account to repay the general fund for principal and interest due on any such loan. Requires that any remaining net lottery proceeds be deposited no less frequently than quarterly in trust for the state board of the great outdoors Colorado trust fund. Provides that such deposits may be deferred only if payments on certificates of participation are due on or before the date of distribution or if any loan made to the debt service repayment account to cover a lottery shortfall is outstanding on the date of distribution.

Establishes the quarterly distribution schedule for net lottery proceeds beginning with the first quarter of fiscal year 1998-99. Specifies that 40% of such proceeds shall be distributed by the state treasurer to the conservation trust fund and 10% to the division of parks and outdoor recreation. Provides that all remaining net lottery proceeds shall be distributed in trust to the state board of the great outdoors Colorado trust fund; except that, in any fiscal year that the portion of net lottery proceeds which would otherwise be given in trust to the state board of the great outdoors Colorado trust fund exceeds the adjusted amount of \$35,000,000, directs that the proceeds in excess of the adjusted amount be allocated to the general fund. Establishes a method for applying the consumer price index for the Denver metropolitan area or its successor index to the base amount of \$35,000,000 to determine the adjusted base amount. Provides that such adjustment shall be made annually beginning with the first quarter of fiscal year 1998-99.

Unless otherwise approved by the general assembly, prohibits state agencies from using general fund moneys to finance necessary or incidental management costs which result from a distribution of great outdoors Colorado trust fund moneys. Provides that moneys derived from user fees and other revenue sources which are generated from programs and completed facilities funded by the state board of the great outdoors Colorado trust fund shall be credited to the parks and outdoor recreation cash fund and shall be subject to annual appropriation. By September 1 of each year beginning in 1993, requires each state agency which has received or is scheduled to receive moneys from such trust fund to provide a detailed accounting to the joint budget committee concerning how such moneys have been or will be expended.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

S.B. 93-247 Mined land reclamation - designated mining operations - environmental protection plans - mining operation permit review - financial warranties - emergency response cash fund. Creates a new category of mining operations called "designated mining operations" to address only mining operations which use or create toxic or acidic materials as a part of the operation. Requires an environmental protection plan for any designated mining operation. Sets forth the requirements for an environmental protection plan including considerations of the effect on wildlife. Grants the board of mined land reclamation the power to regulate designated mining operations. Specifies that a designated mining operation may be subject to an inspection and certification of certain facilities by the board or office of mined land reclamation prior to beginning operation. Sets permit fees for designated mining operations.

Empowers the board of mined land reclamation to determine that circumstances require that certain new rules or statutory provisions shall apply to existing permits. Places parameters on how such new rules or statutory provisions shall apply to existing permits. Changes the requirements for mining operations which affect less than 2 acres to be the same as those requirements for mining operations which affect less than 10 acres. Specifies that if a special permit for a mining operation is not processed within 10 days, it shall be automatically approved.

Sets forth new requirements for financial warranties used to reclaim properties which are not reclaimed by the mining operator. Specifies that the board may accept interests in real or personal property as part of the value of a financial warranty, including deeds of trust and mining operation fixtures. Effective July 1, 1993, sets forth the grounds on which the board may refuse to accept a form of collateral for a new financial warranty. Effective January 1, 1996, makes those grounds applicable to existing financial warranties. Requires a financial warranty to be of a sufficient amount to finance the complete reclamation of a mining operation by the office of mined land reclamation if the operator does not reclaim the property. Requires the office and board to take reasonable measures to assure the continued adequacy of a financial warranty. Sets forth requirements for the release of a financial warranty upon completion of reclamation by a mining operator.

Requires mining operators to report conditions which may constitute emergencies so that the board of mined land reclamation can evaluate such conditions. Grants power to the board to respond to emergencies. Specifies what conditions constitute emergencies. Creates the emergency response cash fund to be funded by grants and donations. Grants power to the executive director of the division of natural resources to utilize the fund for emergencies. Authorizes the executive director to bring an action in the district court against the operator who caused the emergency or necessitated the response. Allows the board to assess the costs of an emergency response against the operator causing the emergency.

APPROVED by Governor June 3, 1993

EFFECTIVE July 1, 1993

H.B. 93-1077 Damage caused by wildlife - claims procedure - arbitration - court actions. Establishes special procedures governing claims for damage to forage on private land from elk and other wild ruminants. Requires notice to the division of wildlife before head counts of wild animals are made. Sets timetables for filing and settlement of claims and allows claimants the option of binding arbitration or an action for damages in court. Entitles either party to attorney fees if claims are made or contested without substantial legal or factual basis. In cases of claims for damages to fences, requires such fences to conform to existing statutory standards.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1082 Fishing licenses - fees for low-income seniors. Authorizes the division of wildlife to issue a lifetime fishing license to any low-income Colorado resident senior for a fee of \$2.00. Defines "low-income senior" as an individual 64 years of age or older who provides proof of such fact and proof that such person's federal taxable income is at or below the official poverty line.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1091 Property acquisition - division of wildlife. Authorizes an acquisition by the division of wildlife of approximately 1,118 acres in Sedgwick county, Colorado.

Appropriates \$358,000 to the department of natural resources for allocation to the division of wildlife from the wildlife cash fund for the acquisition.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1206 Special mining permits - aggregate materials - 30 acres or less - government contracts. Increases the size of parcels of land which are subject to special 10-day permit processing requirements for highway construction materials under the "Colorado Mined Land Reclamation Act". Such parcels were formerly a maximum of 10 acres; this act specifies that such parcels may be up to 30 acres.

Makes an adjustment to the 1993 general appropriations act to decrease the total appropriations made to the department of natural resources from the mined land reclamation cash fund for allocation to the division of minerals and geology by the sum of \$6,250.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1266 Parks passes - transferable passes for disabled seniors. Allows persons with physical or mental disabilities who are at least 62 years old and who do not have a motor vehicle registered in their own name and cannot obtain a driver's license to get a transferrable aspen leaf parks pass, if they are otherwise qualified. Specifies the circumstances when such parks passes will be valid.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

H.B. 93-1346 Implementation of the Lower Arkansas River Commission recommendations - Great Plains Reservoirs. Appropriates \$5,000,000 from the wildlife cash fund to the department of natural resources, for allocation to the division of wildlife, for fiscal years beginning July 1, 1993, and ending June 30, 1998, for the purpose of implementing the recommendations of the lower Arkansas river commission to enhance fish and wildlife values at the great plains reservoirs in Kiowa county.

Conditions the appropriation on the prior approval of the wildlife commission and commitments by other entities of additional funds that are sufficient to fully implement the recommendations. Requires that the additional funds be from sources other than the wildlife cash fund, the "Federal Aid in Wildlife Restoration Act", or the "Federal Aid in Sportfish Restoration Act".

States that moneys appropriated from the wildlife cash fund shall constitute state fiscal year spending.

APPROVED by Governor June 11, 1993

EFFECTIVE June 11, 1993

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 93-64 Authority to consolidate and divide trusts - proceeding for appointment of personal representative - order of priority for appointment of guardian. Allows the court, on good cause shown, to consolidate separate trusts and to divide a single trust into separate trusts if the court finds the consolidation or division is not inconsistent with the settlor's or testator's intent, the consolidation or division would facilitate the administration of the trust, and the consolidation or division would be in the beneficiaries' best interest. Allows the court to appoint a personal representative formally in an informal hearing. Sets the order of priority for appointment of a guardian, allowing the court to appoint a guardian nominated by an incapacitated person in writing prior to the incapacity before appointing the spouse of the incapacitated person.

APPROVED by Governor April 26, 1993

EFFECTIVE July 1, 1993

S.B. 93-222 Construction of wills and trusts - formula marital deduction clauses. Directs that a clause in a will or trust of a decedent executed or created before September 12, 1981, which sets forth a formula providing that the decedent's spouse or a qualifying trust is to receive the maximum amount of property qualifying for the federal marital deduction shall be construed as referring to the unlimited marital deduction allowed by federal law after 1981.

Enumerates certain requirements for such construction.

APPROVED by Governor April 21, 1993

EFFECTIVE April 21, 1993

H.B. 93-1333 Special proceedings - determination of heirs, devisees, property interests. Repeals part 13 of the "Colorado Probate Code" regarding determination of heirship by special proceeding. Reenacts part 13 to provide for determination of heirship, devisees, and interests in property by special proceedings. Provides that any interested person may petition the court to determine heirs, devisees, and property rights of any real property situated in this state or any personal property belonging to a person who dies domiciled in this state. Permits any interested person or owner by inheritance to appear and answer a petition. Establishes the requirements for the contents of the petition, service of the petition, the hearing on the petition, findings by the court, and the grounds for reopening an estate.

Establishes that the new part 13 shall take effect July 1, 1993, and shall apply to all proceedings commenced on or after said date.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

PROFESSIONS AND OCCUPATIONS

S.B. 93-1 Outfitters - violations - penalties - contract requirements - continuation of regulatory functions. Revises the definition of "outfitter" and defines "compensation" and "outfitting services". Lowers from 21 to 18 the age at which individuals may be issued an outfitter certificate of registration. Specifies that it is a violation of the outfitter regulation statutes for any person whose outfitter registration has been revoked or suspended to work as a guide.

Eliminates the provisions that made convictions for violations of any part of the outfitter regulation statutes a misdemeanor and subsequent convictions a class 5 felony. Reserves such penalties for violation of the provision that states that outfitters must possess a certificate of registration before engaging in outfitter activities. Amends the fine distribution provisions that granted 25% of collected fines to federal, state, or local law enforcement agencies and 75% to the division of registrations in the department of regulatory agencies, and provides instead that 50% of the fines collected shall be paid to each such agency or group of agencies.

Includes as grounds for disciplinary action against an outfitter the serving or consuming of alcohol while engaged in the activities of an outfitter when the outfitter is under twenty-one years of age.

Requires written outfitter contracts to contain a statement describing the outfitter's policy concerning the refund of any deposit, a statement that, pursuant to law, outfitters are bonded and are required to possess a minimum level of liability insurance; and a statement that the activities of outfitters are regulated by the director of the division of registrations in the department of regulatory agencies.

States that use of personal property in outfitting services in violation of the outfitter regulation statutes is a class 2 public nuisance, and that the penalty provisions for such a conviction will apply to any action taken. Eliminates provisions that required the seizure and forfeiture of such personal property if the owner was a party to the violation as well as provisions which explained jurisdictional issues with respect to such provisions.

Expressly requires the director of the division of registrations to appoint an advisory committee to make recommendations concerning the regulation of outfitters.

Extends the automatic termination date of the regulatory functions of the director of the division of registrations to July 1, 2003, pursuant to the provisions of the sunset law.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-12 Limited gaming - confidential information - disclosure - penalty. Establishes that any person who discloses confidential information or records of the Colorado limited gaming control commission is guilty of a class 1 misdemeanor. Provides that if such person is a present employee or officer of the state who obtained the confidential information or records while employed by the state, such person shall be liable for treble damages to any injured party in any civil action and shall be subject to dismissal. States that a former employee or officer of the state shall be liable for treble damages if such person executed a written statement agreeing to be held to the confidentiality standards and obtained the confidential information during state employment.

S.B. 93-15 Nursing home administrators - regulation generally - continuation under sunset law - application requirements - disciplinary actions - public inspection of records - appropriation. Repeals and reenacts statutes governing regulation of nursing home administrators. Reduces the number of members of the board of examiners of nursing home administrators ("board"), but increases the number of members that must be representative of the public at large and that can be officials or full-time state employees. Provides that the governor may remove board members for negligence, incompetency, unprofessional conduct, or willful misconduct. Provides that the director of the division of registrations may appoint a program administrator to the board. Allows members of the board who were serving prior to the effective date of the act to continue to serve until successors are appointed.

Requires that the board adopt rules no later than July 1, 1994, that define standards of nursing home administration, and requires further that individuals meet such rules to receive and retain a license. Authorizes the board to create an advisory committee to assist it in developing standards. Allows the board to initiate disciplinary action after finding that reasonable grounds exist to believe that the performance of a licensed administrator is inconsistent with the health or safety of residents in his or her care and is contrary to board standards. Authorizes the board to select and administer a national examination.

Requires that the 2 years of college study required of applicants for licensure be from an accredited institution of higher education in areas relating to health care or hospital administration.

Replaces the one year of training required of administrators-in-training with a 2000-hour training period. Exempts from the administrator-in-training provisions individuals who have a bachelor's degree in certain fields and individuals who have an associate degree in a health care-related field and at least 2 years experience in supervision or administration in a nursing home or hospital.

Deletes from the law all references to the registration of nursing home administrators but retains all licensing references. Requires that licensees notify the board within 30 days of any felony conviction, the acceptance of a guilty plea, or a plea of nolo contendere to a felony. Amends the reciprocity provisions to require that applicants provide verification of having been engaged for the year immediately preceding the application date in nursing home administration, teaching, or service with an accreditation or home survey team or of having been engaged in one of the described areas for 3 of the 5 years immediately preceding the date of the application.

Eliminates the requirement that a complainant file a formal complaint, and requires only that the complaint be signed. Outlines factors which the board must consider before taking disciplinary action against a nursing home administrator. Requires that the board notify the nursing home administrator before making a final determination to initiate action, and mandates that the board allow the administrator to show just cause why the action should not be initiated. Requires the board to develop rules concerning the factors to be considered in determining when a pattern of performance should warrant disciplinary action. Requires the board to transmit an annual report to the governor with respect to the discharge of its responsibilities, and to make such report available to members of the general assembly.

Extends to persons licensed prior to the effective date of the act the right to remain licensed without further application.

Authorizes the board to issue letters of admonition and place licensees on probation for stated misdeeds, in addition to the current disciplinary measures which include the revocation and suspension of licenses. Expands the grounds for discipline. Enables the board to order that a licensee participate in a treatment program for alcohol or habit-forming drug abuse as an alternative to other disciplinary actions. Enables the board to make a determination for disciplinary purposes without a finding of willfulness or negligence, but provides that it may consider these items in determining the sanctions to be imposed. Includes provisions for the reinstatement of a license which expires due to failure to renew in a timely fashion.

Authorizes the board to determine if an applicant for licensure has the necessary qualifications, or if there are reasonable grounds to believe that the applicant has committed any act that constitutes grounds for disciplinary action. Adds a provision authorizing the mental and physical examination of licensees. Authorizes the board to order appropriate examinations of certain licensees. Requires the results of any examination to be kept confidential.

Provides that any hearings and opportunities for review shall be conducted by the board or an administrative law judge, at the board's discretion. Requires that a hearing be conducted prior to the revocation, suspension, or nonrenewal by the board of a license except for certain emergency situations. Exempts from public inspection the records or proceedings of the board relating to disciplinary proceedings if the board or an administrative law judge determines that it is in the best interest of persons involved. Authorizes the board to appoint temporary advisory committees to assist it in the performance of its duties and to issue cease and desist orders if it determines that any person is acting without the required license.

Extends the automatic termination date of the board of examiners of nursing home administrators to July 1, 1999, pursuant to the provisions of the sunset law.

Appropriates from the division of registrations cash fund \$35,335 and 0.1 FTE to the department of regulatory agencies for allocation to the board of examiners of nursing home administrators, \$14,754 to the department of administration for allocation to the division of administrative hearings, and \$7,459 to the department of law for the implementation of the act.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-16 Professional bail bonding agents - regulation - examinations - advisory committee - new cash bonding agents prohibited. Changes the name of the regulated profession from "professional bail bondsman" to "professional bonding agent".

Requires that for any licensed professional bonding agent to be authorized to operate as a cash bonding agent, such agent must have been licensed as of January 1, 1992, and that no new agent may be authorized to operate as a cash bonding agent. Sets the maximum dollar value for any single bail bond issued by a professional bonding agent authorized to operate as a cash bonding agent in accordance with the statutory provisions on alternative bail bonds which specify that a surety must be worth at least one and one-half times the amount of the bail set in the bond.

Changes the amount of a qualification bond from \$50,000 to a minimum of such amount. Grants the division of insurance priority over all other claimants to a bond if a qualification bond is forfeited. Places in statute, rather than rules, the requirement that the division test all applicants for bonding agent licenses. Requires the test to be updated periodically by the division to ensure that new licensees have a minimum level of competency. Creates an advisory committee to assist the

commissioner of insurance in matters concerning licensees and bail bonds. Mandates that certain records concerning the regulation of the bail bond industry be kept by the division. Requires bonding agents to include in their semiannual report to the division the names of their employees, partners, and associates and to keep the division updated concerning changes in the list of names. Requires bonding agents to issue receipts for any collateral taken as security and specifies what information such receipts shall contain.

Extends the automatic termination date of the licensing functions of the commissioner and the division to July 1, 1996, pursuant to the provisions of the sunset law. Terminates the bail bonding agent advisory committee on July 1, 1996, subject to review pursuant to the provisions of the sunset law.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-41 Certified public accountants - licensing examination requirements. Grants additional discretion to the board of accountancy to determine where licensing examinations for accountants shall be held. Alters the guidelines for the board's development of the examination and its setting of the passing score. Authorizes the board to establish standards for conditional examination credit when examinees pass some but not all sections of the examination. Modifies the standards for acceptance of examination results from candidates who pass part or all of a similar examination in another state.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

S.B. 93-52 Games of chance - regulation - continuation under sunset law - licensing - disciplinary hearings - deduction of expenses - appropriation. Continues bingo and raffle licensing functions of the secretary of state but requires disciplinary hearings to be conducted by an administrative law judge. Removes from the secretary of state the power to assess fines. Requires any licensee whose license is ordered suspended or revoked by an administrative law judge to surrender their license before the date of such suspension or revocation. States that licenses shall not be valid after the effective date of such penalty whether surrendered or not. Provides for appeals of license suspension or revocation decisions to the court of appeals rather than to district court.

Replaces current references to "net profits" with "net proceeds." Eliminates the current provision that games of chance may be conducted only by members of the licensee organization or of an auxiliary. Prohibits any person convicted of a felony or a crime involving gambling from acting as a games manager. Prohibits persons under 14 from assisting in the conduct of bingo or pull tabs. Prohibits operators from reserving bingo cards for use by players except braille or other cards used by legally blind players.

Requires that licensees pay an administrative fee to the secretary of state that is based upon gross receipts instead of proceeds. Allows licensees to deduct allowable expenses which formerly were not deductible from pull tab and raffle operations, as well as bingo. Clarifies the definition of the term "raffle" and adds a definition for the term "bingo".

Extends the automatic termination date of the function of licensing of bingo and other games of chance through the secretary of state to July 1, 1998, pursuant to the provisions of the sunset law.

Appropriates from the department of state cash fund \$14,954 and 0.1 FTE to the department of administration and \$9,383 and 0.1 FTE to the department of law for the implementation of the act.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-71 Wholesale sales representatives. States that nonresident wholesale sales representatives who enter into written contracts or written sales agreements shall be deemed to be doing business in Colorado. Provides that a distributor, jobber, or manufacturer who knowingly fails to pay commissions as provided in such contracts or sales agreements is liable in a civil action for treble damages. Excepts liquor licensees from the provisions of the act.

APPROVED by Governor April 29, 1993

EFFECTIVE April 29, 1993

S.B. 93-110 Limited gaming - enforcement - disqualification for licensure - limited gaming impact fund. Repeals the current provision that personnel of the division of gaming are to be considered level II peace officers for "all purposes". Requires the limited gaming control commission to preestablish criteria governing performance of its cooperative agreements with other governmental entities. Establishes new criteria related to criminal activity for disqualification for licensure. Separates certain duties and functions of the Colorado bureau of investigation from those of the commission with respect to enforcement and investigations.

Directs the state treasurer to make distributions from the contiguous county limited gaming impact fund to counties whose boundaries are contiguous with those of Indian lands on which gaming activities are being conducted pursuant to a tribal-state gaming compact, in addition to counties adjacent to Teller and Gilpin counties which qualify for such distributions under existing law. Places a statutory "floor" on the amount distributed to counties currently eligible. Eliminates the current requirement that public and private sector employers in the counties of Gilpin and Teller keep records of the addresses of employees involved in gaming. Allows counties contiguous to Indian lands to be represented on the gaming impact advisory committee.

APPROVED by Governor May 10, 1993

EFFECTIVE May 10, 1993

S.B. 93-223 Brokerage relationships - real estate transactions. Adds new provisions to the laws regulating real estate professionals to address all aspects of broker-client relationships. Allows a broker to act as a "dual agent", "single agent", "subagent", or "transaction-broker". Defines the different agency or nonagency roles that a broker may undertake. Specifies that a broker will be presumed to be a transaction-broker unless there is an agreement providing otherwise. Specifies that the transaction-broker is not an agent for either party to a transaction. Exempts a client from any liability for a transaction-broker's actions. Allows a broker to be engaged by a seller, buyer, landlord, or tenant, or a combination of more than one of those persons. Changes the existing presumption that real estate brokers working with buyers are agents of the seller.

Mandates that certain information be disclosed to the client in each of the different relationships and that certain information learned from the client remain confidential. Sets forth certain duties, obligations, and responsibilities that the broker shall have to the broker's client depending on the type of relationship. Specifies that a broker may have more than one agency relationship with any certain

client. Allows a contract to add to the duties, obligations, or responsibilities of a broker in any agency relationship.

Sets out the duration of each relationship if the duration is not set out in the contract. Specifies certain obligations of the broker which carry on after the date the contract ends, including an accounting of all moneys and properties received as part of the transaction and the continued confidentiality of certain information learned during the relationship.

Allows a broker's commission to be paid by a buyer, seller, landlord, tenant, third party, or by sharing or splitting between brokers. Specifies that payment of the commission by another party, by itself, does not create an agency relationship between the broker and the party who paid.

Specifies that when a broker is retained as a dual agent the broker has different duties to the various parties depending upon their status in the transaction. Requires complete disclosure by the broker to all parties before such broker may become a dual agent. Prohibits the disclosure of certain information by an dual agent to a client even though such information may be of interest to that client and might otherwise have been subject to disclosure if the information is obtained from another client who is also a party to the same transaction. Requires complete disclosure to a party to a transaction whom a broker represents as a single agent when that broker is seeking to become a dual agent through the representation of another party to the same transaction.

Specifies that, when a broker is retained by a party and that party has already received an offer to buy or lease or has already submitted a contract to buy or lease, the broker is still required to submit all alternative offers or prospects to such broker's client.

Incorporates violations of the act into current provisions regulating investigations and hearings concerning real estate professionals. Grants the real estate board power to take administrative action if it believes that there has been a violation of the act.

APPROVED by Governor June 2, 1993\

EFFECTIVE January 1, 1994

S.B. 93-235 Gaming - licensing - exemption - licensed manufacturer or distributor may operate linked progressive slot machine system. Allows a licensed manufacturer or distributor of slot machines to establish and administer funds for the operation of a linked progressive system without obtaining an operator license so long as the administration of the fund is subject to supervision, machines are placed only in licensed premises, the manufacturer or distributor is compensated on a flat-fee basis, and a separate account is maintained for the fund associated with each progressive system.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

S.B. 93-259 Peer health assistance programs - health care providers - termination of administering committees - transfer of fund moneys to an administering entity - board selection of designated providers. Provides that effective July 1, 1994, all moneys in the pharmacy, nursing, dentist, and physicians' peer health assistance funds shall be transferred to an administering entity chosen by the respective boards. Requires that the transfers take place prior to June 30, 1994. States that the administering entity shall administer the programs of board-selected designated providers, which service was previously performed by a committee. Eliminates the dentist peer health

assistance committee and the pharmacy and nursing rehabilitation evaluation committees, effective July 1, 1994.

Describes the responsibilities of the administering entities as follows: Collect the required annual fees, verify to the board names of all program applicants who have paid the fee, distribute the moneys collected to the designated provider, provide an annual financial accounting to the board, and post a surety performance bond. Authorizes the administering entities to recover their actual administrative costs, not to exceed 10% of the total amount collected.

Requires that any applicant for licensure or relicensure as a pharmacist, nurse, physician, or dentist shall pay to the appropriate administering entity an annual fee set by the board, not to exceed \$28. States that the fee will be used to support designated providers that each board has selected to provide assistance to its professionals in need of help in dealing with physical, emotional, or psychological problems that are detrimental to their ability to practice. Sets forth criteria each board shall use when selecting the designated providers. Requires that the administering entities be nonprofit foundations, qualified as such under the federal Internal Revenue Code, and dedicated to providing support for charitable and other stated purposes.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1011 Certified public accountants - authority to practice as limited liability companies. Permits certified public accountants to engage in the practice of accounting in this state as limited liability companies. Requires such limited liability companies to comply with the "Colorado Limited Liability Act" and to meet the same standards as professional corporations engaged in such practice, including, but not limited to, the joint and several liability of members of any such limited liability company for acts, errors, and omissions of employees, unless the limited liability company maintains the same professional liability insurance currently required of professional corporations engaged in the practice of accounting as certified public accountants.

APPROVED by Governor March, 18, 1993

EFFECTIVE July 1, 1993

H.B. 93-1034 Racing - continuation of racing commission and division of racing events - enforcement of regulations - financing of operations. Continues the division of racing events and the Colorado racing commission. Moves the division of racing events, including the Colorado racing commission, to the department of revenue from the department of regulatory agencies. Directs the commission to promulgate rules on licensing and registration of persons employed in the racing industry. Gives the commission subpoena powers and allows it to test animals for drugs not only randomly, as is currently authorized, but also when concerns are raised about a particular animal.

With regard to disciplinary proceedings against licensees, authorizes the issuance of letters of admonition in addition to the currently authorized fines, suspensions, and revocations of licenses. Adds to the list of grounds for disciplinary action the following: Out-of-state convictions or plea bargains involving misdemeanors or actions that would have been disciplinable if committed in Colorado, as well as felonies; out-of-state disciplinary actions, as well as license suspensions and revocations; and failure to pay fines within a specified period rather than "in a timely manner". Eliminates the requirement of a "verified" complaint for commission action.

Authorizes horse racing tracks to use funds from purse trust accounts to make up for past revenue shortfalls in certain circumstances, conditioned on prior approval by

the commission. Allows computation of "breaks" at 10¢ or less.

Allows appeals of commission action to be taken to the court of appeals. Makes exemption from licensee bond requirements permissive rather than mandatory. Defines violations of substantive prohibitions uniformly as a classified misdemeanor except in the case of conduct proscribed under the general criminal statutes.

APPROVED by Governor June 2, 1993

EFFECTIVE July 1, 1993

H.B. 93-1051 Midwives - practice of direct-entry midwifery - registration - prohibited acts - penalties - sunset provisions - appropriation. Decriminalizes the unlicensed practice of direct-entry ("lay") midwifery, by excluding it from the definition of the practice of medicine, while expressly not immunizing direct-entry midwives from other civil or criminal liability. Requires registration of direct-entry midwives with the division of registrations in the department of regulatory agencies. Prohibits registration and practice of direct-entry midwifery by persons licensed under other health care statutes. Requires a direct-entry midwife to disclose to patients the midwife's education and experience, to obtain informed consent, to maintain records, file birth certificates and perform other tasks in relation to care of newborns, and to prepare and follow emergency procedures. States the conditions under which a direct-entry midwife is not to provide care.

Authorizes the director of the division of registrations to adopt initial examinations and approve education and training of applicants for registration and to establish standards of practice. Sets minimum standards for education and training prior to registration. Authorizes the charging of an annual fee to cover the cost of registration. Establishes civil and criminal penalties for violation of registration and disclosure requirements, and allows the director of the division of registrations to seek injunctions against persons violating the act's substantive provisions.

Immunizes licensed physicians, nurses, emergency medical personnel, and health care institutions from liability for acts or omissions resulting from the administration of services by direct-entry midwives, except in the case of such licensed persons' willful and wanton or grossly negligent actions. Prohibits medical malpractice insurers from adopting rates or practices which subsidize the risks of direct-entry midwives. Contains "sunset" provisions terminating the registration program and repealing the relevant statutes as of July 1, 1996.

Appropriates \$11,466 from the division of registrations cash fund to the department of regulatory agencies for allocation to the division of registrations, appropriates \$1,668 from the division of registrations cash fund to the department of administration for allocation to the division of administrative hearings, and appropriates \$798 from the division of registrations cash fund to the department of law for implementation of the act.

APPROVED by Governor June 8, 1993

EFFECTIVE July 1, 1993

H.B. 93-1098 Bingo and raffles - definition - exception for certain "general admission" events - fees. Deletes the requirement, for purposes of exemption under the "Bingo and Raffles Law", that organizations conducting free product giveaways to persons admitted to premises under "general admission" tickets be nonprofit organizations dedicated to primarily educational purposes, whose activities are substantially directed toward children or young adults, and which have been in existence for at least 21 years. Specifies that a registration fee, conference fee, meeting fee, or similar fee or charge

may be considered a general admission fee for purposes of the exemption.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1180 Handlers of farm products - commercial feeding operations. After June 30, 1994, modifies the definitions of "dealer" and "commodity handler" to include persons engaged in commercial feeding operations for more than 2,500 head of livestock at any one time if such livestock are owned by other persons.

APPROVED by Governor June 2, 1993

EFFECTIVE June 2, 1993

H.B. 93-1195 Nurse aides - regulation - certification - disciplinary actions - advisory committee - exemptions - violations - continuation under sunset law. Requires that individuals be certified to use the title of certified nurse aide or its abbreviation. Clarifies that the term "medical facility" includes a home health agency certified to receive medicare or medicaid funds pursuant to the federal "Social Security Act" and other entities engaged in nurse aide practices. States that hospitals and other licensed or certified facilities are not included in the definition of medical facility.

Requires that a nurse aide whose license is revoked shall wait at least one year before applying for recertification, repeating an approved education program, and repeating and passing a competency evaluation. Allows nurse aides to submit proof of their having performed services that constitute the equivalent of nurse aide services in lieu of submitting proof of having performed nurse aide services when applying for certificate renewal. States also that nurse aides do not have to attest to having completed a new approved training program, but instead may submit proof of such completion as an alternative to the service performance requirement. Requires any such training program to have been completed during the preceding 24 months rather than the preceding 4 months.

Provides that funding for the certification program shall be provided by federal medicaid and medicare programs, that medicaid funding shall be secured by the department of social services and medicare funding shall be secured by the department of health, and that such funding shall be forwarded to the department of regulatory agencies for its use in operating the program.

Continues the advisory committee on nurse aides. Adds a representative of home health agency professional associations as a member in lieu of the representative of the department of health, which has become an ex officio position. Replaces the member representing professional associations composed of medical facilities with a member representing professional associations composed of nursing homes.

Authorizes the state board of nursing to issue letters of admonition to nurse aides who misappropriate facility property. States that the board may issue, by certified mail, a letter of admonition whenever misconduct is disclosed which in the board's opinion does not warrant formal action. Requires that any such letter be sent to the nurse aide against whom the complaint was made with a copy being sent to the person making the complaint. Sets forth a procedure by which the nurse aide may request that formal disciplinary proceeding be initiated to adjudicate the propriety of the complaint upon which the letter of admonition is based.

Rearranges certain provisions concerning disciplinary proceedings. Adds provisions that explain when a nurse aide's license may be revoked or suspended, notification procedures to be followed when a nurse aide is disciplined, and the procedures to be followed whenever a nurse aide requests a hearing. Exempts from the

nurse aide regulation provisions any person who performs services under a delegation of responsibility, administers fluids through gastrostomy tubes, or administers medication.

Amends the violation provisions so that any person who violates the nurse aide regulation provisions commits a class 2 instead of a class 3 misdemeanor, and that any subsequent offense is a class 6 felony instead of a class 5 felony.

Extends the automatic termination date of the state board of nursing to July 1, 2003, pursuant to the provisions of the sunset law.

Applies to acts committed on and after July 1, 1993, except for any requirements for certification pursuant to section 12-38.1-102 (4), which shall take effect January 1, 1994.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1244 Medical practice - employment of physicians by hospitals when permissible. Creates a limited exception to the general prohibitions on practicing as an agent or employee of another which are found in statutes governing physicians, osteopaths, dentists, and podiatrists. Defines such health care professionals as "physicians" for purposes of the act. The exception requires that the physician be employed by a currently licensed or certified hospital in a county with a population of less than 100,000 and that the employing hospital not attempt to limit or control the physician's independent professional judgment, not discriminate against physicians based on their employment status, and not give incentives tending to artificially increase services provided to patients.

APPROVED by Governor May 6, 1993

EFFECTIVE May 6, 1993

H.B. 93-1254 Debt management companies. Allows an applicant for licensure as a debt management company to furnish evidence of a savings account, deposit, or certificate of deposit, or of insurance or other evidence of financial responsibility, as an alternative to a surety bond. Provides that the amount of such bond or alternative to a bond shall not exceed \$25,000. Specifies that a debt management company must make remittances to creditors within one month, rather than within 2 working days, after receiving any funds but that any shorter period mandated by a repayment schedule supersedes the one-month requirement. Allows a debt management company to manage mortgage payments for its clients, if the client has agreed, but prohibits the company from obtaining any mortgage or other security interest on the debtor's real property; states that this provision shall take effect upon passage of the act.

APPROVED by Governor March 31, 1993

EFFECTIVE July 1, 1993

H.B. 93-1268 Racing - regulation generally - revision of statutes - licensing and enforcement procedures - administration of funds - continuation of division of racing - adjustment to appropriations. Amends and reorganizes the racing statutes to parallel the organization of the limited gaming statutes. Divides racing licenses into 3 categories, with the racing commission responsible for issuance of race meet licenses and the division of racing events responsible for issuance of business licenses and individual occupational licenses as well as occupational registrations. Directs the commission to determine by rule which occupational categories are subject to licensure and which are subject to registration.

Gives authority to the commission and the district attorneys, rather than the attorney general, to prosecute actions in the name of the division. Authorizes the division to investigate violations and refer cases for prosecution. Makes division personnel level III peace officers. Directs the division to establish boards of stewards or judges to assist in supervising race meets and prescribes the composition of such boards.

Subjects the director of the division and members of the commission to conflict-of-interest rules similar to those applicable to the limited gaming control commission. Adds kennels, stables, and totalisator companies to the list of businesses subject to licensure. Eliminates the current requirement that drug tests of racing animals be done only on a random basis, allowing testing to be done when concerns are raised as to a particular animal.

Sets standards for licensure, requiring disqualification of applicants with a history of gambling-related crimes, theft, or fraud and allowing discretionary disqualification of applicants on lesser grounds. Requires applicants to waive confidentiality and submit to background checks in connection with license applications. Amends provisions allowing discipline of licensees by a board of stewards or judges and allows disciplinary hearings to be conducted by the commission, the division acting through its board of stewards or judges, or designated hearing officers. Repeals the current mandatory exemption from bond requirements for persons with no claims against the bond for 5 years. Requires bonds only at the option of an organization of owners of racing animals at a particular race meet and only to ensure the payment of awards and purses to contestants in connection with the meet.

Allows operators of horse tracks to use current purse fund reserve moneys to make up for prior overpayments on purses, subject to prior approval by the commission.

Prohibits betting by, or the sale of pari-mutuel tickets to, persons under 18 years of age. Alters the calculation of the percentage of pari-mutuel receipts which must be paid out as purses. Requires daily filing of tax returns and payment of taxes on pari-mutuel receipts and sets penalties for late filing or payment. Makes violations of racing statutes class 2 misdemeanors and violations of commission rules class 2 petty offenses with stated exceptions.

Incorporates all substantive changes made by HB93-1034, which passed earlier in the session, in the racing statutes as reorganized by the act.

Extends the automatic termination date and the authority of the division of racing to July 1, 1999, pursuant to the provisions of the sunset law.

Makes adjustments to the 1993 general appropriations act to do the following:

- Increase the general fund appropriations made to the office of the executive director of the department of revenue for operating expenses by \$27,544, for group health and life by \$68,768, for short-term disability by \$2,509, for workers' compensation by \$1,431, for payment to legal services by \$41,225, for payment to risk management and property funds by \$991, for vehicle lease payments by \$20,388, and for leased space by \$48,334.

- Increase the general fund appropriation to the information and support services division for program costs by \$115,624 and 2.5 FTE.

- Eliminate the general fund appropriations to the division of racing events for personal services (including any corresponding FTE), operating expenses, laboratory services, commission meeting costs, commission meeting travel, horse racing days,

greyhound race programs, and simulcasting.

- Increase the general fund appropriation to the division of racing events for travel by \$11,844.

- Add a new line item for the division of racing events, program costs, with a general fund appropriation of \$1,844,424 and 37.2 FTE, and a new line item, fair circuit, with a general fund appropriation of \$44,584 and 1.2 FTE.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

PROPERTY

S.B. 93-54 Contract for deed to real property - exemption from escrow of property tax - requirements. Exempts the seller under a contract for deed to real property from the property tax escrow requirements imposed on such contract if the real property which is the subject of such contract is not subdivided into parcels which are less than one acre and if the seller files the required notices regarding such contract and either pays the property taxes on such real property or submits a bond or irrevocable letter of credit payable to the county treasurer in the amount of such property taxes. Requires the payment of taxes or the submittal of the bond or letter of credit to be made within 30 days of receiving the notice of taxes due and prior to seeking reimbursement for such taxes from the purchaser.

APPROVED by Governor April 26, 1993

EFFECTIVE April 26, 1993

H.B. 93-1070 "Colorado Common Interest Ownership Act" - applicability - common interest communities - valuation of common elements - amendment of declarations and bylaws - property subject to development rights - payment of expenses - distribution of proceeds upon termination of community - creditors' liens - association liens - vote required for association action. Revises certain definitions and rewords the description of their applicability as used in the "Colorado Common Interest Ownership Act". Allows cooperatives to classify unit owners' interests as personal property. Provides formulas for determining the valuation of common elements assessable to individual unit owners. Allows for the creation of a common interest community by filing either a plat or map which may be filed separately from the declaration. Requires that communities with horizontal boundaries filing declarations or amendments include a certificate of completion. Deletes the requirements that completion be in accordance with the plans and that the time limit on development or declarant rights described in the declaration be 10 years or less. Gives association bylaws precedence over declarations concerning allocation of votes in the association. Eliminates the provisions concerning depiction of improvements on a plat and the requirement that they be labeled mandatory or optional. Allows an association to amend the terms of the declaration with respect to the exercise of a development right.

Establishes a standard for computing the distribution of proceeds of a sale on termination of an association. Treats all association creditors, after termination of a condominium or planned community, as though they perfected liens on the units immediately before termination of the association. Requires association board members and officers to take office upon election. Requires that the declaration include the plans and specifications for any improvements made more than 2 years prior to recording of such declaration. Allows an association to pay expenses on property subject to development rights and to enforce an assessment for such expenses. Allows an association to obtain title to property subject to development rights without extinguishing such rights.

Gives an association the option to pay surplus funds of the association to unit owners in proportion to their common expense liabilities. Treats installments as liens from the time each installment becomes due and allows acceleration of installment obligations by the association. Specifies the association's statutory lien for assessments or fines imposed after June 30, 1992, the circumstances allowing an association to claim priority for common expense assessments, and the exceptions to the association's statutory lien. Establishes 67% as the uniform percentage of votes cast required to adopt proposed association action.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

H.B. 93-1201 Deeds of trust - public trustee - release of lien upon request of title insurance company. Adds title insurance companies that provide certain documentation to the list of persons who may submit a request to the public trustee for the release of the lien of a deed of trust.

APPROVED by Governor March 31, 1993

EFFECTIVE July 1, 1993

H.B. 93-1336 Unclaimed property - amendments conforming with H.B. 92-1152 - applicability - exemption. Amends the "Unclaimed Property Act" to conform the Act to the 1992 amendments that expanded the Act's applicability to credit card accounts and to certain persons and business associations. Exempts certain gift certificates from the provisions of the Act. Exempts any business association with gross annual receipts of less than \$500,000 from the Act's annual reporting and payment requirements and, if acting in good faith compliance, from the Act's penalties. Establishes a time limitation for examination of the records of such business association by the administrator. Prohibits penalizing certain persons who have not reported under the Act.

Creates the business associations unclaimed moneys fund and provides for crediting amounts from such fund to the Colorado uninsurable health insurance plan cash fund.

APPROVED by Governor June 3, 1993

EFFECTIVE July 1, 1993

PUBLIC UTILITIES

S.B. 93-3 Office of consumer counsel - continuation - utility consumers' board - creation - transfer to department of regulatory agencies. Continues the office of consumer counsel until July 1, 1998. Transfers the office of consumer counsel from the department of law to the department of regulatory agencies as a division thereof. Creates the utility consumers' board to provide policy guidance to the office of consumer counsel and the consumer counsel. Provides for the appointment of members of such board.

Prior to July 1, 1993, authorizes the office of consumer counsel to spend moneys necessary to effect office space relocation from the department of law to the department of regulatory agencies and transfers moneys appropriated from the fixed utility fund to the department of law for the 1992-93 fiscal year to the department of regulatory agencies for such purpose. For the 1993-94 fiscal year transfers any appropriation made in the general appropriation act to the department of law for program operations of the office of consumer counsel to the department of regulatory agencies, and specifies that any appropriation for legal services to the department of law for the 1993-94 fiscal year shall remain with the department of law.

APPROVED by Governor June 2, 1993

EFFECTIVE July 1, 1993

S.B. 93-18 Public utilities commission - regulation generally - continuation - appropriation. Increases commissioners' annual salaries from \$48,400 to \$58,400 and staggers their terms of office to avoid expiration of more than one term per year. Redesignates the executive secretary as the "director" and amends the powers and duties of the office including granting power to the director to issue necessary process, writs, warrants, and notices and to serve warrants and process. Eliminates the position of PUC attorney. Authorizes the director rather than the commission to hire administrative law judges ("ALJs").

Requires the PUC to issue written decisions when adopting rules. Removes certain requirements on the possession and use of cab cards. Exempts nonprofit generation and transmission electric corporations or associations from the revenue-based administrative fee assessment formula, substituting an individualized procedure for estimation and collection of the portion of PUC regulatory expenses attributed to each such utility. Directs the commission to ensure that regulated gas and electric utilities do not use ratepayer funds to subsidize their nonregulated activities.

Authorizes adoption of rules under the federal "Natural Gas Pipeline Safety Act", including rules requiring drug testing of pipeline company employees. Sets penalties of up to \$10,000 per day for violations and authorizes compromise and settlement of charges.

Requires adjudicatory cases to be heard by ALJs unless the PUC takes affirmative action to assign a case to itself or to an individual commissioner. Mandates that the commission issue its decision on any application within 120 days after such application is deemed complete. Amends time limits relating to adjudication of cases and allows emergency temporary authority to be granted for up to 30 days rather than the current 15 days. Authorizes rules permitting pro se appearances by, or representation by nonattorneys of, certain entities in nonadjudicatory matters. Lifts the requirement of filing a motion for reconsideration, reargument, or rehearing before appealing a PUC decision to the courts.

Enacts statutory conflict-of-interest provisions. Sets forth standards relating

to ex parte contacts between commissioners or ALJs and interested parties, including a requirement that all such contacts be summarized in memoranda maintained as public records for at least 3 years. Mandates that commissioners and ALJs disqualify themselves in proceedings in which they may have a conflict-of-interest.

Increases civil penalties for violations of motor vehicle regulatory requirements and specifies that penalties may be assessed upon a person's first violation. Allows service of penalty assessment notices by registered mail as well as by personal service.

Allows summary revocation of registration of interstate carriers for failure to maintain insurance coverage. Authorizes participation in the single-state insurance registration program under federal law.

Expressly authorizes PUC regulation of "caller ID" and similar services. Allows the PUC to grant simplified regulatory treatment to small telephone companies under certain circumstances.

Amends penalty sections throughout the public utilities law to refer to standard penalty classifications. Amends enforcement provisions for consistency. Repeals obsolete provisions generally.

Extends the automatic termination date of the public utilities commission ("PUC") to July 1, 1998, pursuant to the provisions of the sunset law.

Appropriates \$23,740 from the PUC fixed utility fund and \$10,175 from the PUC motor carrier fund to the public utilities commission for implementation of the act.

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

S.B. 93-19 Tramways - ski lifts - regulation generally - enforcement and penalties - investigations - continuation under sunset law. In provisions creating the passenger tramway safety board, adds provisions defining a quorum, requiring Colorado residency, and allowing removal for cause by the governor. Exempts portable aerial tramway devices (e.g., temporary ski lifts not used by the general public) from the jurisdiction of the board. Extends the board's jurisdiction to include initial construction and modification of private residence tramways.

Authorizes the board to investigate instances of suspected violations and to charge costs to owners of tramways being inspected. Allows the board to appoint administrative law judges to conduct disciplinary hearings. Grants subpoena power to the board and to the board's designated program administrator for such hearings. Provides for appeal of board actions to the Colorado court of appeals. Gives the board authority to issue and enforce, by means of court injunctions and otherwise, orders relating to the modification, shutdown, or operation of tramways deemed hazardous.

Amends existing definitions and adds new terms. Rearranges existing statutory provisions for greater clarity. Amends annual inspection provisions to require 2 inspections at least every 2,000 operating hours. Adds disobedience of board orders to the grounds for discipline of operators.

Extends the automatic termination date of the passenger tramway safety board to July 1, 2001, pursuant to the provisions of the sunset law.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

S.B. 93-151 Public utilities commission - evaluation of resources. States that if the commission, when comparing costs and benefits of potential utility resources, takes into consideration the environmental effects of such resources, it shall give consideration to the effect the acquisition of such resources will have on the state's economy, certain industries, and employment.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-156 Children's activity buses - exemption from public utilities law - uses - insurance. Expands the exemption from the "Public Utilities Law" for transportation of children to and from school by including all trips to and from all school-related or school-sanctioned activities. Defines "children's activity bus" and requires any such bus to carry at least \$1,000,000 in combined single limit liability coverage and to disclose to any lessor of a children's activity bus that the coverage is less than that required for charter or scenic buses.

Grants boards of education the power to adopt policies regarding the use of children's activity buses including requiring compensation to the school district for the use of the buses. Disallows the use of any miles traveled and costs incurred due to a bus being used pursuant to any such policy toward a school district's transportation funding under article 51 of title 22, C.R.S. Repeals this section on September 1, 1993.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1065 Public entities - minimum insurance requirements. Revises the minimum general liability insurance requirements for public entities that operate as motor vehicle carriers but are exempt from regulation as public utilities. Permits such entities to maintain a certificate of self-insurance issued by the executive director of the department of revenue in lieu of a general liability insurance policy. Requires that public entities maintain a certificate of self-insurance on file with the public utilities commission. Provides that the minimum general liability insurance amount for public entities that operate charter or scenic buses shall be the maximum that may be recovered from a public entity under the "Colorado Governmental Immunity Act".

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

H.B. 93-1153 Operators of master meters of utility service - exemption from regulation. Allows the public utilities commission ("PUC") to exempt from regulation master meter operators ("MMOs") who purchase gas and electric utility service from regulated public utilities for the purpose of resale to end users, on condition that: The sum of an MMO's billings to end users does not exceed the sum paid by the MMO to the utility; the MMO passes on all refunds, rebates, or similar adjustments to end users; the MMO does not charge end users for its costs, such as maintenance, finance charges, and the like; and the MMO meets other requirements established by the PUC.

Requires that MMOs use their best efforts to locate all end users who are entitled to refunds and that MMOs contribute any unclaimed refunds in excess of \$100

to the low-income energy assistance fund. Directs the PUC to adopt rules implementing the act.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

SOCIAL SERVICES

S.B. 93-29 Children's health plan - extension. Extends the automatic termination date of the children's health plan which provides primary health care to eligible children to July 1, 1998.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

S.B. 93-36 Children's health plan - eligibility. Increases the age for eligibility under the children's health plan to cover children who are less than 13 years of age rather than less than 9 years of age. Changes the criteria for eligibility for the children's health plan to make a child who meets all of the eligibility requirements, except for being eligible under the medically indigent program, automatically eligible for the plan if the child's family has already met the income eligibility guidelines for other similar human services programs.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-84 Home care allowance - continuation. Continues the home care allowance program administered by the state department of social services which was scheduled to be repealed.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

S.B. 93-85 Medicaid vendor reimbursement - audio-vocal services. Requires that the executive director of the state department of social services authorize reimbursement of audiologists or speech pathologists who provide medical or diagnostic services pursuant to the order of a physician in accordance with the "Colorado Medical Assistance Act". Requires the state department to adopt rules regarding the reimbursement of audiologists and speech pathologists and requires that such rules ensure no increase in the total cost of the medical assistance program as a result of the expanded reimbursement provisions. Requires payments to be made directly to the audiologist or speech pathologist providing the services, if requested. Prohibits payments to audiologists or speech pathologists if they are acting within the scope of their employment as salaried employees of an institution or physician.

APPROVED by Governor April 19, 1993

EFFECTIVE July 1, 1993

S.B. 93-122 Medical assistance - amendments to state program - extension of purchase access demonstration program - adjustment to appropriation. Makes amendments to statutory sections governing the state medical assistance program.

Authorizes the state department of social services to develop and implement an automated administrative system for the state medical assistance program. Describes the features of the system to include capabilities for electronic claim submittals, on-line eligibility, the preparation of electronic remittance statements, electronic fund transfers, and other automated administrative functions. Requires that before implementation, technology and financing be available, that maintenance for the system be fully tested and proved successful, that there be adequate training of staff, and that a report on the implementation plan be submitted by January 1, 1994, to the state medical advisory board, the state board of social services and the joint budget

committee of the general assembly.

Requires the state department of social services to contract with the office of state planning and budgeting (OSPB) to study and develop an alternative plan for providing medical assistance in this state. Requires OSPB to develop a plan that may be implemented pursuant to federal waivers. Requires OSPB to submit a preliminary report to the legislative council no later than December 1, 1994, and to submit by April 1, 1995, a final report consisting of the alternative plan and a waiver proposal to the general assembly for approval through the adoption of legislation. Requires the state department to submit a waiver request based on the approved plan to the federal government no later than July 1, 1996. Requires the general assembly to consider legislation before July 1, 1996, for an alternative program for providing medical assistance in this state. If the general assembly adopts a plan other than the plan proposed by OSBP, requires the state department to amend the waiver plan to conform with new plan. Creates a medical assistance reform advisory committee to assist with the development of alternative state medical assistance plan. Describes the membership of the committee, specifies how members are appointed, and sets forth duties of the committee.

Authorizes the state department of social services to develop written implementation plans for specified cost-containment and utilization control measures, as determined by the executive director of the state department to be feasible and cost-efficient. Describes the measures, which include the reallocation of medically indigent moneys to obtain federal funds, the imposition of copayments that are otherwise exempt under federal law, the imposition of service limitations, the use of competitive procurement and contracting for services, and time limits on filing reimbursement claims. Requires consideration of enumerated factors in connection with the plan for competitive procurement and contracting for health care services, and requires that an assessment regarding such factors be addressed in the written plan. Directs the executive director to consult with specific entities, including legislative committees, in developing the cost-containment and utilization plans. Requires approval of the plans by the general assembly through the adoption of legislation prior to implementation of such plans and directs the state department to obtain necessary federal waivers.

Allows the state department of social services to recover any overpayment made to vendors, regardless of whether the state, the recipient, or the vendor is responsible for the overpayment rather than only if the vendor is responsible for the overpayment. Requires the state board of social services to determine the rate at which an overpayment can be offset against future reimbursements to the vendor who has been overpaid. Allows for a reduction of the rate to be offset upon a showing by the vendor that the reduction will cause undue hardship. Authorizes the state department of social services to recover an overpayment made to vendors as a result of the denial of federal funds for the state vendor assessment plan.

Authorizes transitional medical assistance for disabled widows or widowers within a specified age group who have become ineligible for assistance as a result of becoming eligible for social security survivor's benefits.

Requires that the bond a nursing facility must pay to secure the personal needs funds of a patient who is a medical assistance recipient be sufficient to assure the security of all personal needs funds deposited with the facility, rather than \$10,000.

Extends the repeal date of the statutory provision that places a cap on the amount of personal needs funds for a veteran who receives a non-service connected disability pension from the United States veterans administration. Extends the

application of such cap to a veteran's surviving spouse who has no dependents.

Authorizes the state department of social services to not only purchase group insurance plans for recipients, but to purchase individual health insurance plans for medical assistance recipients for whom the department deems enrollment is cost-efficient.

Excludes adult day care from the definition of alternative care services for the purposes of home and community-based services for the elderly, blind, and disabled. Makes case management an administrative service, rather than a program service, under the home and community-based service programs for the elderly, blind, and disabled program and for persons with AIDS or an AIDS-related complex. Eliminates case management services, home health services, and hospice services as mandated services under the home and community-based services for persons with AIDS or an AIDS-related complex.

Continues the purchase access demonstration program scheduled to be repealed, which program allows persons who cannot obtain health insurance are otherwise ineligible for medical assistance to purchase into the medical assistance program.

APPROVED by Governor June 3, 1993

EFFECTIVE June 3, 1993

S.B. 93-129 Public assistance - aid to families with dependent children - personal responsibility and employment demonstration program authorized - rules - duties of state department and state board - report - repeal - appropriation. Requires the state department of social services to seek federal waivers to implement a personal responsibility and employment demonstration program on a voluntary county pilot and phased-in basis. Makes the implementation of the program conditioned upon the receipt of federal waivers, available appropriations, and available county sites. Provides for the selection of participants from among aid to families with dependent children (AFDC) recipients who live in participating counties. Allows a selected participant to be exempt from participating in the program for good cause. Requires the state department to make preparations for the implementation of the program on or before January 1, 1994, and requires full implementation of the program by July 1, 1994, or 6 months after initial implementation, whichever is later.

Includes provisions that allow applicants for or recipients of AFDC to earn more income and have greater resources than is allowed under federal law. Authorizes the state board of social services to determine by rule the maximum amount of monthly income and resources for a household applying for or receiving AFDC. Establishes caps on the resource exemption, with a higher cap for an AFDC household in which a member is or has recently been employed. Allows an AFDC household one exempt automobile.

Authorizes county departments to develop volunteer-based programs for AFDC recipients participating in the demonstration program. Allows the county departments to establish agreements or contract with public or private entities to provide incentives for AFDC recipients participating in the demonstration program. Requires the state board and department of social services to adopt rules for the implementation of the demonstration program.

Provides incentives in the form of goods and services to persons who obtain a high school diploma or general equivalency diploma as part of an education incentive plan. Requires a needs assessment of persons participating in the education incentive plan and, if appropriate, requires such persons to participate in various educational programs, job training, parenting classes, family planning courses, prenatal care courses, substance abuse treatment, mental health counseling, or any other program that

promotes self-sufficiency.

Requires an employable participant to be employed, to be actively participating in educational or training programs, or to be participating in the job opportunity and basic skills training program (JOBS) or be subject to sanctions. Excludes AFDC-UP recipients from this component of the demonstration program. Specifies that upon the expiration of 2 years, the grant for the AFDC household will be redetermined by eliminating the needs of a non-complying participant who has been subject to sanctions for non-compliance during the 2 year period.

Requires the state department of social services to provide for the consolidation of AFDC, food stamps, or child care benefits into a unified cash benefit for participants determined by participating county departments of social services to be appropriate candidates for such benefits. Directs the county departments for participating counties to provide the unified payment to the selected participants on a phased-in basis and to provide the unified benefit to all participants on and after July 1, 1994.

Requires the caretaker relative in an AFDC household to provide verification to the county department that dependent children under a certain age who live in the AFDC household have been immunized in accordance with state law. Provides an exemption from the verification requirement for a person who provides medical treatment to a child solely by spiritual means in accordance with state law. Provides for the imposition of financial sanctions for failure to comply. Encourages county departments to negotiate with employers and private insurers for health care coverage under an employer's plan for medicaid recipients who become ineligible for medicaid due to employment.

Directs that the evaluation of the demonstration program be conducted by an independent agency. Sets forth general reporting requirements.

Repeals the demonstration program effective July 1 of the year in which the federal waiver for the program expires or July 1, 1998, whichever occurs first.

Decreases the appropriation in the general appropriation act to the department of social services assistance payments, aid to families with dependent children, basic grant by \$285,296, and the total appropriation to the state department, medical assistance division by \$72,058. Appropriates \$350,076 to the state department of social services for the implementation of the personal responsibility and employment demonstration program.

APPROVED by Governor June 8, 1993

EFFECTIVE July 1, 1993

S.B. 93-131 Family development center pilot program - state and local councils created. Creates a 3-year pilot program under which a state council awards grants to community applicants for the establishment of family development centers at a central community location for families who live in at-risk neighborhoods. Describes the goal of such centers as assisting families in becoming self-sufficient, functioning members of their community.

Defines a "family development center" as a single point of entry where families can obtain information about, referrals to, or direct delivery of supportive services, such as child care, child development, general equivalency diploma courses, health care, available public assistance benefits, and job skills training to reduce the incidence of substance abuse, school dropout, teen pregnancy, and child abuse.

Creates the state council on family development centers. Makes the state council

responsible for planning the pilot program, adopting regulations for the implementation of the program, and reporting to the general assembly as to the overall effectiveness of the program with recommendations concerning the implementation of a statewide program. Sets forth requirements for the selection of grant recipients.

Requires that local advisory councils govern family development centers, and requires that each council report to the state council concerning the effectiveness of the local center.

Repeals the statutory article concerning the family development center pilot program, effective July 1, 1997, or when federal funds are no longer available for the program, whichever occurs first.

APPROVED by Governor June 8, 1993

EFFECTIVE July 1, 1993

S.B. 93-163 Medical assistance - financing of long-term care - public-private partnership - program - study - report. Requires the state department of social services to study a public-private partnership program for financing long-term care in the state. Expresses the general assembly's intent that a program be designed to encourage persons to purchase long-term health care insurance by exempting a specific amount from the countable resources of such person used in determining eligibility for the state medical assistance program and providing a full or partial estate recovery waiver under the program if the person is the policyholder of a long-term care insurance policy. Specifies that the amount of the resource exemption and the estate recovery waiver be an amount related to the amount of long-term care benefits paid under long-term care policies.

Lists various factors which the state department shall consider in its study, including other states' experiences, the impact on total medical assistance expenditures, the target population, long-term care insurance standards and insurance industry regulation, public awareness and education, the efficiency and success of the program, and available resources.

Authorizes the executive director to establish an advisory committee to assist in the state department's study of the public-private partnership program for financing long-term care. Requires the state department to cooperate and receive recommendations from the committee.

Requires the state department to report the results of its study to the general assembly no later than December 1, 1993. Upon a determination of feasibility by the executive director and approval by the joint budget committee of the general assembly, requires the state department to implement a public-private partnership program for financing long-term care which is consistent with the general assembly's intent. Requires the state board of social services and the division of insurance to adopt rules necessary for the implementation of the program. Requires that the program be implemented no later than July 1, 1994. Requires the state department to seek any necessary federal waiver or federal approval of an amendment to the state's medical assistance plan.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-246 Medical assistance - home and community-based services for persons with major mental illnesses - repeal. Repeals statutory language concerning the elimination of home and community-based services for the mentally ill. Authorizes the state department of social services to request a waiver from the federal government for a

home and community-based services program for persons with major mental illnesses. Makes implementation of the program contingent upon the receipt of federal waivers. Requires that the program be implemented in accordance with waiver provisions. Makes services available to persons with mental illnesses, who would otherwise require nursing facility care, and who are otherwise eligible for the state medical assistance program. Allows for eligibility to be restricted to persons who meet the level of services provided in a nursing facility so long as such criteria is allowed under the federal waiver. Allows the state board of social services to establish the types of services available to eligible persons, but requires that such services be consistent with the federal waiver. Specifies that the program is not part of the state single entry point system for long-term care. Sets forth the powers and duties of the departments of social services and institutions. Provides for the repeal of the program effective July 1, 1998, unless the federal waiver expires earlier, in which case, the repeal is effective upon the expiration of the federal waiver.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-248 Child welfare - distribution of federal IV-E funds to counties. Eliminates the state requirement that the portion of Title IV-E federal earnings distributed to the counties be used for property tax relief.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-254 Child welfare - emergency assistance program authorized - state savings - cash fund created - duties of counties and placement alternative commissions.

Authorizes the development and implementation of an emergency assistance program for families with children who are at imminent risk of being placed out of the home. Specifies that being at imminent risk means that without intervention the child will be placed out of the home immediately. Describes additional eligibility criteria and available services under the program. Requires the state department of social services to submit for federal approval an amendment to the state's Title IV-A plan providing for the availability of emergency assistance. Requires the state plan amendment to conform with federal law. Specifies that federal funds received for emergency assistance shall not be used for any other purpose.

Creates a family issues cash fund. Directs that the cash fund consist of savings to the general fund realized as a result of federal funds participation made available to the state under the emergency assistance program, federal funds earned by the expenditures of moneys in the cash fund, and any public or private contributions for family preservation services.

Requires the state department to develop a plan for serving children and families with the moneys in the cash fund and to submit the plan to specified legislative committees. Requires that the plan provide for the expenditure of moneys in the fund for support services and programs for children and families aimed at reuniting families and preventing out-of-home placements, examining alternative services and placement procedures for homeless youth, county pilot programs for at-risk children and their families and the provision of an expedited procedure for permanent placement of preschool children. Expresses the general assembly's intent that no additional state or county general fund moneys shall be used to finance the plan. Requires the state department to submit the plan to specified legislative committees on or before December 1, 1993.

Requires that by July 1, 1994, each county in the state will ensure access to alternatives to out-of-home placements for children who are at imminent risk of out-of-

home placement. Requires that the services be provided pursuant to a plan adopted by the placement alternative commission for the county or pursuant to a contract for services between the county and providers. Specifies the goals to be attained through placement alternative plans. Requires that counties that contract for services ensure that the services provided meet the same goals under the plans adopted by the placement alternative commissions.

Directs placement alternative commissions to prepare multi-year plans. States that the period for the plans is to be determined by state board of social services rules. Allows the plans to be amended annually for necessary budgetary or programmatic changes. Requires the commissions to submit the multi-year plans for approval to the state board of social services.

Authorizes the state board of social services to develop categories of services or programs deemed by the department to be appropriate alternatives to out-of-home placements and which achieve the specified goals of the alternative services. Requires any plans adopted on and after July 1, 1994, to provide for the availability of programs and services within such categories. Allows the state department to monitor compliance with alternative service plans.

Amends the statutory section which creates a family preservation cash fund by eliminating the cash fund and directing that specified moneys in the fund be deposited in the family issues cash fund. Makes such amended section effective July 1, 1993, only upon the passage of the act that creates a statewide family preservation program.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

Note: This bill amends and supersedes the statutory section creating the family preservation fund as enacted in H.B. 93-1015 and directs that the funds from the family preservation cash fund be placed in the family issues cash fund.

H.B. 93-1001 Appeals of department decisions. Clarifies the procedure for appealing decisions of the state or county departments of social services. Changes from 30 to 15 days the time during which a party may appeal an initial decision of the state department which is rendered by an administrative law judge. Specifies that if an appeal is made within 15 days, the initial decision shall be reviewed in accordance with the "State Administrative Procedure Act". Requires the executive director of the state department of social services to review initial decisions that are not filed within 15 days in accordance with a procedure adopted by the state board of social services. Specifies that the review by the executive director will be consistent with any federal mandate concerning single state agency requirements. Allows for an extension of up to an additional 15 days to file an appeal of an initial decision upon a showing of good cause by the party.

Specifies that the state department is considered a person for the purpose of initiating judicial review of final agency action that involves vendors.

Applies to initial decisions rendered on or after the effective date of this act and to any legal or administrative proceedings commenced prior to, on, or after the effective date of this act.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1015 Child welfare - family preservation act created - cash fund created - family preservation commissions - annual evaluations and reports. Authorizes the state department of social services and the department of institutions to adopt rules for the implementation of a statewide intensive family preservation program. Requires that the program be fully implemented by July 1, 1996. Specifies that the state department of social services is the single state agency responsible for the statewide administration of the program.

Directs that services will be provided no later than July 1, 1996, to children and families involved in the child welfare, mental health, and juvenile systems. Requires that reunification services be provided to appropriate families by July 1, 1996. Mandates that family preservation services include basic services, including screening, risk assessment, appropriate intervention taking into account geographic location and available resources, referral to community services and support systems, and follow-up care.

Specifies that intensive services shall be available for at-risk families, which are families with children who meet out-of-home placement criteria, for a period not to exceed 6 weeks. Allows for an extension up to 90 days as deemed necessary by the family development specialist. Directs that intensive services be provided in the home, to the extent possible. States that in addition to the basic family preservation services, intensive services shall include screening within 24 hours after referral by an investigating or child placement agency, crisis intervention on a 24-hour basis, concentrated assistance with parenting and life skills, and individual and group counseling.

Requires each county and city and county to establish a family preservation commission, which is a local oversight entity responsible for ensuring adequate local implementation of the program, evaluating program services and criteria and the overall feasibility of the program, and for making annual recommendations to the executive director of the state department of social services.

Creates a family preservation cash fund consisting of funds from the former family preservation cash fund established for the purpose of studying a statewide family preservation program and moneys contributed to the fund from private sources. Makes moneys in the fund subject to annual appropriations. Specifies that moneys in the fund will be used for the phased-in implementation of the statewide family preservation program. Further directs that the implementation of the program shall be subject to the availability of federal funds for emergency assistance under title IV-A of the federal "Social Security Act."

Describes the duties and functions of the state and county departments of social services in administering the program and providing family preservation services, including the ability of the state department to contract for services. Requires the executive director of the state department of social services to annually evaluate the program and to report the director's findings and make recommendations concerning programmatic changes to the general assembly, the chief justice of the state supreme court, and the governor.

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

Note: Section 26-5.5-105 as enacted in this act and which creates the family preservation fund was superseded by an amendment to that section in SB 93-254 which directs that the funds from the former family preservation cash fund be placed in the family issues cash fund created in SB 93-254.

H.B. 93-1278 Child care centers - fingerprint investigations. Clarifies that the department of social services is not required to conduct a fingerprint check of juveniles if records are not available to be searched. Authorizes the state board of social services to adopt rules exempting persons employed for fewer than 90 days by child care programs which are in operation fewer than 90 days a year from the fingerprint check required for licensing purposes. Directs the state board to conduct a background check on an individual who is a resident of a child care facility through an arrest history review rather than a fingerprint check if a physical ailment precludes fingerprinting.

APPROVED by Governor May 6, 1993

EFFECTIVE May 6, 1993

H.B. 93-1314 State nursing homes - state board of veterans affairs - membership - sunset review. Requires that appointments to the board of veterans affairs be confirmed by the state senate, but specifies that the appointee need not be a member of a veterans service organization. Requires the governor to appoint a person to fill a vacancy for the period during which the state senate is not in session and to nominate a person to fill the vacancy at the next meeting of the state senate. Extends the automatic termination date of the state board of veterans affairs to July 1, 1998, pursuant to the provisions of the sunset law.

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

Note: This bill amended S.B. 93-8 which contained a provision that would have extended the Colorado board of veterans affairs without further review.

H.B. 93-1317 Restructuring health and human services. On and after July 1, 1994, abolishes the departments of social services and institutions, creates the departments of human services and health care policy and financing, and renames the department of health as the department of public health and environment.

Requires the departments of health, social services, and institutions or the departments of public health and environment, health care policy and financing, and human services, as appropriate, in cooperation with the restructuring steering committee, to jointly develop a comprehensive plan for the restructuring of the health and human services delivery system in the state. Requires that the plan be based on specified guiding principles that promote the most cost-efficient method for delivering health and human services on the state and local level. Requires that the departments and the steering committee submit the plan to the legislative restructuring oversight committee. Requires the legislative restructuring oversight committee to submit legislation for further restructuring the delivery of health and human services on the state and local level. Requires the executive directors to submit a plan for reorganization and rule-making to the general assembly for approval.

Creates the restructuring steering committee which includes members representing local governments, providers, consumers, and other stakeholder groups. Requires the steering committee to coordinate the restructuring plan formulation process and to report to the legislative restructuring oversight committee. Creates the legislative restructuring oversight committee to oversee the restructuring process.

Requires, among various tasks listed under the plan, that unnecessary and duplicative state administrative functions of the departments of public health and environment, health care policy and financing, and human services be eliminated or consolidated, that core services be available to persons throughout the state, and that

eligibility for delivery of human services be determined under a centralized process.

Requires the executive directors of the departments of health, social services, and institutions, or of the departments of public health and environment, health care policy and financing, and human services, as appropriate, in consultation with members of the restructuring steering committee, to conduct a feasibility study of the methods for restructuring state and local government so as to increase consumer access to health and human services, to increase economic efficiency, and to eliminate duplicative and unnecessary administrative functions. Provides that the study may include methods of reorganization which affect other state departments. Requires the executive directors of the departments of health, social services, and institutions or the departments of public health and environment, health care policy and financing, and human services, as appropriate, in consultation with appointed legislative members, to submit a report to the general assembly detailing the results of said feasibility study by a specified date.

Establishes a limitation on the amount counties will be required to contribute for social services programs commencing with fiscal year 1994. Establishes that any county which receives funds pursuant to the limitation computation agrees not to exercise any rights which the county may have under the constitution to reduce or end its financial responsibilities in connection with social services programs.

Effective on and after July 1, 1994:

Transfers to the department of human services the powers, duties, and functions of the department of social services, except those powers, duties, and functions transferred to the department of health care policy and financing; the powers, duties, and functions of the department of institutions; and the powers, duties, and functions of the renamed department of health concerning the administration of alcohol and drug abuse programs.

Transfers employees, property, and records of the principal departments affected by the transfers to the department of health care policy and financing and the department of human services. Specifies that rules adopted prior to the effective date of this act shall be in effect until amended, repealed, or nullified.

Authorizes the revisor of statutes to make statutory changes to the Colorado Revised Statutes in connection with the transferred powers, duties, and functions.

Renames the department of health as the department of public health and environment. Creates the department of health care policy and financing and the department of human services. Provides for the appointment of an executive director for the department of health care policy and financing and the department of human services. Requires that the executive directors be appointed by the governor and confirmed by the senate. Renames the state board of social services to the state board of human services.

Makes the department of public health and environment responsible for certifying adult foster care facilities.

Transfers to the department of health care policy and financing the powers, duties, and functions of the department of local affairs concerning the "Colorado Health Data Commission Act"; the powers, duties, and functions of the department of social services concerning the "Colorado Medical Assistance Act"; the treatment program for high-risk pregnant women, adult foster care, and home care allowance; and the powers, duties, and functions of the department of regulatory agencies concerning "The Colorado Care Health Insurance Program". Specifies other duties of the department of health care

policy and financing and of the executive director of the department. Transfers to such department the powers, duties, and functions of the department of higher education, regents of the university of Colorado health sciences center concerning health care for the medically indigent.

APPROVED by Governor June 3, 1993

EFFECTIVE July 1, 1993

H.B. 93-1339 State nursing homes and state veterans nursing homes - enterprise status. Provides that any state nursing home, state veterans nursing home, or group of such nursing homes shall constitute an enterprise for purposes of section 20 of article X of the state constitution and shall not be subject to the provisions of said section so long as it retains authority to issue anticipation warrants and receives less than 10% of its total annual revenues in grants from all state and local governments combined. Declares that authority to issue anticipation warrants shall constitute authority to issue revenue bonds for purposes of determining the enterprise status of a state nursing home.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

STATUTES

S.B. 93-5 Colorado Revised Statutes - enactment of 1992 supplements and replacement volumes - effective date. Establishes the effective date for the 1992 cumulative supplement and replacement volume and enacts them as the positive statutory law of the state of Colorado.

APPROVED by Governor March 26, 1993

EFFECTIVE March 26, 1993

S.B. 93-242 Terminology applicable to persons with disabilities - elimination of references to "handicap" or "handicapped". Changes the terminology from all forms of "handicap" and similar terms to the appropriate form of "disability" or "impairment" in the Colorado Revised Statutes to conform with the language used in the federal "Americans with Disabilities Act of 1990" and to utilize the most currently accepted terminology.

Changes the letter displayed on the flag used by paraplegic persons or persons with disabilities when in motor vehicle distress from "H" to "D" to conform with the change in terminology.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1

H.B. 93-1092 Revisor's Bill - revisions to conform, correct, and clarify statutes - introduced early in session. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other law, clarifies the language and more accurately reflects the legislative intent of the laws. The specific reasons for each amendment or repeal are set forth in the appendix to this bill. The changes are more significant than those contained in the traditional bill (H.B. 93-1342).

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1342 Revisor's Bill - revisions to conform, correct, and clarify statutes - traditional bill introduced late in session. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other law, clarifies the language and more accurately reflects the legislative intent of the laws. The specific reasons for each amendment or repeal are set forth in the appendix to this bill.

APPROVED by Governor June 6, 1993

PORTIONS EFFECTIVE June 6, 1993
July 1, 1993

TAXATION

S.B. 93-61 Property tax - delinquent special assessments - collection. Requires any sale of property for delinquent property taxes to include any delinquent special assessments on such property. Authorizes any county or municipality which is a holder of a certificate of purchase to bring an action for foreclosure against persons who are occupying or in possession of such property. Specifies that legal actions which counties and municipalities are entitled to bring for adjudication of rights regarding real property include quiet title actions.

APPROVED by Governor March 26, 1993

EFFECTIVE March 26, 1993

S.B. 93-82 Severance tax - allocation of revenues. Extends through fiscal year 1993-94 the allocation to the state general fund of severance tax revenues which would otherwise be credited to the state severance tax trust fund.

APPROVED by Governor February 16, 1993

EFFECTIVE February 16, 1993

S.B. 93-88 Property tax - exemptions - limitation on incidental use of exempt property - property used for community corrections facility. For property tax years commencing on or after January 1, 1994, changes the income requirements for occasional non-exempt use of exempt property to allow exemption of such property where income from such use does not annually exceed 208 hours and which does not annually exceed both \$10,000 of unrelated trade or business income and \$10,000 of rental income to the property owner.

For property tax years commencing on or after January 1, 1993, grants a charitable property tax exemption to property owned by a nonprofit community corrections agency for a community correctional facility or program.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

S.B. 93-90 Property tax - optional nongaming property tax deferral program. Beginning with property taxes levied in 1992 for collection in 1993, authorizes any local government in which limited gaming is authorized to establish a program to grant real property tax deferrals to owners of real property which is not used for limited gaming although it is located within a commercial district in which limited gaming is authorized. Specifies that the maximum amount of such nongaming property tax deferral shall be the amount of the real property taxes levied which exceeds 130% of the amount paid by the taxpayer on such real property in the previous property tax year; except that the amount of such property tax deferral shall not exceed the market value of such real property. Instructs local governments which establish a nongaming property tax deferral program for the same parcels of real property to cooperate in granting deferrals. Requires the local government establishing a nongaming property tax deferral program to hold a public hearing prior to establishing such program. Specifies requirements for nongaming property tax deferral programs. Requires a local government which grants a nongaming property tax deferral to pay the amount deferred out of moneys received by such local government from the limited gaming fund. Authorizes such local government to receive payment of the amount deferred from the person granted the nongaming property tax deferral. Repeals the authorization for a nongaming property tax deferral program effective December 31, 1996. Authorizes the county treasurer to receive payment of property taxes in other than equal installments on real property for which a nongaming property tax deferral is granted. Allows the local government to establish and collect a filing fee from persons claiming a nongaming property tax

deferral.

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

S.B. 93-173 Severance tax - allocation of revenues to uranium mill tailings remedial action program fund - other sources of funding - extension of program. Credits severance tax revenues for fiscal years 1994-95 through 1996-97, which would otherwise be credited to the state severance tax trust fund, to the uranium mill tailings remedial action program fund (the UMRAP fund) up to specified limits. Includes the local government mineral impact fund as a source of funding for the UMRAP fund. Increases the limit on the amount of moneys available for remedial costs in the UMRAP fund. Requires the executive director of the department of local affairs to transfer specified amounts from the local government mineral impact fund, the local government severance tax fund, or both, to the UMRAP fund before or during fiscal years 1993-94 through 1996-97. Changes the annual date for the department of health to report on cleanup progress at uranium mill tailing sites to conform to administrative schedules. Extends the repeal date for the uranium mill tailings remedial action program to July 1, 1999. Requires that moneys in the UMRAP fund be transferred to the state severance tax trust fund at the end of fiscal year 1998-99.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

S.B. 93-255 Property tax - administrative procedures - refunds - modifications to assessment calendar - information regarding actual value of real property - adjustment of residential ratio. Establishes a procedure for local governments to grant temporary property tax credits or temporary mill levy rate reductions in order to effect refunds pursuant to section 20 of article X of the state constitution. Requires county assessors to certify valuations for assessment of taxable property to local governments no later than August 25 of each year and makes other adjustments to the assessment calendar. Instructs assessors to provide to each local government the actual value of all real property within such local government, including additions and deletions from taxable real property and taxable improvements to real property. Eliminates the ability of the state board of equalization to adjust the percentage of aggregate valuation for assessment attributable to residential real property as set by the general assembly.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1020 Income tax - action older American volunteer check-off program - appropriation. Effective for income tax years on and after January 1, 1993, but prior to January 1, 1996, permits taxpayers to designate on their Colorado income tax return a contribution to provide financial support for action older American volunteer programs. Creates the action older American volunteer program fund and requires the state treasurer to credit such voluntary contributions to said fund. Authorizes the general assembly to appropriate moneys from said fund to the Colorado OAVP Directors, Inc., for the purpose of administering and funding action older American volunteer programs. Provides for the appropriation of moneys to the department of revenue for the cost of administering moneys designated as contributions to the fund. Specifies that appropriations from the action older American volunteer program fund shall not exceed moneys available in such fund.

Appropriates \$19,325 and 0.5 FTE to the department of revenue for implementation of the act.

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

H.B. 93-1039 Property tax - oil and gas leaseholds or lands - nonoperating interest owners - apportionment of property taxes. Requires property taxes assessed on any oil or gas unit to be apportioned to each nonoperating interest owner of such unit in the same proportion that the revenues earned by such owner bears to the total revenues earned on such unit. Allows any nonoperating interest owner in an oil or gas well to submit an annual report of the actual net taxable revenues and the actual exempt revenues received at the wellhead by such owner to the unit operator for use in determining the production sales price at the wellhead. Specifies the calculation for determining the production sales price at the wellhead and net taxable revenues. Requires the operator to submit information to the county assessor regarding each nonoperating interest owner taking production in kind and the proportionate share of total unit revenue attributable to each nonoperating interest owner taking production in kind. Authorizes the operator to determine the selling price at the wellhead based on the price received by such operator if any nonoperating interest owner fails to report the actual net taxable revenues and the actual exempt revenues received by such owner. Provides that money remaining in an account established for the payment of property taxes on the production of any unit shall, upon abandonment of such unit, be divided among the nonoperating interest owners of such unit in proportion to the amount contributed to such account by each owner. Relieves unit operators from liability for any tax or penalty imposed as a result of inaccurate information reported by any nonoperating interest owner.

Applies to property tax years beginning on or after January 1, 1994.

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

H.B. 93-1040 Property tax - collection of delinquent property taxes. Effective January 1, 1994, clarifies the provisions allowing payment of property taxes in equal installments and specifying the amount of interest collectible on late installments and on late payments of the full amount of property taxes due. Requires posting of notice of delinquent taxes in the county treasurer's office and in one other public place. Allows service of a distraint warrant by a commissioned deputy or by a private server of process and specifies that the sheriff's office shall pay the cost of such private server. Specifies that execution of a treasurer's deed does not affect prior existing roads, rights-of-way, or easements. Specifies that refund interest is available only on taxes which have been paid by the petitioner.

APPROVED by Governor April 7, 1993

EFFECTIVE April 7, 1993

H.B. 93-1104 Property tax - refund procedures - abatement and refund levies - school districts - limitation. Provides that a school district shall not be required to increase its mill levy for abatements and refunds as a result of court orders or judgments which reduce such school district's assessed valuation by more than 20%. Provides that a school district which is currently levying an increased amount for such abatements or refunds shall have no further obligation to levy for uncollected amounts. Includes such a reduction in school district assessed valuation as an unforeseen circumstance justifying payment of moneys from the contingency reserve in the state public school fund.

Provides that the general assembly may consider recommendations of the department of education concerning the amount of the appropriation to the contingency reserve but

shall not be obligated to provide supplemental assistance to all school districts determined to be in need or to fully fund such need.

APPROVED by Governor June 2, 1993

EFFECTIVE June 2, 1993

H.B. 93-1107 Income tax - apportionment of taxable income - partnerships, limited liability companies, and magazine or periodical publishers. For taxable years beginning on or after January 1, 1994, extends certain state corporate income tax policies to partnerships and limited liability companies. Authorizes any partnership or limited liability company to elect to use either the Colorado statutory 2-factor apportionment formula or the multistate tax compact 3-factor apportionment formula in determining the portion of a nonresident partner's or member's distributive share of items of partnership or limited liability company income, gain, loss, deduction, or credit allocable or apportioned to this state. Provides that, if a partnership or limited liability company qualifies as an export taxpayer, its partners or members may exclude from Colorado gross income all foreign source income allocated to such partners or members by such partnership or limited liability company. Defines the term "export taxpayer". Provides that, in determining the percentage of income received by a magazine or periodical publisher to apportion to this state, receipts from the sale of advertising in magazines or periodicals shall be considered Colorado income only to the extent that such magazines or periodicals are delivered within Colorado.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1116 Property tax - exemptions - low-income residential property. Exempts from property taxation low-income housing facilities for the elderly or disabled which are owned by domestic or foreign limited partnerships of which all of the partners are nonprofit corporations. Exempts from property taxation any elderly or disabled low-income residential facility which is owned by a domestic or foreign limited partnership, the general partner of which is a for-profit corporation which is partially owned and controlled by a nonprofit corporation and which limited partnership was formed to obtain and has obtained low-income housing tax credits. Specifies that such exemption shall be revoked if the limited partnership distributes cash or other property to its partners or if the residential facility is sold or otherwise disposed of. Defines "elderly or disabled low-income residential facility" as a facility a portion of which is operated as a residential facility which houses only elderly or disabled persons and the rest of which is operated as a licensed health care facility.

Applies to applications for exemptions filed or pending on or after January 1, 1993.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1120 Tax returns and other tax documents - preparation and filing - alternative procedures. Allows the executive director of the department of revenue to prescribe voluntary alternative methods for the making, filing, signing, subscribing, verifying, transmitting, receiving, and storing of tax returns or other tax documents. Provides that returns or other documents signed, subscribed, or verified pursuant to such regulations shall be treated as if verified by signature. Authorizes the executive director to contract for communications services and requires such contracts to contain statutory language concerning liability for disclosure of information. Allows the executive director to adopt regulations which determine the date of receipt for returns or other documents made, filed, signed, subscribed, verified, transmitted, received, or stored under an alternative method. Authorizes the Colorado limited gaming control

commission to prescribe such alternative methods for returns or other documents related to limited gaming.

APPROVED by Governor April 19, 1993 **EFFECTIVE** April 19, 1993

H.B. 93-1121 Income tax - changes in withholding procedures. On and after January 1, 1994, provides that the definition of "wages" for withholding tax purposes shall be the same under Colorado law as under federal law. Eliminates statutory provisions concerning withholding procedures and authorizes the executive director of the department of revenue to promulgate rules and regulations concerning remittance of tax withheld on wages, the filing of withholding tax returns, and tax payment due dates. Provides that such rules and regulations shall be no more stringent than federal withholding requirements.

On and after May 6, 1993, authorizes the executive director of the department of revenue to promulgate rules and regulations concerning remittance of tax withheld on winnings.

APPROVED by Governor May 6, 1993 **PORTIONS EFFECTIVE** May 6, 1993
January 1, 1994

H.B. 93-1169 Property tax - contract for deed - reclassification from agricultural land. Exempts certain sellers under contracts for deed to real property from the tax escrow requirements for such contracts. Requires the county assessor, subject to availability of funds, to inform persons whose property has been reclassified from agricultural land to any other classification of the reasons for such reclassification. Prohibits a decision on certain petitions regarding abatement or refund of taxes without a hearing.

APPROVED by Governor June 6, 1993 **EFFECTIVE** July 1, 1993

H.B. 93-1197 Property tax - certification by state auditor of rate of tax levied for state purposes - repeal. Repeals a provision requiring the state auditor to certify to each county assessor the rate of tax that has been fixed and levied for the current year by the general assembly for state purposes.

APPROVED by Governor April 19, 1993 **EFFECTIVE** April 19, 1993

H.B. 93-1315 Property tax - residential real property - adjustment of residential rate. Establishes the ratio of valuation for assessment for residential real property for property tax years commencing on or after January 1, 1993, but before January 1, 1995, at 12.86% of actual value.

APPROVED by Governor June 6, 1993 **EFFECTIVE** June 6, 1993

H.B. 93-1321 Property tax - administrative procedures. Authorizes the property tax administrator to define new construction for purposes of calculating the limitation on any local government's annual increase in property tax revenues. Provides for transmittal of a copy of the certification of property tax levies to the division of local government and the department of education and for transmittal of any changes in such levies to the department of education. Requires the assessor to make necessary

adjustments in the abstract of assessment on or before October 10. Requires the chairman of the board of county commissioners to subscribe to the abstract of assessment. Increases the number of copies of the abstract of assessment to be filed by the assessor with the property tax administrator from 1 to 2.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1330 Sales tax - Colorado tourism promotion fund taxes. Recreates and reenacts the statutes which impose a special sales tax of 0.2% on tourism-related items, which taxes support the Colorado tourism promotion fund. Refers to the voters a measure to reimpose such taxes pursuant to section 20 of article X of the state constitution (Amendment 1).

APPROVED by Governor June 13, 1993

EFFECTIVE upon the Governor's proclamation or thirty days after a canvass of votes is completed, whichever occurs earlier.

TRANSPORTATION

S.B. 93-167 Colorado scenic and historic byway program - criteria and procedure for designation - roadside advertising. Establishes uniform minimum standards for designating scenic byways under the Colorado scenic byway program. Requires the Colorado scenic and historic byways commission to consider any scenic byway proposal which meets such minimum standards. Specifies that any proposal recommended for adoption by the Colorado scenic and historic byways commission shall be forwarded to the transportation commission within the department of transportation for formal approval. Requires the transportation commission to hold a public hearing concerning any such recommended proposal. Stipulates that interested parties shall be given an opportunity to provide comments and submit evidence in support of or in opposition to the proposed designation at such public hearing. Requires the transportation commission to enter an order adopting, denying, or remanding the proposal to the Colorado scenic and historic byways commission for further action.

Not less than 60 days prior to the date of a public hearing held by the transportation commission, requires the proponents of such proposal to cause notice of the public hearing to be published in 3 successive issues of a newspaper or newspapers located in the town nearest to the proposed designation. Also requires the proponents to post notice of the hearing at conspicuous points along the perimeter of the proposed scenic byway. With respect to proposed scenic byways which exceed 10 miles, requires such notice to be posted at least once every 10 miles. Requires the proponents to bear the cost of complying with all such notice requirements.

Provides that property which has been developed for commercial or industrial use shall not be included in a proposed scenic byway unless it meets the minimum standards for designation or that the commercial or industrial use is related to tourism, recreation, or to promotional activities pertaining to such uses. Specifies that the exception of such portions from a scenic byway designation shall not be construed to restrict the placement of an approved scenic byway logo or directional sign where the department of transportation determines that such sign is necessary to advertise or promote the scenic byway. Provides that the designation of a state highway as a scenic byway shall not be construed to require any modification in local land use regulations or restrictions, require any change in commercial or agricultural activities, or affect future highway rehabilitation or development.

Provides that state highways designated as scenic byways are subject to statutory restrictions concerning roadside advertising. Stipulates that any advertising device placed on a scenic byway shall be considered to be visible from such byway if it is plainly visible to the driver of a vehicle who is proceeding in a legally designated direction and traveling at the posted speed.

Specifies that the act shall not be construed to alter the duties and responsibilities of the Colorado scenic and historic byways commission created by the Governor.

Provides that no appropriation of state moneys is necessary to carry out the purposes of the act.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

S.B. 93-226 Nuclear materials transportation - relocation and amendment of provisions - regulation by Colorado state patrol. Relocates and amends provisions governing the transportation of nuclear materials by motor vehicle. Makes the following substantive

changes: Transfers the authority for nuclear material transportation, except the permit system, from the public utilities commission to the Colorado state patrol. Conforms the nuclear materials transportation permit system to federal law. Eliminates the requirement that a permit application include a certification of completion of a driver training program, proof of liability insurance, and a nuclear incident clean-up plan. Provides that a permit is valid for one year. Eliminates the requirement that any person transporting nuclear materials carry a copy of the permit in the vehicle. Eliminates the requirement that an operator of a vehicle carrying nuclear materials who is involved in an accident provide access to shipping papers and notify the first officials arriving that the vehicle is carrying nuclear materials. Repeals the prenotification requirement for the shipment of nuclear materials through the state. Repeals the authorization for the nuclear materials transportation advisory committee.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1252 Highways and roads - public rights in roadways - transfers of rights - vacation or abandonment of roadways. Provides that the transfer to any party, including a government agency, of all or any part of the land upon which a road is constructed shall not act to vacate the road and shall not act to diminish the rights of any person in such a road.

Provides that any rights in a road providing access to any parcel of land may be transferred when the parcel of land is transferred.

Requires that any documents vacating or abandoning any roadway be recorded in the office of the county clerk and recorder.

Prohibits the vacation or abandonment of any roadway established by a county, a municipality, or the state by any means other than a resolution or ordinance approved by the county, the municipality, or the transportation commission. Exempts from such prohibition any roadway that was established but was not used as a roadway after establishment. Requires that written notice be provided to adjacent landowners prior to any county commissioners' meeting at which a resolution to vacate a county roadway is to be discussed.

APPROVED by Governor April 30, 1993

EFFECTIVE April 30, 1993

H.B. 93-1316 Public highway authorities - property within an authority - modification of highway alignment - bonds to finance highway construction - judicial examination of powers, acts, proceedings, or contracts. Authorizes the board of directors of a public highway authority to include property within or to exclude property from the boundaries of the authority. Requires that any property to be included be within the boundaries of the members of the combination forming the authority, be contiguous to property within the authority, and be not more than 2 1/2 miles from the center line of the public highway as described in the contract establishing the authority. Requires that the authority publish and mail a notice and hold a public hearing prior to the inclusion or exclusion of any property. Requires that there be a 2/3 vote of the members of the board in order to adopt a resolution to include property within or exclude property from the boundaries of the authority. Provides that property excluded from the boundaries of an authority shall be subject to the revenue-raising powers of the authority only to the extent that such powers have previously been exercised against such property and only to the extent needed to comply with agreements with bondholders.

Authorizes the board of directors of a public highway authority, with a two-thirds vote of the members of the board, to determine the location of the alignment of

the public highway, subject only to any provisions in the contract establishing the authority regarding amendment of the contract.

Prohibits any county or municipality that issued bonds prior to the creation of a public highway authority and that has lent all or any part of the bond proceeds to such authority from taking any action or failing to take any action that would limit the availability of such proceeds or that would affect the ability of the authority to finance the public highway unless the authority consents or unless the action or failure to act is required by agreements with bondholders. Requires that any county or municipality that has assigned its rights and privileges regarding bonds issued to finance a public highway take any action requested by the authority in connection with such bonds. Provides that any county or municipality that has assigned to an authority all of its rights and privileges regarding bonds issued to finance a public highway shall not have any financial liability with respect to the repayment of such bonds except to the extent expressly provided in the bonds or the assignment.

Authorizes the board of directors of a public highway authority to file a petition in district court requesting a judicial examination and determination of any power conferred to the authority, any revenue-raising power exercised or to be exercised by the authority, or any act, proceeding, or contract of the authority.

APPROVED by Governor June 1, 1993

EFFECTIVE June 1, 1993

WATER AND IRRIGATION

S.B. 93-75 Water conservation board construction fund - delay in general fund transfers to fund. Delays for one year the transfers of general fund moneys to the Colorado water conservation board construction fund, to the fish and wildlife resources account in such fund, and to the Colorado water resources and power development authority which were scheduled for July 1, 1993, July 1, 1994, and July 1, 1995.

APPROVED by Governor February 16, 1993

EFFECTIVE February 16, 1993

S.B. 93-76 Satellite monitoring of water resources - funding - payment of costs of system maintenance from water conservation board construction fund. Allows costs of controlled maintenance of the state engineer's satellite monitoring system to be paid from the Colorado water conservation board construction fund, subject to approval by the general assembly, in the manner currently provided for other water resource projects. Ends the existing general fund subsidy of the satellite system.

APPROVED by Governor February 16, 1993

EFFECTIVE February 16, 1993

S.B. 93-83 Water conservation board construction fund - appropriation of moneys. Extends from July 1, 1993, to July 1, 1994, the general assembly's power to appropriate moneys from the water conservation board construction fund to the water conservation board for any necessary expense of said board.

APPROVED by Governor February 16, 1993

EFFECTIVE February 16, 1993

S.B. 93-130 Amendment #1 - enterprise status of government water activities. Authorizes state and local governmental entities which may acquire water or water rights or engage in other water activities, including the provision of water or wastewater or stormwater services, to establish water activity enterprises. Defines "water activity enterprises" to conform to the definition of an "enterprise" in article X, section 20 of the state constitution. Provides that the governing body of the enterprise shall be the governing body of the governmental entity which owns the enterprise, unless otherwise provided by applicable state or local law. Authorizes water project enterprises to issue revenue bonds payable from the revenues derived from the functions, services, benefits, or facilities of the enterprise or from any other available funds of the enterprise.

Allows levies and assessments or a pledge thereof to cover a default or deficiency in bonded indebtedness payments without an election if the levy, assessment, or pledge is made in accordance with a bond contract or indenture entered into before November 4, 1992. Allows levies on lands newly included in a district without an election, in order that newly included lands and similarly situated existing lands are treated equally. Provides that water project loans subject to repayment and contracts for services are not "grants" which might remove enterprise status.

Specifies that revenues collected by water activity enterprises or by districts on their behalf for services rendered are not subject to the limitations of article X, section 20.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

S.B. 93-241 Wells - permits - residential uses - presumption of no material injury. Extends the presumption, which was scheduled for repeal on July 1, 1993, that a well on a residential site used solely for ordinary household purposes inside a single-family dwelling or as the only well on a tract of at least thirty-five acres does not materially injure the water rights of others or any other existing well. Repeals a similar presumption currently granted for the watering of domestic animals.

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

S.B. 93-260 Substitute water supplies - gravel pits - review by state engineer - appropriation. Increases the fee authorized to be charged by the state engineer for review of new and renewed gravel pit substitute water supply plans to \$1,343 unless the request for review is prior to the expiration date of the previous plan, in which case the fee will be \$217. Declares that the provisions of the act shall not prejudice the rights of downstream water appropriators.

Appropriates \$59,742 to the water resources division for the implementation of the act.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

H.B. 93-1060 Water wells - construction outside designated basins - notice requirements - exemptions. Relieves persons applying to the state engineer for water-well permits of the requirement to give notice of the application to every person who has any interest in the overlying land, requiring instead that notice be given to record owners and holders of recorded liens, mortgages, or deeds of trust relating to the overlying land. Exempts from such notice requirements those persons exercising rights under court decrees and governmental entities which have obtained written consent to withdraw ground water and seek to construct wells within their service area. Makes corresponding changes in the notice requirements applicable to similar proceedings in water court.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

H.B. 93-1240 Water rights - biennial tabulations. Requires the division engineers in the division of water resources to prepare and publish tabulations of water rights every 2 years instead of every 4 years, beginning with the tabulation in 1994.

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

H.B. 93-1273 Water conservation board - project authorization and deauthorization - studies - emergency infrastructure account - appropriation. Authorizes the Colorado water conservation board to make loans from the Colorado water conservation board construction fund for certain water resources projects. Deauthorizes loans from the Colorado water conservation board construction fund for certain water resources projects. Authorizes the expenditure of funds from the Colorado water conservation board construction fund for studies of the water supply in the Denver metro area and of potential small dam sites in Colorado, for a decision support system and data base on the Colorado river, for a water rights management support system on the South Platte river, for a consolidated water resources information center, and for the purchase of uncommitted water at Ruedi reservoir. Creates the emergency infrastructure account to provide immediate funds for emergency repairs to water storage and distribution systems.

Appropriates \$250,000 and 3.5 FTE from the Colorado water conservation board

construction fund to the department of natural resources for allocation to the water conservation board and the division of water resources for the Colorado river decision support system. Appropriates \$113,000 from the water conservation board construction fund to the department of natural resources for allocation to the state engineer for the controlled maintenance of the statewide satellite monitoring system.

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

PROPOSED STATE CONSTITUTIONAL AMENDMENT

S.C.R. 93-4 Initiatives and referred measures - single subject required. Submits to the Colorado voters at the next available election an amendment to the state constitution to require that every constitutional amendment or law proposed by initiative and every constitutional amendment proposed by the general assembly be limited to a single subject, which shall be clearly expressed in its title. Provides that any subject not expressed in the title is void.

When a proper ballot title cannot be fixed for a measure proposed by petition because the measure contains more than one subject, prohibits the submission of the measure to the voters, but allows the proponents of the measure to revise and resubmit the measure for the fixing of a proper ballot title. Provides that the revised measure need not be resubmitted to legislative staff for review and comment unless the revisions involve more than the elimination of provisions to achieve a single subject, or unless the officials responsible for fixing the title determine that the revisions are so substantial that such review and comment is in the public interest.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvass of votes is completed, whichever occurs earlier

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