

FILE COPY

DIGEST OF BILLS

Enacted by The

FORTY-EIGHTH GENERAL ASSEMBLY

1972 Second Regular Session



COLORADO

LEGISLATIVE DRAFTING OFFICE

30 State Capital Bldg.
Denver, Colorado 80203

June, 1972

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

(1972 - Second Regular Session)

and

APPROVED OR VETOED BY THE GOVERNOR
OR BECAME LAW WITHOUT APPROVAL OF THE GOVERNOR

(Together with a Subject Index)

Compiled by the
Legislative Drafting Office
30 State Capitol
Denver

Note: The first date appearing after the act is the date on which it was approved by the Governor; the second date is the effective date of the act.

Bills Passed:

House Bills	64
Senate Bills	<u>42</u>

Bills enacted and approved	105
Bills enacted without approval	1
Bills vetoed	<u>None</u>
Total	106

SENATE BILLS ENACTED AND APPROVED

- | <u>No.</u> | <u>Subject</u> |
|------------|--|
| 1 | <u>Children's code - stepparent adoptions.</u> Clarifies that the court may enter a final decree in a stepparent adoption case at the time of the hearing and need not wait six months after the hearing to enter the decree as is required in other adoption cases. |

February 15 February 15

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|---|---|
| 3 | <u>Institutions - penitentiary and reformatory - items furnished to persons released - appropriation.</u> Raises the amount of money required to be furnished to a person other than a parolee being discharged from the Colorado state penitentiary from \$25 to \$100, and permits nonparolees from the Colorado state reformatory to be furnished up to \$100. Provides that parolees from the penitentiary or the reformatory may be furnished a reasonable sum not to exceed \$100. Allows the warden of the penitentiary or the reformatory to grant a portion of the sum furnished to a parolee outright and to deposit the remainder in an account maintained for the parolee by the division of parole. Provides that a person released from the penitentiary or the reformatory may be furnished transportation to his place of residence, whether or not in Colorado, and deletes specific references to transportation by rail or bus. Makes these provisions applicable to women released from the women's correctional institution. |
|---|---|

Appropriates \$91,575 to the department of institutions for the implementation of the act.

April 18 April 18

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|---|---|
| 5 | <u>Public welfare - families with dependent children - employment.</u> States that any unemployed parent of a dependent child who refuses employment, training for employment, or employment services without good cause shall not be eligible for aid to families with dependent children (AFDC). Provides that the needs of the unemployed parent shall be removed from the AFDC grant and that protective payments on behalf of the remaining family members shall be made. Requires the departments of social services and labor and employment to cooperate in placing unemployed parents in jobs and to establish procedures for informing unemployed parents of employment and training opportunities and for advising county welfare departments of AFDC recipients who have accepted or declined employment, training, or employment services. |
|---|---|

Senate Bills

No.

Subject

5
cont. Directs the department of social services to apply for a waiver of federal requirements in order to conduct special work experience programs for employable AFDC recipients. Continuation of aid would be conditioned on participation in the program. To provide incentives, participants would earn not less than 75% of the federal minimum wage, and \$30 plus 1/3 of earned income per month, up to 150% of the AFDC grant, would be disregarded in determining AFDC eligibility. Work experience programs would be mainly concerned with useful public service tasks not in competition with existing permanent jobs.

April 27

July 1

6 Relief and public welfare - aid to dependent children. Requires all departments and agencies of the state and local governments to cooperate with the department of social services and district attorneys in locating parents who have abandoned children and persons who have fraudulently obtained aid or assistance to dependent children.

March 6

July 1

15 Department of institutions - appropriation for dining facility at Colorado state hospital. Amends 1971 capital construction appropriation to department of institutions by authorizing construction of a dining facility at Colorado state hospital.

February 17

February 17

16 State universities and colleges - establishment of Mesa college authorized - dissolution of Mesa junior college district - prospective curricula and development plans - appropriation. Authorizes the establishment of Mesa college at Grand Junction, Colorado, when a plan for dissolution of the Mesa junior college district is approved by the trustees of the state colleges in Colorado and adopted by the registered qualified electors of the Mesa junior college district. Directs the trustees, in cooperation with Mesa junior college and the Mesa junior college district committee, to develop a preliminary 5 year development plan, including proposed courses of study, for Mesa college by March 1, 1973, and a final plan, including a projection of vocational curricula and the college's relation to area advisory councils, by June 30, 1973. Both plans are to be submitted to the Colorado commission on higher education for its review and recommendation to the governor and general assembly.

Mesa college, if created, would be under the supervision of the trustees of the state colleges in Colorado. Upon

Senate Bills

No. Subject

16 adoption of the plan of dissolution for Mesa junior college
cont. district, but not sooner than July 1, 1974, the property and
 assets would be transferred to the trustees and the trustees
 would assume the duties of the Mesa junior college district in
 meeting outstanding obligations of said district. Appropriates
 \$50,000 for such planning as is necessary for the transition of
 Mesa junior college to a baccalaureate degree-granting
 institution.

April 20 July 1

18 Legislative apportionment - state senate. Revises the
 boundaries of the 35 state senate districts, based on the 1970
 federal census. See S.B. 22, which repealed and reenacted the
 provisions of this act.

Note: In the case of Acker, et al. v. Love, et al.,
Colorado Supreme Court case number 25501, the court, on April
18, 1972, ruled that the senate districts created by this act
violated the Colorado constitutional provision requiring
districts to be as compact in area as possible. However,
general election precincts established by counties based upon
the senate district boundaries drawn by this act were declared
to be valid for purposes of selecting delegates to county and
state conventions held by political parties.

February 18 February 18

19 Banks and banking - reserves against deposits. The requirement
 that reserves against deposits for state banks not members of
 the federal reserve system be at least 15% of deposits is
 modified to provide that that percentage is not applicable to
 deposits of public moneys secured by pledges of the bank's
 assets.

February 28 February 28

21 State property - legal description amended for conveyance.
 Amends legal description contained in a 1963 session law which
 authorized the conveyance of certain state property in
 Jefferson county by the department of institutions.

February 17 February 17

22 Legislative apportionment - state senate and representative
 districts. Revises the boundaries of the senate and house
 districts of the state legislature as such districts were
 established by S.B. 18 and H.B. 1048 earlier in the 1972
 session, by repealing and reenacting the provisions of the
 earlier bills. The act includes, as a part of the legislative
 declaration, an explanation of how and why the district
 boundaries were drawn as they were. Provision is made for a

Senate Bills

No.

Subject

22
cont.

method of attaching to a district territory which has accidentally been omitted from any district, or which was included in more than one district. Subsequent annexations which change county boundaries may result in attachment or detachment depending on several factors, including the population involved and whether an enclave would result. The legislative council is to file copies of census maps showing all districts with the secretary of state, who is charged with the duties relating to attachment and detachment.

The time schedule for boards of county commissioners to reapprove precinct boundaries, when required by virtue of changes made in district boundaries by this act, is changed from that established by H.B. 1133. The new schedule requires reapproval of general election precincts by the commissioners within 2 weeks of the effective date of this act, county chairmen are to be advised thereof within 5 days of such reapproval, and new maps must be filed with the secretary of state within 2 weeks of such reapproval. Precinct caucuses must be held within 4 weeks of the reapproval date.

June 7

June 7

23

State hospital - utilization of facilities - family practice medical training program - appropriation. Provides that persons under care of the department of institutions may receive medical care and treatment at Colorado state hospital. Authorizes the board of regents of the university of Colorado in cooperation with the department of institutions to establish a family practice medical training program utilizing facilities at the state hospital, and appropriates \$253,120 therefor.

May 5

May 5

25

Supplemental appropriation - department of labor and employment. \$67,266, to the division of the state compensation fund out of the state compensation insurance fund, for implementation of amended provisions of workmen's compensation law.

April 10

April 10

27

Workmen's compensation - farm and ranch labor - appropriation. Makes employers of 4 or more farm and ranch employees subject to workmen's compensation regardless of the length of employment or type of work of such employees. Appropriates \$50,000 for study of premium rates and classifications.

May 10

May 10

35

Appropriation - university of Colorado - capital construction. Increases by \$600,000 a 1970 appropriation to the university of

Senate Bills

<u>No.</u>	<u>Subject</u>
33 cont.	Colorado for a law school addition, authorizes some remodeling and reduces stated square footage.

April 27

April 27

34 Local government - service authorities - creation and operation. The creation and operation of service authorities, a new unit of local government designed to reduce the proliferation of other types of quasi-municipal government, is authorized by a new article. The major provisions are as follows:

Services - territory. A service authority is permitted to offer any of the following services, when authorized as specified: water collection, treatment, and distribution; urban drainage and flood control; sewage collection, treatment, and disposal; public surface transportation; disposal of solid waste, and upon special findings, the collection thereof; parks and recreation; libraries; fire protection; hospitals (and related health services); cultural facilities (museums, etc.); housing; weed and pest control; central management services (purchasing, computer, etc.); gas and electric services (subject to special conditions); jails and rehabilitation; and land and soil preservation. Any such service and a maximum mill levy therefor must be approved by a majority of the qualified electors voting thereon in each county within the service authority. Every service authority, however, is charged with the overall planning function within its territory without any vote, and is given powers and duties relating thereto.

A service authority must consist of whole counties only, with a minimum of at least two counties, except that a service authority in the metropolitan Denver area must include as a minimum all of Denver and all of Adams, Arapahoe, and Jefferson counties, but in the special case of a municipality having territory in more than one county, the municipality may be excluded.

Formation. Formation is commenced by resolution by a majority of the governing bodies of the counties and municipalities within the proposed territory or by petition by qualified electors therein numbering at least 5% of the total vote for governor in the territory at the last election. The district court of the most populous county involved is given the duty of supervising the formation, including verifying the regularity of the proposal, and if found valid, appointing an organizational commission, which is to determine what services are to be voted on at the formation election and the maximum mill levy for each such service. The commission is also to divide the area into voting districts of approximately equal population. County clerks are to supervise the election, which

Senate Bills

No.

Subject

34
cont.

is to include the question of formation, services to be furnished by the authority, and voting for the initial board of directors, which will vary in number from 15 in the most populous to five in the least. Until the end of 1979, candidates for the board of directors must be elected officers of the county and municipalities within the service authority. Formation is contingent upon a majority of votes in the entire territory while any service proposed and its accompanying mill levy must be approved by a majority of the electors voting thereon in each county within the territory. Proposed services for a service authority at the time of formation may only be for services to be furnished on a concurrent basis with existing governmental units, but after formation, proposals for the furnishing of any service on an exclusive basis by the service authority may be submitted at any general election. Such proposals within an existing service authority may be by petition or resolution in the same manner as that by which a service authority is originally proposed.

Powers. Powers of the board of a service authority are substantially the same as those granted to special districts, with specific powers and duties stated related to the planning function, as well as power to make regulations relating to services furnished by the service authority. Procedures are established for the inclusion of additional whole counties or parts of municipalities having territory in two or more counties. Special taxing districts for the levying of ad valorem taxes at different rates within the service authority are authorized for situations in which a service may be provided within only part of the territory, or when the level of service varies within the territory. Local improvement districts may be formed subject to special assessments in cases where facilities supplied by the service authority will result in special benefits to certain real property within the service authority.

Assumption of services and facilities. Provision is made for the service authority to take over the management of existing special districts, with the consent of the district's electors, and no new special districts may be organized within the territory of a service authority which is providing substantially the same service as that proposed for the special district. Assumption of any service and facility from any local governmental unit, when authorized, is to be on fair and equitable terms, which may include special rates or tax credits to those who bore the cost of such facilities originally. Such terms, if unsatisfactory to the local governmental unit, are subject to court review. A service authority taking over the services in the Denver metropolitan area is limited to a levy of two-tenths of one mill for its planning function, and, if approved by the voters, is to take over the services of urban drainage and sewage collection and have the powers and the mill

Senate Bills

<u>No.</u>	<u>Subject</u>
34 cont.	levy limitations imposed by existing law on such districts. Special provision is made for the regional transportation district to keep its own powers and duties at least until July 1, 1974. The existing law providing for the method of dissolution of special districts is applicable to service authorities.

May 21

May 21

35	<u>County planning - subdivision regulation - Colorado land use commission.</u> Revises the definition of "subdivision" to include any division of land into 2 (instead of 5) or more parcels, separate interests, or interests in common, but excludes the following divisions of land: Where each parcel created includes 35 acres or more; where the land area divided by the number of interests created yields 35 acres or more per interest; where the division is created by order of court, operation of law, a security instrument, or a regulated investment trust; where the division creates cemetery lots or an interest in oil, gas, minerals, or water severed from the land; and where the division is created by an acquisition in joint tenancy.
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Provides that counties must adopt subdivision regulations not later than September 1, 1972, which require subdividers to submit data, analyses, and plans governing the following matters, in addition to existing submissions: Geologic characteristics affecting the proposed subdivision; evaluation of potential radiation hazards; suitability of soils; and evidence that a water supply sufficient in terms of quality, quantity, and dependability will be available. Regulations must also include provisions governing sites for schools and parks when reasonably necessary to serve the proposed subdivision. Before approval of a plat for filing, the board of county commissioners must approve either a subdivision improvements agreement in which the subdivider agrees to construct public improvements shown in the final plat and to deposit sufficient collateral to insure completion of such improvements, or other agreements which make reasonable provision for the completion of improvements.

Requires a board of county commissioners to distribute copies of preliminary plans to each county and municipality within 2 miles of the subdivision, to each appropriate school district, utility, special district, planning commission, and local or state department of health, and to the state engineer when applicable, for their review and recommendations, which must be transmitted to the board within 24 days. Requires each board of county commissioners to transmit monthly to the Colorado land use commission a notice of filing and a summary of each preliminary plan and plat submitted to the board.

Senate Bills

No.	Subject		
35 cont.	For the period beginning on June 1, 1972, and extending until the adoption of subdivision regulations which the Colorado land use commission finds meet the requirements stated above, subdividers are required to provide evidence of a water supply sufficient in terms of quality, dependability, and quantity, evidence that there will be a sewage disposal system complying with state and local laws and regulations, and evidence that the use of the land in the subdivision is compatible with any soil or topographical conditions presenting hazards or requiring special precautions. Copies of subdivider submissions must be sent to the land use commission during this period.	May 5	May 5
37	<u>Labor - unemployment insurance.</u> Makes several changes in unemployment insurance law including amending the definition of seasonal industry by deleting special provision relating to nonprofit organizations and providing that benefits shall be paid after a determination is made although such determination may be subject to appeal or review.	March 24	March 24
38	<u>Supplemental appropriation - legislative drafting office.</u> \$7,600 for continuation of study on criminal laws concerning sentencing and rehabilitation.	May 5	May 5
41	<u>Water pollution control - financial assistance to political subdivisions.</u> Provides that if a political subdivision is eligible for assistance under the federal water pollution act for construction or improvement of sewage treatment facilities it is eligible for state assistance. Allows water pollution control commission to contract for projects only to the extent that funds have been appropriated and provides that the state contribution shall be that amount which would maximize federal assistance with the state's contribution not to exceed 25% of the total construction cost.	April 4	April 4
42	<u>Department of natural resources - reorganized - division of wildlife established - division of parks and outdoor recreation established - appropriation.</u> Reorganizes certain aspects of the department of natural resources by replacing the division of game, fish, and parks with two new divisions, namely, the division of wildlife and the division of parks and outdoor recreation. The division of wildlife is given authority to regulate hunting, fishing, trapping and other wildlife related activities. Said division is also given authority to license	Senate Bills	

<u>No.</u>	<u>Subject</u>
42 cont.	snowmobiles and other recreational vehicles. The division of parks and outdoor recreation is given authority over the state parks and recreation system, including the issuance of boat certificates and park passes, and the designation of recreational trails.

The respective divisions are under jurisdiction of an 8 member wildlife commission and a 5 member board of outdoor parks and recreation. Members of the commission and board are appointed by the governor with approval of the senate. A wildlife cash fund and a parks and outdoor recreation fund are created with all fee receipts of the divisions to be credited to such funds and used for the administration of the respective divisions. The director of each division is authorized to appoint enforcement officers and to designate license agents throughout the state. Appropriates \$53,223 to the division of parks and outdoor recreation.

May 5

July 1

44	<p><u>Code of criminal procedures.</u> Substantial recodification of chapter 39 covering criminal procedure, involving all except articles 17, 18, and 20 through 24 of the chapter. The various areas of procedure are treated as nearly as possible in the chronological order in which events take place in the prosecution of a criminal case. Approximately ninety sections in existing law were omitted from the new code, either by reason of being restated in better context or because they were obsolete, redundant, or the like. Some of the areas in which significant changes have been made in the existing law are as follows:</p>
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Arrest - search and seizure. A statutory "stop and frisk" section has been added to conform to recent U.S. Supreme Court decisions; the authority of an arresting officer to issue a summons to appear, in lieu of placing a suspect in jail, is clarified; substantial changes have been made in substantive procedures involved in searches and seizures.

Release from custody pending final adjudication. Statutory recognition is given personal recognizance bonds, and criteria governing pretrial release as well as the post conviction release of defendants is detailed; the Uniform Rendition of Accused Persons Act has been incorporated into the code; criteria are set forth for the exercise of judicial discretion concerning the use of summons to appear in lieu of the issuance of an arrest warrant.

Pleadings - trial preparation - trial. Plea discussions and "plea bargaining", with certain safeguards, are given statutory approval; pleading and proof relating to the defense of insanity has been clarified and modified, and in some

Senate Bills

<u>No.</u>	<u>Subject</u>
44 cont.	important particulars the law governing cases where mental condition is a factor has been changed; rights involving discovery and inspection of evidence before trial have been given statutory recognition; illness of a member of a jury of 12 during trial or deliberation will not result in a mistrial if prosecution and defense agree to accept a verdict by the remaining jurors.

Other provisions. Substantial revisions are made in the procedures involved in the disposition of applications for probation; obsolete provisions relating to the carrying out of the death penalty are omitted; the law relating to the abatement of nuisances has been completely rewritten; the article covering simplified procedures in county courts is transferred to chapter 39 from the chapter dealing with courts of record; greater conformity with the Colorado Rules of Criminal Procedure is achieved in instances where both rule and statute cover the same subject.

May 21 July 1

48	<u>Supplemental appropriation - Colorado dealer licensing board.</u> \$188,025, out of auto dealers license fund to Colorado dealer licensing board for general purposes.
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April 10 April 10

49	<u>Supplemental appropriation - department of regulatory agencies.</u> \$105,138, from the general fund unless otherwise specified and for the purposes noted: Banking division - \$9,330, for travel expenses; Insurance division - \$10,104, of which \$9,140 is for personal services, \$364 for operating expenses, and \$600 for capital outlay; Racing commission - \$8,916, of which \$4,200 is for personal services, and \$4,716 for operating expenses; Athletic commission - \$500, operating expenses (athletic commission fund); Basic science board - \$358, for travel expenses (basic sciences examiners' fund); Chiropractic board - \$500, for members' and hearings' expenses (chiropractic examiners' fund); Collection agency board - \$8,000, for legal and investigation expenses (collection agency fund); Dental board - \$1,300, operating expenses (dental examiners' fund); Electrical board - \$50,194, inspection services (electrical board fund); Practical nursing board - \$2,500, for operating expenses (medical examiners' fund); Mortuary science board - \$436, legal expenses (mortuary science fund); Optometric board - \$500, board members' expenses (optometric examiners' fund); Real estate commission - \$10,000, of which \$4,913 is for personal services, \$4,287 for operating expenses, and \$800 for capital outlay (real estate license fund).
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April 10 April 10

Senate Bills

- | <u>No.</u> | <u>Subject</u> | | |
|------------|--|----------|----------|
| 50 | <u>Supplemental appropriation - department of revenue.</u> Reduces the 1971 long bill appropriation for operating expenses to the department of revenue by \$78,710, and charges \$126,540 of the total appropriation to the special motor vehicle inspection account of the highway users tax fund. | April 10 | April 10 |
| 51 | <u>Commerce and development - purpose and powers of division - appropriation.</u> Promotion of economic development by the division of commerce and development is to be particularly directed toward non-urban areas which desire such aid and areas of chronic unemployment. The director's responsibility is to conduct a program to assist these particular aims and to achieve a balanced state economy. Appropriates \$40,000 for the use of the rural development commission in administering the act. | May 10 | May 10 |
| 52 | <u>Health - water pollution control commission.</u> Authorizes officials of the water pollution control commission to enforce the misdemeanor provisions relating to waste disposal in or near state waters. | April 10 | April 10 |
| 53 | <u>State property - jurisdiction of law enforcement officers.</u> Authorizes city police, town marshals, and county sheriffs and their undersheriffs and deputy sheriffs to enforce state law on any state-owned or state-operated property within their jurisdiction and to cooperate with the Colorado state patrol and other state law enforcement officials in such enforcement. | May 19 | May 19 |
| 55 | <u>Crimes and punishments - amendments to "Colorado Criminal Code".</u> Contains miscellaneous substantive amendments to the "Colorado Criminal Code" which goes into effect on July 1, 1972, including amendments concerning the following matters: Justifiable use of deadly physical force in defense of a person; promoting obscenity to a minor; pimping; indecent exposure; introducing contraband in the first degree; determination of grade and classification of an offense relating to escape or custody when the defendant was confined for an unclassified offense; trading in public office; disorderly conduct; possession of illegal weapons; and interference with handicapped persons. | May 21 | July 1 |
| 57 | <u>Real estate brokers and salesmen - licensing exemptions.</u> The | | |

Senate Bills

<u>No.</u>	<u>Subject</u>
57 cont.	definition of real estate broker or salesman, involving the need for licensing, is rewritten as it pertains to exemptions of corporation and corporate personnel. The exemption from licensing requirements now applies to corporations acting through corporate officers and regularly salaried employees only as to transactions involving corporate property which are in the regular course of corporate business (which must not involve land transactions), and such officers and employees must receive at least 75% of their corporate compensation in the form of salary. Other exemptions include: a principal corporate officer, defined as one owning at least 20% of the corporate stock, but only as to Colorado property owned by the corporation not including used one and two-family dwellings; and a corporation selling newly-built improvements on property owned or leased by it when the sale price includes building costs and is paid at the time of the conveyance.

May 10, 1972 September 1, 1973

61	<u>Supplemental appropriation - department of natural resources.</u> Amends 1971 Long Bill to increase the appropriation for reconstruction of the Georgetown Dam by \$113,277, and provides that this amount, plus an additional \$105,000 in the parks appropriation, will come from the capital construction fund, and the amount charged against Federal Land and Water moneys is accordingly reduced by \$105,000.
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May 3 May 3

66	<u>Supplemental appropriation - department of personnel.</u> \$20,833 for expenses of the state personnel board, as follows: \$12,733 for personal services; \$6,000 for operating expenses; \$1,500 for travel; and \$600 for capital outlay.
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April 10 April 10

67	<u>Supplemental appropriation - department of state.</u> \$8,000 - for operating expenses in giving non-compliance notices to nonprofit corporations.
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April 10 April 10

69	<u>Health - standards for waste disposal systems - counties and districts.</u> The standards imposed by county and district boards of health for septic tank and non-municipal waste disposal systems are to be those established by federal public health publication no. 526, as revised 1967.
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April 27 April 27

70	<u>Health - standards for waste disposal systems - cities and towns.</u> The standards imposed by city and town health
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Senate Bills

- | <u>No.</u> | <u>Subject</u> | | |
|-------------|---|----------|----------|
| 70
cont. | departments for septic tank or other waste disposal systems are to be those specified in federal health publication no. 526 as revised 1967. | May 5 | May 5 |
| 71 | <u>Health - water pollution control - municipal sewage treatment.</u> Proposed sites for municipal sewage treatment works must be approved by the water pollution control commission, and the commission is to consider long-range planning for the area and the advisability of consolidating such works with others when necessary to safeguard public health. | May 5 | May 5 |
| 73 | <u>Higher education - tuition charges - authority of Colorado commission on higher education.</u> Requires the governing board of any state institution of higher education having authority to prescribe tuition rates to submit any recommendation to revise such rates to the Colorado commission on higher education. Provides that no revision in tuition rates may take effect until the commission determines that it is consistent with the level of appropriations and other directives set by the general assembly. | May 21 | May 21 |
| 77 | <u>Unemployment compensation - deductions from benefits - veterans' payments.</u> Provides that payments received by U.S. armed forces veterans for service-connected disabilities or disability retirement shall not be deducted from the unemployment compensation benefits payable. | June 7 | June 7 |
| 79 | <u>Legislative reapportionment - corrections.</u> Makes minor changes in the representative and senate districts created in S.B. 18 and H.B. 1048, which changes became academic when both those bills were declared unconstitutional by the supreme court on April 18, 1972. See S.B. 22, which repealed and reenacted the provisions of S.B. 18 and H.B. 1048. | April 18 | April 18 |
| 82 | <u>Supplemental appropriation - payment of judgment against state department of highways.</u> \$75,000, out of the highway users tax fund, to the attorney general, to pay a judgment entered in favor of Alfonso Cordova in the district court for Chaffee county against the state department of highways. | May 22 | May 22 |

Senate Bills

<u>No.</u>	<u>Subject</u>		
83	<u>Supplemental appropriation - department of higher education.</u> Amends the 1971 Long Bill appropriation to the University of Colorado Regents for operations of Colorado General Hospital, charging \$244,725 of that appropriation to the general fund and reducing the cash fund appropriation by a like amount.	May 5	May 5
85	<u>Statutes - revisions to conform to criminal code provisions.</u> Changes recommended by the subcommittee on statute revision of the committee on legal services as necessary by virtue of the enactment of the Colorado Criminal Code in 1971, in order to conform numerous provisions in other parts of the statutes with the classification and definition of crimes in the new criminal code. Many of the changes deal with perjury, which was divided into two degrees by the 1971 enactment. The principal areas of law involved in the changes include elections, labor, various licensing and permit procedures, and taxation.	May 10	July 1
87	<u>Statutes - revisions to conform, correct, and clarify.</u> Revisions of the state statutes recommended by the subcommittee on statute revision of the committee on legal services to conform, correct, and clarify numerous statutory provisions by amendment or repeal. Areas of the law most extensively involved in these changes include state government organization, motor vehicle ownership and operation, courts and judiciary, labor and employment, and local government operations. Some provisions are not effective until July 1, 1972.	May 10	May 10

Senate Bills

HOUSE BILLS ENACTED AND APPROVED

- | <u>No.</u> | <u>Subject</u> | | |
|------------|---|------------|------------|
| 1002 | <u>District attorneys - compensation - appropriation.</u> Beginning on the second Tuesday of January, 1973, replaces the present pay scale for district attorneys, which relates salaries to the population of the judicial district, with a system in which all district attorneys in the state receive an annual salary of \$24,000 and provides that district attorneys shall not engage in the private practice of law or receive income from a private law firm. Beginning July 1, 1972, the state is to pay 80% of the salary of each district attorney, and the counties composing the judicial district are to pay the balance, apportioning such balance between the counties on a population basis. | | |
| | Provides that a district attorney, upon a request by a board of county commissioners of a county within his district or by the city council of a city and county, shall represent county officers and their employees in any civil action, if the action directly relates to the county officer's official duties. | | |
| | Appropriates \$287,000 to the judicial department to pay the state's share of the compensation of district attorneys during the fiscal year 1972-73. | | |
| | | April 18 | July 1 |
| 1003 | <u>Drugs - possession of marijuana - jurisdiction of courts.</u> Extends jurisdiction of county courts to charges of possession of cannabis (marijuana); such cases could previously be heard only by district or juvenile courts. | | |
| | | February 8 | February 8 |
| 1004 | <u>Statutes - approval and adoption of 1971 report of the committee on legal services.</u> Approves and adopts the report of the committee on legal services correcting, collating, editing, revising, and compiling the laws enacted by the general assembly in 1970 and 1971, and enacts such laws as the positive statutory law of a general and permanent nature, to be designated the "1971 Supplement to C.R.S. 1963", and provides for the printing and publishing of such supplement. | | |
| | | February 8 | February 8 |
| 1006 | <u>Local improvement and service districts - elections - certification of results.</u> Requires the board of directors of a | | |

House Bills

No.

Subject

1006 special district which is required to hold an election of
cont. officers to certify the names and addresses of district
officers to the boards of county commissioners of the counties
in which the district is located and to the division of local
government within 20 days after their selection.

May 5

May 5

1012 Criminal procedure - wiretapping and eavesdropping. Revises
the list of crimes for which evidence may be gathered through
use of wiretapping or eavesdropping orders, describing each
crime by reference to its definition in the "Colorado Criminal
Code" and including for the first time the crimes of gambling,
bribery, assault in the first and second degree, and dealing in
dangerous drugs. Limits to 1 the number of extensions of a
wiretapping or eavesdropping order which may be granted.
Provides that information obtained which relates to an offense
other than the one specified in the order may be used or
disclosed only if the unspecified offense constitutes a felony.

Provides that a wiretapping or eavesdropping order shall,
upon request of the applicant, direct a communication common
carrier to furnish information, facilities, and technical
assistance so as to accomplish the interception of
communications unobtrusively and with a minimum of interference
with services. States that good faith reliance on a court
order or on the statute authorizing the issuance of wiretapping
and eavesdropping orders shall be a complete defense to a
charge of criminal wiretapping or eavesdropping and in civil
suits. Prescribes procedures for reporting of wiretapping and
eavesdropping orders by the courts to the state court
administrator and by district attorneys to the attorney
general, and requires the state court administrator and the
attorney general to report to the general assembly.

April 6

July 1

1015 Civil actions - degree of proof. Provides that the burden of
proof in any civil action is by a preponderance of the
evidence, except that exemplary damages and execution against
the body may be awarded only if the claimant proves the
commission of the wrong beyond a reasonable doubt. Broadens
the statutory language to apply these rules to claims made by
all parties to an action, not just to a plaintiff's claim
against a defendant. Applies to civil actions accruing on or
after the effective date.

February 17

July 1

House Bills

No.

Subject

1017 Public welfare - notice of property or income received - penalties. Requires recipients of aid to families with dependent children to report changes in income or property, or any change in other circumstances affecting eligibility, in writing to the county welfare department within 30 days after such change occurs, but exempts from the reporting requirement any property or income received whose value is \$90 or less in any calendar quarter and which is received infrequently or irregularly. Failure to report is a misdemeanor punishable by imprisonment in the county jail for not more than 6 months or by a fine of not more than \$750, or both.

Revises penalties for fraudulent obtaining of aid to families with dependent children as follows: If the assistance to which the recipient is not entitled is \$500 or more, the offense is a felony punishable by imprisonment in the penitentiary for 1 to 5 years; if such assistance is less than \$500, the offense is a misdemeanor punishable by a fine of not more than \$750 or by imprisonment in the county jail for not more than 6 months, or both.

Provides for notice to welfare recipients of the penalties for fraud and of what changes in circumstances require written notice to county departments. Requires welfare workers who receive oral information required to be reported to assist recipients in completing the written notification. Costs incurred by district attorneys in enforcing the act are to be treated as expenses of public welfare administration.

April 6

July 1

1019 Weather modification - licenses and permits - appropriation. Rewrites the law concerning the regulation of weather modification operations in Colorado. Designates the executive director of the department of natural resources to administer the law. Requires persons conducting weather modification activities to obtain licenses, which may be issued to applicants who demonstrate knowledge, skill, and experience reasonably necessary to accomplish weather modification without actionable injury to person or property. Licenses are issued for a 1-year period and a \$100 license fee is imposed.

Requires a separate permit for each weather modification operation. Provides that an applicant for a permit just furnish proof of financial responsibility, submit an operational plan for each proposed project, and publish notice of intent to modify weather in the counties to be affected. Requires that a public hearing be held in the area to be affected before a permit is issued. Specifies criteria for the

House Bills

No.

Subject

1019 cont. issuance of permits as follows: That the project will benefit the people of the affected area or the people of Colorado, and it does not involve high risk to land, people, health, safety, property, or environment, that it includes adequate safeguards, that it will not adversely affect another project, and that it will minimize risk and maximize scientific gains or economic benefits to residents of the area or the state; that a commercial project promises economic benefit to the affected area and is scientifically and technically feasible; and that a research project offers promise of expanding knowledge and technology. The permit fee is \$100, plus an additional 2% of the value of the contract for a commercial project. Fees may be waived for nonprofit research organizations and for emergency activities. Permits may be limited as to time and area.

Authorizes the executive director to modify the terms and conditions of a permit, which may be done without a hearing in an emergency. Establishes a 10-member advisory committee composed of persons with scientific and technical backgrounds, farmers, and ranchers to assist the executive director in developing standards and report forms and to advise him on technical and general matters. States rules governing legal liability for weather modification activities. Appropriates \$15,000 to the department of natural resources for the administration and implementation of the act during the fiscal year 1972-73.

May 10

May 10

1020 Appropriation - capital construction - department of higher education. Increases the capital construction appropriation to the department of higher education for the academic vocational complex on the Jefferson county campus of Denver community college from \$2,255,000 to \$2,986,515, and increases the gross square feet authorized for the complex from 80,717 to 117,192.

January 28

January 28

1025 Public welfare - financing - county contingency fund - appropriation. Provides that moneys in the county contingency fund shall be used to make an additional advancement or reimbursement to those counties whose share of the amount spent on the various welfare programs (except general assistance) is more than the amount which would be raised by a 3-mill levy against the valuation for assessment in the county. Specifies that the additional advancement or reimbursement shall be made monthly, and its amount is 50% of the difference between the county's share of the monthly cost of such programs and 1/12 of

House Bills

No. Subject
1025 the amount which would be raised by a 3.6^g-mill levy on the
cont. taxable property in the county.

Appropriates \$5,623,000 to the department of social services to implement the act during the fiscal year 1972-73, and provides that the act will be repealed as of July 1, 1973.

May 21

July 1

1026 Courts - additional county judges - appropriation. Increases the number of county judges in El Paso county from 3 to 4 and in Arapahoe and Boulder counties from 2 to 3. Appropriates \$194,214 to the judicial department for the salaries and expenses of the additional county judges, their personnel, and their operating expenses and capital outlay during the fiscal year 1972-73.

April 18

July 1

1031 Courts - salaries of county judges - appropriation. Raises the salaries of county judges in the following counties: Alamosa, Baca, Bent, Chaffee, Clear Creek, Douglas, Eagle, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Kit Carson, Lake, La Plata, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Park, Pitkin, Prowers, Rio Grande, Routt, San Juan, and Summit. Lowers the salaries of county judges in the following counties: Conejos, Crowley, Phillips, Rio Blanco, Washington, and Yuma. Appropriates \$23,710 to the judicial department for implementation of the act during the fiscal year 1972-73.

May 21

January 9, 1973

1032 Courts - county judges - compensation. Provides that a county judge from a Class C or D county, assigned to perform judicial duties in a district court, shall be paid an amount equal to the difference between his per diem salary and the per diem salary of the judge of the district court to which he is assigned. States that the salary differential to which a county judge assigned to perform duties in another court is entitled is in addition to his normal per diem salary and expense reimbursement.

February 28

February 28

1033 Courts - district judges - appropriation. Increases the number of judges in the ninth judicial district from 2 to 3. Appropriates \$69,247 to the judicial department to pay the salary of the additional judge and his court personnel,

House Bills

No. Subject
1033 operating expenses, and capital outlay for the fiscal year
cont. 1972-73.

May 10 July 1

1034 Appropriation - committee on the personnel system. \$75,000,
for the expenses of the committee on the state personnel system
created in 1971 and reconstituted by legislative action in
1972.

March 24 March 24

1035 Statutes - publication of session laws. Authorizes the
committee on legal services to combine the contract for the
publication of session laws with that for the publication of
Colorado Revised Statutes 1963 and supplements thereto, or
Colorado Revised Statutes 1973, or both, upon a finding by the
committee that efficiency and economy will be achieved.
Provides that the bid and contract provisions governing C.R.S.
1963 and C.R.S. 1973 shall apply if the contracts are so
combined.

March 24 March 24

1036 Supplemental appropriation - committee on legal services.
\$61,760, to be allocated as follows: \$22,160 to the office of
revisor of statutes for personal services and contract
printing, and \$39,600 to the legislative drafting office for
automated data processing services and software, all to begin
the preparation of text and annotations for Colorado Revised
Statutes 1973.

April 18 April 18

1038 Children's code - child abuse or nonaccidental injuries.
Establishes procedures for the filing of a petition in
dependency in juvenile court on the basis of evidence
indicating that a child has suffered abuse or that the
interests of the child require that he be protected from the
risk of further abuse or injury. Requires the court to
authorize the filing of a petition upon receipt of a report of
such abuse or injury filed by a law enforcement agency, a
school employee, or designated health care professionals, and
permits the court to order the filing of a petition in such
circumstances or upon receipt of such a report from any other
person.

Provides that a law enforcement agency which receives a
report of child abuse must inform the juvenile court within 48

House Bills

<u>No.</u>	<u>Subject</u>
1038 cont.	hours that the child appears to be within its jurisdiction and requires the court to investigate whether protection of the child is required and whether a petition in dependency is warranted. Requires the court to appoint a guardian ad litem to represent the child's interests in every dependency proceeding involving abuse or nonaccidental injury. Provides that the child's parents and all persons who allegedly caused or permitted the abuse or injury must be named respondents in the dependency proceeding, and authorizes the taking of medical and psychological evidence concerning such persons after an adjudicatory hearing, if the court determines it to be necessary for disposition.

April 21

April 21

1039	<u>Insurance - state employees and officials group health insurance - state contribution - appropriation.</u> Raises the state's contribution from \$6.75 to \$10 per month for each employee and official enrolled in a state employees and officials group health insurance plan. Appropriates \$970,617 to the state controller for the increased contribution, of which \$180,509 is out of cash funds. Specifies that \$186,007 of the moneys appropriated is for university of Colorado employees and officials, and \$70,420 is for employees and officials of the judicial department.
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May 21

July 1

1040	<u>Income taxation - credit for property taxes paid by the elderly.</u> Clarifies the law enacted in 1971, and provides that the amount of the credit for property taxes paid by the elderly is the lesser of the following: (1) 50% of property taxes paid (or 10% of tax-equivalent payments), or (2) \$250 minus 10% of either the amount by which an individual's income exceeds \$500 or the amount by which the income of a husband and wife exceeds \$1,800. Raises the maximum credit from \$200 to \$250. States that the act applies to taxes and tax-equivalents actually paid in 1972 and thereafter.
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May 10

May 10

1041	<u>Insurance - captive insurance companies.</u> Authorizes captive insurance companies to do business in Colorado by obtaining a certificate of authority from the commissioner of insurance. Classifies captive insurance companies into two types: Pure captive insurance companies which insure and reinsure the risks, hazards, and liabilities of their parent, subsidiaries of their parent, and associated and affiliated companies; and association captive insurance companies which insure and
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House Bills

No.

Subject

1041 reinsure the risks, hazards, and liabilities of member
cont. organizations of the association. Requires a captive insurance
company applying for a certificate of authority to show that
adequate insurance markets in the United States are not
available to cover risks, hazards, and liabilities or that such
coverage is available only at excessive rates or with
unreasonable deductibles, and that total necessary coverage
would develop gross annual premiums of at least \$500,000 in the
case of a pure captive insurance company, and at least
\$1,000,000 in the case of an association captive insurance
company. Requires captive insurance companies to deposit cash
or securities representing a minimum capital of \$400,000 with
the commissioner of insurance or to present an irrevocable
letter of credit in lieu thereof, and requires such companies
to have an accumulated surplus of at least \$350,000.

A certificate of authority expires on the last day of
February of each year, and renewal is dependent on compliance
with state law. The certificate may be revoked or suspended on
grounds having to do with insolvency, failure to comply with
law, and matters which render the operation of the company
hazardous to policyholders.

Provides for a 1% tax on all premiums collected on
policies insuring risks in Colorado and on risks in other
states in which the company is not licensed and upon which no
other premium tax is payable, after deducting amounts received
as reinsurance premiums on Colorado business and return
premiums paid to policyholders.

March 9

March 9

1042 Water - permits for construction of certain wells -
appropriation. Declares that the exemption from the "Water
Right Determination and Administration Act of 1969" for certain
wells of small capacity and restricted use is for construction
permit applicants to obtain water for their own use, and
subjects such applicants to additional requirements for
applications filed after the effective date of this act.

Additional requirements for such applications are as
follows: (a) The application fee is raised from \$5 to \$25,
except for relocation wells; and (b) the state engineer is
required to make a determination (and written findings thereon
within 60 days after the filing) as to whether any water right
or any other well will be materially injured by the granting of
the construction permit, and he must deny such application if
he finds that such injury would result.

House Bills

No.

Subject

1042 cont. The statutory procedures governing administrative hearings are applicable to proceedings before the state engineer. Any person aggrieved by a decision of the state engineer may, within 30 days, file a petition for review with the water clerk of the appropriate water division, and the water judge is directed to hold such hearings as are necessary to determine whether the decision should be upheld. If the decision is reversed, the water judge must order the state engineer to act accordingly and may impose any conditions necessary.

In the following special circumstances there is a rebuttable presumption that a well for which a permit is sought will not cause material injury to a water right or to any other well: When the well will be the only one on a residential site and is to be used solely for household purposes not including irrigation, or when the well will be the only one on a tract of 35 acres or more, and its flow will return to the stream system from which taken.

A permit to relocate a well is to be granted if the applicant shows that the new well will meet the same small capacity and restricted use tests as the well being replaced. The replaced well in such case must be abandoned within 90 days after completion of the new well.

Well permits granted under the act are good for 2 years and may be extended for successive years for good cause.

Authorizes the determination of water rights for wells of small capacity and restricted use pursuant to the "Water Right Determination and Administration Act of 1969", and provides that in such a case the original priority date may be awarded regardless of the date of application.

Appropriates \$167,651 to the department of natural resources for the state engineer to implement the act.

May 8

May 8

1043 Statute revision - cruelty to animals - bureau of animal protection. Clarifies and updates chapter 19, C.R.S. 1963, concerning the bureau of animal protection in the department of agriculture, and incorporates therein the provisions of sections 40-20-1 through 40-20-14, C.R.S. 1963, which concern the bureau's powers and duties and which after July 1, 1972, will no longer be included in the Criminal Code. Provides that fines collected under chapter 19 and under the Criminal Code provisions on cruelty to animals shall be paid to the bureau in

House Bills

No.

Subject

1043 aid of its benevolent objects.
cont.

March 24

July 1

1044 Banks - temporary closing. Authorizes banks to remain closed on days of national mourning or rejoicing or in a national or local emergency affecting the community when the governor requests by proclamation that businesses remain closed. Provides that the state bank commissioner may authorize banks in an area affected by an emergency, or a particular bank affected by an emergency, to close. Authorizes the officers of a bank to close the bank when they find conditions posing a threat to the safety and security of bank personnel or property, and requires the officers to give prompt notice of the closing to the commissioner. Banks so closed may remain closed until the circumstances which warranted the closing have ended.

Provides that a day on which a bank is closed pursuant to this act is the equivalent of a legal holiday, and any banking act may be performed on the next business day without liability or loss of rights resulting from the delay.

February 28

February 28

1045 State personnel system. Recodifies the chapter containing the laws governing the state personnel system. Includes the following major modifications: Emphasizes the concept of a classification plan for state employees which assigns positions to classes and classes to pay levels according to clear and distinct evaluation of responsibilities; assigns the authority for revision and maintenance of the classification plan to the state personnel director rather than the state personnel board, but provides for board review of the personnel director's actions; alters procedures for making the salary survey by requiring that fringe benefits be included and that classes at the entrance, supervisory, and management levels be surveyed and by providing for conferences with employee and management representatives on survey methodology, selection of key classes, and the system used for collecting and analyzing data; requires board hearings on survey data and prescribes formulae for the relation of such data to the state pay plan and fringe benefits; establishes a new schedule for submitting appropriations requests based on survey data, making possible a shorter time between the collection of data and its implementation; prescribes a new pay plan which includes 82 grades at 2 1/2% intervals between grades, does away with the bottom 6 grades of the existing plan, and adds 11 grades at the top to relieve compaction at the higher levels of state

House Bills

<u>No.</u>	<u>Subject</u>
1045 cont.	<p>service; provides that increases shall be based on performance evaluation as well as length of service, and authorizes the holding of an employee at a step beyond one year; permits a 2-step or 10% salary increase to recognize an unusually outstanding performance; authorizes temporary employment for special projects at salaries below those in the pay plan upon approval of the state personnel director; permits the state personnel director to limit the number of steps for classes of positions involving highly standardized operations where the growth factor is limited; rewrites provisions on retention rights of employees separated from state service due to lack of work, lack of funds, or reorganization; reduces per diem compensation of members of the state personnel board from \$100 to \$75; and requires personnel system employees to be paid on the basis of 26 standard pay periods per year instead of monthly.</p>

May 10

July 1

1046	<p><u>Appropriation - southern Colorado state college - capital construction.</u> \$85,000, out of the capital construction fund, to southern Colorado state college, for the relocation of a water main.</p>
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February 29

February 29

1048	<p><u>Legislative apportionment - house of representatives.</u> Revises the boundaries of the 65 state house districts, based on the 1970 federal census. See S.B. 22, which repealed and reenacted the provisions of this act.</p>
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Note In the case of Acker, et al. v. Love, et al., Colorado Supreme Court case number 25501, the court, on April 18, 1972, ruled that the house districts created by this act violated the Colorado constitutional provision requiring districts to be as compact in area as possible. However, general election precincts established by counties based upon the house district boundaries drawn by this act were declared to be valid for purposes of selecting delegates to county and state conventions held by political parties.

February 18

February 18

1050	<p><u>Motor vehicles - trailer coaches and mobile homes - definition.</u> Deletes provision of 1971 law which required a trailer coach or mobile home (subject to specific ownership tax) to be a single self-contained unit. Provides that the change in definition applies to trailer coaches and mobile homes acquired or brought into Colorado on or after the effective date of the act and to</p>
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House Bills

No. Subject
1050 all other trailer coaches and mobile homes on and after January
cont. 1, 1973.

April 18 April 18

1051 Supplemental appropriation - department of education.
\$325,000, for the implementation of amended provisions of the
teacher emeritus retirement statutes.

February 29 February 29

1054 Crimes and punishments - unlawful conduct on public property -
loans involving usuary or extortionate means. Makes unlawful
any conduct on public property which violates an order, rule,
or regulation limiting or prohibiting the use of, or the
activities on, any public property, made by the officer or
agency having supervision of the property, when the same has
been properly posted on the property or notice thereof is given
personally. The rules so adopted must be reasonably necessary
for the administration, protection, and maintenance of the
property, and may include restrictions on the type of activity
and the location, time, and manner in which it is carried on,
necessary sanitation measures involving health and safety, and
the prohibition of activities which may substantially interfere
with the use of the property by others or which may create a
general nuisance.

The law concerning loans imposes a maximum interest
limitation of 45% per annum, and defines the crimes of criminal
usury, financing such activity, or possessing records relating
thereto. In addition crimes relating to extortionate loans are
defined, involving threats or use of force in the making or
collection of loans, regardless of the rate of interest, and
providing that certain matters of proof may create a
presumption of extortionate means. The interest rate
limitations of the Uniform Commercial Credit Code are still
applicable to loans subject to its terms, unless such loans
also violate the newly defined usury crimes, in which case the
felony penalties of the new crimes are applicable. Provisions
concerning unlawful conduct on public property take effect June
7, 1972.

June 7 July 1

1055 Supplemental appropriation - department of local affairs.
\$63,516, allocated as follows: \$3,750 to the office of the
executive director for personal services and operating
expenses; and \$59,766 to the division of housing for personal
services, operating expenses, travel, and capital outlay, of

House Bills

- | <u>No.</u> | <u>Subject</u> | | |
|---------------|---|-------------|-------------|
| 1055
cont. | which \$37,066 is appropriated from federal funds. | February 29 | February 29 |
| 1058 | <u>Schools - equalization level of support - appropriation.</u>
Establishes the equalization level of support under the "Public School Foundation Act of 1969" at \$518 per pupil of average daily attendance entitlement for the calendar year 1973. Appropriates \$16,032,305 to the department of education to pay for the increase during the first 6 months of the 1973 calendar year. | May 21 | May 21 |
| 1059 | <u>Vocational education - extension of program.</u> Deletes the provision in the 1970 law establishing the program of state assistance for vocational education which provided for the expiration of the program on June 30, 1973, and states that the program shall continue until otherwise provided by the general assembly. | March 9 | March 9 |
| 1060 | <u>Schools - special education - appropriation.</u> Revises the schedule for the mandatory establishment of special education programs by extending the deadline for school district submission of a comprehensive plan from July 1, 1973, to January 1, 1974; by providing for the recommendation of a plan by the state board of education by July 1, 1974, instead of January 1, 1974, for those districts which do not comply; and by requiring special education programs in every district after July 1, 1976, instead of July 1, 1974. Modifies funding of special education programs as follows: Authorizes payment for foster home care at a rate not to exceed the average cost in the area where the foster home is located, instead of at a maximum of \$800 per school year; and requires local school districts to contribute at least as much in local funds per special education child as they do for normal children. | | |

Enacts the "Education of Children with Learning Disabilities (ECLD) Act of 1972", which defines "learning disability" as any physical, mental, emotional, or social disorder impeding the learning process. Directs the department of education to submit to the general assembly, before February 1, 1973, a report on the successes and failures of the "Handicapped Children Educational Act", defining each learning disability discovered in Colorado school and preschool children, setting forth the number and general location of children in each disability category, describing means of

No.

Subject

1060 diagnosing and programs for remediating learning disabilities, cont. analyzing cost-benefit and cost-effectiveness ratios for each remediable disability, analyzing the impact of state support for learning disability programs on general state support of public education, and proposing an accountability program for programs for the remediation of learning disabilities. Provides for state funding of 20 cents per child in average daily attendance entitlement in the district during 1973 (but not less than \$500 per district) to defray expenses of school districts in preparing reports required by the department of education in this connection.

Appropriates \$186,600 to the department of education to carry out the provisions of the ECLD act.

May 21

May 21

1065 Supplemental appropriation - department of administration. \$12,536, out of the state compensation insurance fund, to the division of automated data processing, to pay the costs of the processing workload associated with implementing the amended workmen's compensation law.

April 6

April 6

1067 Supplemental appropriation - judicial department. \$781,281, allocated as follows: \$198,910 for 3 district judges, judges' staffs, and associated costs; \$147,556 for court appointed counsel in trial courts; \$297,164 for staff and costs associated with water adjudication filing; \$23,739 for air conditioners in the Denver district court; and \$113,912 for wage survey increase in personal services.

May 5

May 5

1068 Colorado 1976 centennial-bicentennial commission - membership - official emblems - special day of racing. Increases the membership of the Colorado 1976 centennial-bicentennial commission from 9 to 16, and provides that 6 of the 7 new members shall be from outside the metropolitan Denver area and that one shall represent the commission's statewide labor interest. Authorizes the commission to lease or license the right to use any emblem adopted and copyrighted. Makes the unauthorized manufacture, reproduction, distribution, or sale of any such emblem a misdemeanor. Provides that the commission, with the advice of the Colorado racing commission, may authorize one additional day of racing, and the proceeds thereof, after deducting necessary expenses, are to be deposited in the general fund and may be appropriated to the commission.

April 27

April 27

House Bills

No.

Subject

1069 Jurors - automation of jury selection - qualifications of jurors. Provides that selection and maintenance of the master jury wheel, drawing of names therefrom, maintenance of the qualified jury wheel, selection of jury panels, and the issuance of summons may be done through an electronic automated system for all or any combination of the counties, under the supervision of the state court administrator. Makes minor changes regarding charges made for lists used in compiling the master list of prospective jurors, the time for emptying and refilling the master jury wheel, the method of selecting names to be placed in the master jury wheel, and the availability of names and information concerning prospective jurors.

Lowers the minimum age for serving as a juror from 21 to 18. Specifically repeals the exemption from jury service for pharmacists and active members of the Colorado national guard.

May 10

May 10

1070 Uniform consumer credit code - sales of land. Provides that the sale of an interest in land where the credit service charge does not exceed 12% is not a "consumer related sale" or a "consumer related loan" subject to the provisions of the "Uniform Consumer Credit Code".

May 10

May 10

1071 State property - acquisition - authority to lease. Authorizes the executive director of the department of administration to lease state property not presently needed for state use and, upon specific legislative authorization, to permit the construction of improvements thereon which will become state property on termination of the lease. Grants such authorization for the state-owned lots in Denver bounded by 8th avenue, Logan street, and the alley running north and south between Logan and Grant streets.

Authorizes the executive director to acquire property for state use with funds donated to the state for the purpose, as well as with appropriated funds.

April 18

April 18

1073 Colorado commission on the status of women - creation - appropriation. Establishes the Colorado commission on the status of women as a division in the department of regulatory agencies. Provides that the commission shall consist of not more than 50 members appointed by the governor, both men and women, who are representative of all fields of interest to women. Directs the commission to encourage the study of the status of women; to direct attention to critical problems

House Bills

No.

Subject

1073 confronting women; to recommend methods of overcoming
cont. discrimination; to promote methods for women to develop their
skills, continue their education, and be retrained; and to
secure recognition for women's achievements. Authorizes the
commission to accept and expend gifts, donations, and federal
funds, and provides for an annual appropriation by the general
assembly.

Appropriates \$5,000 for the implementation of the act,
which moneys are to become available upon passage of the act
and remain available until June 30, 1973.

April 4

April 4

1075 Appropriation - Elmer Mozee. \$463, to reimburse Elmer Mozee
for mileage expenses which he incurred while using his private
vehicle on official business as an employee of the Golden Gate
youth camp during the period January, 1969, through June, 1970.

May 10

May 10

1076 Population policy - population advisory council - creation -
duties. Declares the policy of the state to encourage
population planning which will result in balanced economic
activity throughout the state, to discourage population
patterns which will result in excessive centralization of
economic activity, to encourage population stability at levels
not exceeding the capacity of the state's natural resources,
and to discourage growth in excess of government's capacity to
provide essential services.

Creates a 7-member population advisory council in the
office of the governor. Directs the council to assess the
probable course of population growth between now and the year
2000, the impact of growth upon the state's environment and
natural resources, the social and economic consequences of
population growth and centralization, influences on population
distribution, what public resources will be required to deal
with population growth, how population growth may affect state
and local governments, and voluntary means for achieving a
stabilized population. Provides that the council shall not
assess laws concerning legalized abortion.

May 10

May 10

1083 Elections - precinct committeeman and committeewoman - age
qualifications. Authorizes 18-, 19-, and 20-year olds to be
nominated at precinct caucuses as candidates for precinct
committeeman and precinct committeewoman, if they meet the
3-month party affiliation requirement prescribed for candidates
of any age; but provides that one who becomes 18 or becomes a
naturalized citizen within the 3 months preceding the precinct

House Bills

No. Subject

1083 caucus may be a candidate even though he has been affiliated cont. with the party for less than the prescribed period.

May 5

May 5

1089 State personnel system - coordination with other systems. Requires state departments and agencies having employees not within the state personnel system to submit a classification plan for such employees, including a preliminary estimate of their number and salary levels for the ensuing fiscal year, to the joint budget committee and to any member of the general assembly requesting a copy thereof by November 15 of each year. Provides for the submission of a final estimate by the January 1 next following.

May 10

May 10

1090 Judicial proceedings - dissolution of marriage - service by publication. Changes the provisions for service of process by publication in actions filed under the dissolution of marriage act, to permit the publication of consolidated notices by the court clerk, at least once each month, listing all cases in which such service has been ordered by the court since the last previous notice was published. One such publication of each action is sufficient, together with posting of a copy of the process and mailing a copy thereof to the last known address of the party to be served, all of which is to be performed and certified by the court clerk. The consolidated notice, the cost of which is divided among the actions published, must include each case number, nature, and parties, and must state that a copy of all process is available and that default may be taken after 30 days from date of publication. The act is applicable to cases filed after its effective date.

April 18

July 1

1091 Elections - age and residency requirements. Conforms laws governing state, municipal, and school elections, and also initiative and referendum provisions, to new federal constitutional requirements by changing the minimum age for voting in all elections to eighteen years. 1970 and 1971 laws had made such changes only for voting for presidential and vice-presidential electors and for members of congress. Also conforms durational residency requirements for voting at 3 months state residency and 32 days in the precinct, except for voting for presidential and vice-presidential electors, for which 29 days state and precinct residency is sufficient. Additional questions are specified to be asked persons applying for registration in order to determine residency. The 1971 law making special provision for registration and voting by young voters is repealed.

May 10

May 10

House Bills

No.

Subject

1093 Appropriation - department of health. \$833,333, out of the capital construction fund, for remedial action, in cooperation with the atomic energy commission, to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as construction related material. Contingent upon the availability of federal moneys to pay 75% of the cost of such remedial action on a matching basis, the appropriation to remain available until such action is complete or until said federal moneys are no longer available.

May 10

May 10

1097 Congressional districts. Divides the state into five congressional districts for 1972 and subsequent elections, by reference to whole counties and, in counties which are divided, to various population units established by the 1970 federal census. Provides methods of determining to what district any area of the state which is inadvertently omitted from any district will be attached, and likewise as to any area which has inadvertently been included in two or more districts. The legislative council is to file maps showing such districts with the secretary of state.

May 11

(became law without approval of Governor)

1098 Supplemental appropriation - department of natural resources. \$23,078, out of the parks cash fund, allocated to the division of game, fish, and parks, for the regulation of snowmobiles and recreational vehicles.

April 18

April 18

1103 Planning - counties and municipalities - planned unit developments. Establishes a method for counties and municipalities to authorize development by means of the planned unit development (PUD), which is defined as a land area to be developed under unified control or a unified plan for residential, commercial, educational, recreational, or industrial uses, or any combination thereof, according to a plan which does not correspond to existing zoning or other land use regulations. Provides that counties and municipalities which have enacted PUD resolutions and ordinances before the effective date of this act may continue to follow them, and authorizes home rule municipalities to supersede the act by charter or ordinance.

Provides that a resolution or ordinance authorizing PUDs must set forth procedures concerning an application for, public hearing on, and tentative and final approval of the PUD; must designate a board, which may be the governing body of the county or municipality, to review PUD applications; and must

House Bills

No. Subject

1103 set forth development standards by which applications are to be
cont. evaluated. Requires that standards include permitted uses of
land, minimum number of units or acres in a PUD, permissible
density or intensity of land use, and information to be
submitted with a PUD application. Provides that standards may
include the sequence of development and provision of common
open space.

Includes provisions for the enforcement, modification,
and release of the provisions of a PUD plan by the county or
municipality or by the residents, occupants, and owners of the
PUD. Specifies that counties and municipalities are not
exempted from substantial compliance with other subdivision
regulation requirements. Directs the department of local
affairs to develop model PUD resolutions and ordinances.

May 21

May 21

1104 Appropriation - financial assistance to students attending
junior colleges. \$152,486, to the Colorado commission on
higher education, for allocation to local district junior
colleges to provide financial assistance to students enrolled
therein, on condition that such junior colleges comply with
guidelines and policies of the commission. Provides that
allocations of moneys under the act are contingent on
continuation of current programs of financial assistance to
students at the 1971-72 level.

May 21

May 21

1107 Inheritance and succession tax - exemption for certain
transfers. Makes the exemption from the inheritance and
succession tax for transfers by a wife to her husband equal to
the exemption for transfers by a husband to his wife. Lowers
the amount of the exemption from \$35,000 to \$30,000.

April 20

April 20

1109 Congressional redistricting - change in membership on boards
and commissions. Makes changes in membership on state boards
and commissions required by the increase of Colorado
representatives in the U.S. congress from 4 to 5. Affects the
following boards and commissions: Motion picture and
television advisory commission, banking board, state board of
dental examiners, state board of pharmacy, Colorado state fair
and industrial exposition commission, state cemetery board,
board of mortuary science, Colorado recreational trails
committee, state board of health, state water pollution control
commission, state housing board, oil and gas conservation
commission, Colorado land use commission, Colorado commission
on the aging, state board of education, and state board for
community colleges and occupational education.

House Bills

No.

Subject

1109 Provides that the term of the member-at-large of the
cont. state board of education shall terminate on the second Tuesday
of January, 1973, and that his replacement shall be elected at
the 1972 general election from the congressional district not
represented on the state board. Terms of members of other
affected boards and commissions are to expire on January 1,
1973, and the appointing authority must appoint new members for
terms to expire on the date their predecessors' terms would
have expired. Authorizes the reappointment of present members,
and specifies that for this purpose the member shall not be
deemed to succeed himself.

May 10

May 10

1110 Supplemental appropriation - department of social services.
\$2,427,272 of which \$1,530,619 is from federal funds and
\$23,219 is from cash receipts of the Trinidad state nursing
home, allocated as follows: \$1,074,848 to the program of aid
to families with dependent children; \$23,219 to the Trinidad
state nursing home; \$16,075 to the Colorado state veterans
center; and \$1,313,130 for intermediate care of mentally
retarded persons in state nursing home.

May 21

May 21

1111 Supplemental appropriation - Colorado commission on higher
education. \$1,032,093, allocated as follows: \$971,040 to the
state board for community colleges and occupational education
for grants to local junior colleges; \$8,733 to Otero community
college to offset decreased tuition income; and \$52,320 in
federal funds to the state council on the arts and humanities.

May 5

May 5

1112 Supplemental appropriation - department of institutions.
Reduces cash fund appropriation and increases general fund
appropriation to the Ridge home and training school by
\$1,158,384 for the fiscal year 1971-72; and reduces cash fund
appropriation and increases general fund appropriation to the
Grand Junction home and training school by \$368,792 for such
fiscal year. Makes other supplemental appropriations as
follows: \$581,740 to the division of mental retardation, of
which \$437,376 is for mental retardation centers to provide
average funding of \$1,616 for each of 536 nonschool-age
students and \$144,364 is for the community placement program;
\$22,436 to the Ridge home and training school, of which \$14,878
is from the capital construction fund to repair wind damage and
\$7,558 is for personal services; \$7,558 to the Grand Junction
home and training school for personal services; \$81,509 to the
Pueblo home and training school for personal services and
operating expenses; \$27,378 to the Colorado state reformatory

House Bills

No.

Subject

1112 for operating expense; \$30,000 to the Fort Logan mental health center to repair fire damage; \$126,160 to the Colorado school for deaf and blind for personal services; and \$25,030 to the Colorado state hospital for the relief of Dr. Rudolf Lassner.

May 21

May 21

1114 Crimes and punishments - unlawful use of Olympics emblems. Provides that the use or display of 1976 winter Olympics emblems, logos, trademarks, tradenames, and the like for business or charitable purposes without the written permission of the Colorado Olympics commission or the Denver organizing committee, or the manufacture, reproduction, distribution, or sale of such emblems or trademarks without such written permission, is a misdemeanor. Declares this law to be repealed on January 1, 1977.

May 10

May 10

1116 Crimes and punishments - fraud by check. Rewrites the law defining the crime of issuing a bad check, and provides that the crime of fraud by check consists of deceitfully issuing a check which is not paid because the drawer has insufficient funds with the drawee. Adds the element of the defendant's intent to defraud or deceive another person at the time of issuing the check. Deletes presumptions concerning the defendant's knowledge that a check will not be paid and the statutory defense of tendering payment of the check within 15 days after dishonor. Revises penalties to conform to the amended "Colorado Criminal Code", and establishes the dividing line between misdemeanor and felony charges at \$50 for checks issued before July 1, 1972, and at \$100 for checks issued thereafter.

Authorizes the court to order the defendant to make restitution on all unpaid checks as a condition of supervision in a deferred prosecution. Provides that banks shall not be liable for releasing information concerning a drawer's account to law enforcement officials in connection with a charge of fraud by check.

May 10

May 10

1119 Mines and minerals - open cut land reclamation act - land reclamation board established - appropriation. Makes various amendments to the "Colorado Open Cut Land Reclamation Act of 1969", including the establishment of a 5-member land reclamation board in the department of natural resources to administer said act and initiate studies regarding the reclamation of land mined for coal by open cut mining; allowing qualified persons other than engineers to prepare reclamation plan maps; requiring that new reclamation plans or changes in

House Bills

No. Subject

1119 existing plans be approved only after such plans or changes
 cont. have been submitted to the local board of county commissioners
 and the board of supervisors of the local soil conservation
 district; requiring that affected lands be restored to slopes
 not too steep to be traversed by livestock; and prohibiting
 grazing on reclaimed lands until planting is firmly
 established. Removes requirement that the amount of an
 operator's bond shall not exceed \$100 per acre of affected
 land, and allows a reclamation plan and bond required by a
 county or municipality to be accepted by the board to meet
 state reclamation requirements. Appropriates \$6,000 to the
 department of natural resources for administration of the act.

June 7 July 1

1124 State institutions and facilities - state property subject to
 lease. Provides that the term of a lease of described state
 property to the north Jeffco metropolitan recreation and park
 district may be for 5 years.

May 10 May 10

1126 Crimes and punishments relating to uniform commercial code -
 bad checks. Creates new offense relating to the "Uniform
 Commercial Code", making it a misdemeanor to issue or pass a
 check in any amount and regardless of intent knowing the issuer
 does not have sufficient funds with the drawee for payment.
 Such knowledge is presumed as to the issuer if he has no
 account with the drawee or if the check is dishonored by reason
 of insufficient funds when presented within 30 days of issue.
 Banks are granted immunity from liability for giving
 information to designated investigators or prosecutors
 concerning the issuer's account. The act supplements H.B. 1116
 which deals with fraud by check.

May 10 May 10

1128 Appropriation - long appropriation act. For expenses of the
 executive, legislative, and judicial departments of state
 government, for the fiscal year 1972-73.

Operating budget*	\$903,891,288
Capital construction*	60,555,978
	<u>\$964,447,266</u>

*Includes some supplemental appropriations available on passage
 of this act.

The above total includes the following appropriations
 which until recently have been made by separate appropriation
 bills:

House Bills

No.

Subject

1128 (a) To the division of public welfare of the department cont. of social services, \$197,790,943 from the general fund, federal funds, and cash funds, for the following purposes:

State administration (including schools of social work and medical care administration)	\$ 7,325,904
County administration	24,937,818
Aid to families with dependent children (regular grants and special utilities grants).	56,648,674
Work incentive program.	308,000
Aid to needy disabled	10,967,995
Child welfare	5,500,000
Aid to the blind	244,400
Tuberculosis hospitalization	154,800
Day care	6,520,167
Medical care Title XIX	79,019,185
Cuban refugee assistance program	164,000
Denver income maintenance experiment	6,000,000

(b) To the department of education for the public school foundation program, \$135,498,627 from the general fund for the following purposes:

Minimum equalization\$128,288,627
Small attendance centers	1,260,000
Public school transportation	5,650,000
Contingency reserve	300,000

(c) To the division of game, fish, and parks of the department of natural resources for the fiscal year beginning July 1, 1972, \$8,067,834 from the game cash fund for operating costs of the game and fish functions of the division; \$1,329,302 from the general fund and \$25,000 from the parks cash fund for operating costs of the parks functions of the division; and \$425,500 from the game cash fund for matching available federal funds apportioned during 1972 and 1973. For capital construction, \$1,297,100 for game and fish purposes, and \$1,125,035 for parks purposes.

(d) To the legislative department, \$3,737,589 from the general fund, to be allocated as follows:

House of Representatives and Senate\$ 1,648,706
State Auditor	848,476
Joint Budget Committee	179,233
Legislative Council	397,517
Research Studies	175,000
Legislative Drafting Offices	244,363
Office of Revisor of Statutes	201,244

House Bills

<u>No.</u>	<u>Subject</u>	
1128	Commission on Interstate Cooperation . . .	37,050
cont.	Commission on Uniform State Laws	6,000

May 22 May 22

1133 Elections - special provisions for 1972 only. Because of delays in the passage of a valid reapportionment plan for state legislative districts in time for political party proceedings prior to the 1972 elections, all dates for such activities are left up to the officials of the respective parties, with the following limitations: Precinct caucuses must be held by June 15, 1972; notice of precinct caucus date must be posted by noon of the day before that date, and at least 2 days must elapse between the precinct caucus date and the corresponding county assembly date. General election precincts established in counties pursuant to S.B. 18 and H.B. 1048 (before the districts created by those acts were declared unconstitutional on April 18, 1972), are declared validated except for precincts which become divided by a legislative district boundary as a result of a later reapportionment plan (S.B. 22), which precincts are to be corrected by the county commissioners so that no precinct contains area in more than one senate and one house district. Each board of county commissioners is to reapprove a general election precinct plan by May 26, 1972, advise the county chairmen of the respective parties thereof by May 30, and file a map with the secretary of state by June 15 showing any necessary revisions. (But see S.B. 22, which amends some provisions of this act concerning time limitations.)

May 8 May 8

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