

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

1993 FIRST REGULAR SESSION
JUNE, 1993



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

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

(1993 - First Regular Session)

Digest cover designed by Michelle Stermer

TABLE OF CONTENTS

	PAGE
Preface - How to use the Digest.....	v
Legislative Statistical Summary.....	vii
Table A -- Bills Vetoed by the Governor.....	viii
Table B -- Bills Becoming Law without the Governor's Signature.....	viii
Table C -- Bills with Portions Vetoed by the Governor.....	viii
Table D -- Bills Recommended by 1992 Interim Committees which Became Law.....	ix
Conversion Table: Bill Numbers to Session Law	
Chapters -- Effective Dates.....	xi
Acts with July 1, 1993 and Later Effective Dates.....	xii
Explanation and Listing of Category I and Category II Bills.....	xiii
Summaries of Bills:	
Administrative Rule Review.....	1
Agriculture.....	3
Appropriations.....	6
Children and Domestic Matters.....	11
Consumer and Commercial Transactions.....	20
Corporations and Associations.....	22
Corrections.....	25
Courts.....	28
Criminal Law and Procedure.....	31
Education - Public Schools.....	39
Education - Universities and Colleges.....	49

Financial Institutions.....	59
General Assembly.....	61
Government - County.....	64
Government - Local.....	66
Government - Municipal.....	67
Government - Special Districts.....	71
Government - State.....	73
Health.....	90
Institutions.....	96
Insurance.....	97
Labor and Industry.....	104
Military and Veterans.....	111
Motor Vehicles and Traffic Regulation.....	112
Natural Resources.....	117
Probate, Trusts, and Fiduciaries.....	122
Professions and Occupations.....	123
Property.....	135
Public Utilities.....	137
Social Services.....	141
Statutes (Revisor's Bills).....	152
Taxation.....	153
Transportation.....	159
Water and Irrigation.....	162
Proposed Constitutional Amendment.....	165
Index.....	166

PREFACE

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

HOW TO USE THE DIGEST

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

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

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

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

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

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

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

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

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

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

Doug Brown
Office of Legislative Legal Services
Room 091
State Capitol Building
Denver, Co 80203-1782
(303) 866-2045

LEGISLATIVE STATISTICAL SUMMARY

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

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

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

TABLE A

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

TABLE B

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

TABLE C

BILLS WITH PORTIONS VETOED BY THE GOVERNOR
SB 93-234

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

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

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

CONVERSION TABLE

SENATE BILLS

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

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

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

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

CONCURRENT RESOLUTIONS

SCR 93-4

165

CONVERSION TABLE

HOUSE BILLS

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

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

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

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

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

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

JULY 1, 1993

SENATE BILLS

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

HOUSE BILLS

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

SEPTEMBER 1, 1993

OCTOBER 30, 1993

SENATE BILLS

HOUSE BILLS

SENATE BILLS

93-154*
93-155

93-1182
93-1227*

93-119*

JANUARY 1, 1994

APRIL 1, 1994

SENATE BILLS

HOUSE BILLS

HOUSE BILLS

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

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

93-1356

JULY 1, 1994

JANUARY 1, 1995

HOUSE BILLS

SENATE BILLS

93-1317

93-193

* Portions Only



AN EXPLANATION AND LISTING OF CATEGORY I AND CATEGORY II BILLS

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

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

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

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

ADMINISTRATIVE RULE REVIEW

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

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

APPROVED by Governor April 26, 1993

EFFECTIVE July 1, 1993

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

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

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

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

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

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

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

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

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

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

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

AGRICULTURE

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

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

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

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

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

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

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

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

Provides for an automatic repeal of the registration functions of the

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

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

APPROVED by Governor June 2, 1993

EFFECTIVE June 2, 1993

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

APPROVED by Governor April 12, 1993

EFFECTIVE April 12, 1993

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

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

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

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

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

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

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

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

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

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

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

APPROPRIATIONS

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

funds.

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

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

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

APPROVED by Governor March 30, 1993

EFFECTIVE March 30, 1993

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

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

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

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

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

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

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

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

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

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

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

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

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

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

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

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

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

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

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

APPROVED by Governor March 31, 1993

EFFECTIVE March 31, 1993

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

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

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

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

EFFECTIVE May 6, 1993

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

APPROVED by Governor June 9, 1993

EFFECTIVE June 9, 1993

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

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

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

CHILDREN AND DOMESTIC MATTERS

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

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

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

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

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

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

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

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

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

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

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

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

APPROVED by Governor April 30, 1993

EFFECTIVE July 1, 1993

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

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

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

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

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

department of institutions.

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

APPROVED by Governor June 6, 1993.

EFFECTIVE July 1, 1993

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED by Governor June 6, 1993

PORTIONS EFFECTIVE July 1, 1993
September 1, 1993

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

fund.

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

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

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

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

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

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

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

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

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

establishment of paternity.

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

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

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

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

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

APPROVED by Governor June 6, 1993

EFFECTIVE January 1, 1995

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

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

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

APPROVED by Governor May 28, 1993

EFFECTIVE May 28, 1993

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

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

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

APPROVED by Governor June 3, 1993

PORTIONS EFFECTIVE June 3, 1993
January 1, 1994

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

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

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

APPROVED by Governor April 19, 1993

EFFECTIVE April 19, 1993

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

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

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

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

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

APPROVED by Governor March 30, 1993

EFFECTIVE July 1, 1993

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

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

APPROVED by Governor June 9, 1993

EFFECTIVE July 1, 1993

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

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

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

APPROVED by Governor June 6, 1993

EFFECTIVE June 6, 1993

CONSUMER AND COMMERCIAL TRANSACTIONS

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

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

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

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

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

APPROVED by Governor April 26, 1993

EFFECTIVE April 26, 1993

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

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

APPROVED by Governor June 6, 1993

EFFECTIVE July 1, 1993

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

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

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

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

APPROVED by Governor May 28, 1993

EFFECTIVE July 1, 1993

CORPORATIONS AND ASSOCIATIONS

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

APPROVED by Governor March 22, 1993

EFFECTIVE March 22, 1993

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

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

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

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

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

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

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

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

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

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

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

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

notice for special meetings of the board.

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

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

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

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

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

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

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

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

APPROVED by Governor May 6, 1993

EFFECTIVE July 1, 1994