

FILE COPY

DIGEST OF BILLS

Enacted by The

FIFTY-THIRD GENERAL ASSEMBLY

1981 First Regular Session



COLORADO

LEGISLATIVE DRAFTING OFFICE

30 State Capitol Bldg.
Denver, Colorado 80203

August, 1981

DIGEST
 OF
 SENATE AND HOUSE BILLS ENACTED
 BY THE
 FIFTY-THIRD GENERAL ASSEMBLY
 OF THE
 STATE OF COLORADO
 (1981 - First Regular Session)

* * * * *

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

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

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Includes all bills passed by the General Assembly
 as of July 15, 1981.

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Compiled by the
 Legislative Drafting Office
 30 State Capitol
 Denver

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

13 House Bills and 6 Senate Bills became law without Governor's signature. These totals are included in the totals below.

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

	<u>Introduced</u>	<u>Passed</u>	<u>Vetoed</u>	<u>Became law</u>
HOUSE	620	253	11*	245*
SENATE	<u>520</u>	<u>280</u>	<u>10</u>	<u>270</u>
TOTALS	1,140	533	21*	515*

* Includes 3 vetoes which were overridden.

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ADMINISTRATIVE RULE REVIEW

S.B. 92 Continuation of rules of the department of administration. Postpones until 1985 the scheduled expiration of all of the rules and regulations of the department of administration which were adopted before January 1, 1981.

April 24 April 24

S.B. 106 Continuation of rules of the department of institutions. Postpones until 1985 the scheduled expiration of all rules and regulations of the department of institutions which were adopted before January 1, 1981.

May 28 May 28

S.B. 294 Administrative rules of principal departments - expiration - conflicts with statutory changes. Changes the rule-review procedure so that all of the rules of a principal department will no longer terminate every 4 years. Provides that the committee on legal services may establish procedures for the review of rules and regulations of principal departments, including a procedure for annual review of rules and regulations which may conflict with statutory changes adopted subsequent to review of a department's rules and regulations.

June 19 July 1

S.B. 388 Continuation of rules of the department of social services. Provides for the continuation of the rules and regulations of the department of social services which were adopted before January 1, 1981, with specified exceptions. Rules which are not so continued, and which thereby expire on July 1, 1981, include a rule concerning the inclusion of foot care services as a benefit in the medical assistance program, a rule concerning post-placement services for children in custody of out-of-state agencies, a portion of the child care license form which provides that the license is granted for a term of one year, and a rule concerning an exemption from the child care licensing requirement.

June 5 June 5

S.B. 392 Rules and regulations of executive agencies. Provides for the continuation of the rules and regulations of executive agencies which were adopted during 1980; except that certain rules and regulations of executive agencies shall expire as scheduled on June 1, 1981.

Rules which are not continued include: Regulations of the industrial commission concerning carnivals and amusement parks; a rule of the advisory board to the Colorado law enforcement training academy concerning felons seeking certification; certain rules of the Colorado mined land reclamation board relating to mailings of notices, site-specific agreements, existing structures, and the threshold limit for most coal exploration; a rule of the Colorado state board of medical examiners concerning physician extenders prescribing, dispensing, administering, and delivering prescription drugs; and all rules of the department of personnel adopted in 1980, except specified rules relating to discrimination, computations when 2 or more actions affecting pay occur on the same effective date, and shift differential pay.

Repeals a rule of the examining board of plumbers concerning educational requirements for applicants for licensure.

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

AGRICULTURE

- S.B. 358 Dairy products - revisions. Updates the law concerning dairy products. Adds an extensive definitional section. Redefines "butter". Changes references of "filled dairy products" to "imitation dairy products" and allows manufacture, sale, exchange, transportation, and possession of such products if properly labeled. Amends the inspection duties of the chief of the dairy section.

May 6

May 6

- S.B. 452 Colorado agricultural development authority - establishment. Establishes the Colorado agricultural development authority and declares it to be a body corporate and a political subdivision of the state. Provides for a board of directors composed of 7 members familiar with agricultural enterprises. Authorizes the issuance of bonds and notes by the authority to provide moneys used for low-cost loans to agricultural enterprises.

June 19

June 19

- H.B. 1099 Agricultural operations not a nuisance - soil erosion. Declares that agricultural operations are not a public or private nuisance by virtue of any changed conditions in an operation's locality after it has been operating one year, unless it was a nuisance originally. Makes an exception to this exemption for negligent operation, change in operation, or substantially increased operation. Prohibits local governments from making such operations nuisances by ordinance or resolution, except when an operation is within city limits or is voluntarily annexed thereto by the landowner. Authorizes county commissioners to order work to control blowing dust or soil erosion and, by resolution, to assess the land benefitted by such control work for the cost thereof, or \$15 per acre, whichever is less. Relieves the department of agriculture from any duties relating to soil conservation and dust blowing under the 1954 act.

June 9

July 1

- H.B. 1104 Colorado beef board - collection of contributions - appropriation. Provides for the collection of a fee for the Colorado beef board up to 25¢ per head on cattle for which a branding inspection fee is also collected, with

certain exceptions. Such fee is to be kept separate and transferred to the board at least once every 2 months. Details administrative procedures for collecting such fees.

Appropriates \$1,500,000 for the implementation of the act.

June 9 July 1

H.B. 1220 Livestock - fees and charges - state board of stock inspection commissioners. Authorizes the state board of stock inspection commissioners to levy and assess fees and charges up to specified maximums, as follows: Brand inspection tax, per head, 30¢; beef board fee (at time of brand inspection), per head, 25¢; service charge, when authorized, from \$1 to \$5; inspection of hides, each, 15¢; and brand inspection, \$13 per year, \$65 per 5-year assessment period. Specifies when such inspections are required. The annual license fee for operation of a public livestock market is increased from \$25 to \$100, and the fee for issuance of permanent transportation permits for competition horses is increased from \$2 to a maximum of \$10.

June 4 July 1

H.B. 1241 Alfalfa leaf-cutter bees - extension of period of regulation. Extends statutory provisions concerning alfalfa leaf-cutter bees for 2 more years until July 1, 1984.

May 18 May 18

H.B. 1303 Fairs - powers and duties of commission and boards of county commissioners. Authorizes the Colorado state fair and industrial exposition commission to sponsor off-season events.

Authorizes boards of county commissioners to lease or purchase tracts of land in excess of 100 acres for county fair purposes, and eliminates a restriction that such boards may not enter into leases of less than 20 years or for an annual rental of more than \$500.

May 13 May 13

H.B. 1352 Regulations pertaining to hogs. Repeals various outdated, obsolete, and unnecessary provisions relating to the regulation of hogs.

April 29

April 29

H.B. 1360 Livestock inspection. Eliminates the \$1,000 bond requirement for veterinarians authorized to inspect livestock. Requires that livestock be examined or tested as indicated or required rather than pro forma. An animal health certificate shall be issued by the inspecting veterinarian if the purchaser so requests. In addition to Colorado requirements, livestock must also meet federal interstate and state of destination requirements. Requires identification of feeding or breeding swine by an approved ear tag, individual tattoo, or ear notch. Amends outdated and unnecessary provisions of law regarding livestock health.

June 18

June 18

H.B. 1462 Livestock diseases - prevention, control, eradication. Amends or repeals outdated, conflicting, or obsolete provisions relating to the prevention, control, and eradication of livestock diseases by the department of agriculture and the agricultural commission through livestock importation, quarantine, testing, vaccination, indemnification, tagging, branding, and reporting provisions.

May 26

July 1

H.B. 1501 Beekeeping - licensing of beekeepers. Extends licensing authority of the department of agriculture over beekeepers until 1985. Requires licensing of beekeepers who have 25 or more colonies of bees, who sell honey or other bee products, or who request services of the department.

June 5

June 5

APPROPRIATIONS

S.B. 235 Appropriation - payment of settlement agreement between state judicial department and certain employees. Appropriates \$136,253.45 to the office of attorney general for payment to certain employees of the state judicial department who are members of a class action which was settled by stipulation and agreement for the failure to advance such employees in their respective pay grades in accordance with the judicial department classification and compensation plans.

June 9 June 9

S.B. 319 Appropriation - department of labor and employment. Extends the availability of funds appropriated to the department of labor and employment in the 1979 long bill for capital construction projects from March 15, 1981, to March 15, 1983.

April 30 April 30

S.B. 424 Supplemental appropriation - state department of highways. Amends the 1980 long bill to decrease the appropriation to the department by \$105,051 for operating expenses and capital outlay for the Colorado state patrol.

April 30 April 30

S.B. 425 Supplemental appropriation - department of corrections. Amends the 1980 long bill to decrease the appropriation to the department by \$8,769 for utilities expenses at minimum security facilities.

April 30 April 30

S.B. 426 Supplemental appropriation - department of state. Amends the 1980 long bill to decrease by \$39,190 the appropriation to the department for initiatives and referenda.

April 30 April 30

S.B. 427 Supplemental appropriation - department of revenue.
Amends the 1978 long bill to decrease by \$132,000 the capital construction appropriation to the department for construction of a new port building at Platteville.

May 6

May 6

S.B. 473 Supplemental appropriation - department of administration. Amends the 1980 long bill to decrease the total appropriation to the department by \$2,671,968. Changes made include: Deletion of the \$1,900,000 utilities contingency reserve; a decrease of \$740,565 for state employees' retirement benefits; and a decrease of \$22,852 for shift differential.

Amends Senate Bill No. 62 of the 1980 session to decrease by \$1,604,412 the state's contribution to the public employees' retirement system to fund increased monthly benefits for retired public employees' retirement association members.

May 18

May 18

S.B. 474 Supplemental appropriation - department of social services. Amends the 1980 long bill to decrease the total appropriation to the department by \$6,705,377. Changes made include: Reduces the appropriation for hearing officer services; eliminates the appropriation for the Colorado court registry system and adds an appropriation for child support needs analysis; decreases spending authority from overhead reimbursements for departmental indirect costs; reallocates the sources of funding for county administration by providing increased spending authority from federal funds; decreases by \$1,738,497 assistance payments for aid to the needy disabled; decreases by \$81,670 assistance payments for adult foster care; decreases by \$189,019 payments for foster care for deinstitutionalized children; decreases by \$454,353 payments for day care; and decreases by \$4,147,720 the appropriation to the medical assistance division, which includes a decrease of \$1,311,240 for laboratory and radiology services, a decrease of \$710,044 for the San Luis health maintenance organization, and a decrease of \$1,159,374 for skilled nursing care.

May 18

May 18

S.B. 475 Supplemental appropriation - department of local affairs.
Amends the 1980 long bill to decrease by \$125,000 the

appropriation to the department's division of local government for emergency water and sewer funds.

May 6

May 6

- S.B. 476 Supplemental appropriation - department of education. Amends the 1980 long bill to decrease the appropriation to the department under the "Public School Finance Act of 1973" by \$19,884,930 as follows: Decreases the appropriation for minimum equalization by \$18,054,015, the appropriation for aid to school districts with high concentrations of children from low-income families by \$573,000, and the appropriation for aid to school districts with increasing enrollment by \$1,257,415.

May 8

May 8

- S.B. 477 Supplemental appropriation - department of higher education. Amends the 1980 long bill to decrease the appropriation to the department for utilities expenses by \$652,350 and to reallocate the source of \$1,166,471 in funds for the Boulder campus from the general fund to cash funds. Amends the capital construction appropriation to eliminate funding for renovation of the north classroom building at Arapahoe community college.

May 18

May 18

- S.B. 478 Supplemental appropriation - department of institutions. Amends the 1980 long bill to increase the total appropriation to the department by \$105,331. Changes made include: A decrease of \$137,901 for the division of youth services; an increase of \$542,232 for the division of mental health to purchase services from community mental health centers and clinics; a decrease of \$299,000 for the division for developmental disabilities' community programs.

May 13

May 13

- S.B. 483 Supplemental appropriation - department of administration. Amends the 1980 long bill, as amended by Senate Bill No. 473 of the 1981 session, to increase the total appropriation to the department by \$3,123,480, which includes a new appropriation of \$1,312,000 for a clerical occupational study and includes increases for personal services, operating expenses, travel and

subsistence, shift differential pay, health and life insurance, and salary survey adjustments. Increases the appropriation to the capital construction fund by \$9,677,513. Amends the capital construction appropriation to the department by adding specific maintenance projects and miscellaneous controlled maintenance projects totalling \$8,607,020.

June 9

June 9

- S.B. 484 Supplemental appropriation - department of agriculture.
Amends the 1980 long bill to increase the total appropriation to the department by \$46,883, of which \$41,774 is allocated for personal services.

May 28

May 28

- S.B. 485 Supplemental appropriation - department of corrections.
Amends the 1980 long bill, as amended by Senate Bill No. 425 of the 1981 session, to increase the total appropriation to the department by \$4,327,173. Major changes include increases in personal services, operating expenses, maintenance, and utilities and an increase of \$2,878,043 in the appropriation to the correctional industries division for payment of the 1980-81 deficit and the purchase of inventory and equipment. Increases the 1980 capital construction appropriation by \$640,065.

June 2

June 2

- S.B. 486 Supplemental appropriation - department of higher education. Amends the 1980 long bill, as amended by Senate Bill No. 477 of the 1981 session, to increase the total appropriation to the department by \$4,413,969. Changes made include an increase in veterans' tuition assistance; increases in utilities, administration, library operations, student services, professional staff, and support staff at various institutions; and an appropriation for the Cumbres and Toltec railroad commission. Makes miscellaneous increases in the capital construction appropriations for the department in the 1979 and 1980 long bills.

June 10

June 10

- S.B. 487 Supplemental appropriation - department of education.
Amends the 1980 long bill, as amended by Senate Bill No.

476 of the 1981 session, to increase the total appropriation to the department by \$56,858, all of which is for the school for the deaf and the blind.

May 29 May 29

S.B. 488 Supplemental appropriation - office of the governor.
Amends the 1980 long bill to increase the appropriation to the office of the governor for the executive office by \$62,464.

May 29 May 29

S.B. 489 Supplemental appropriation - department of health.
Amends the 1980 long bill to increase the total appropriation to the department by \$1,165,261, of which amount \$864,237 is for alcoholism treatment programs.

May 29 May 29

S.B. 490 Supplemental appropriation - state department of highways. Amends the 1980 long bill, as amended by Senate Bill No. 424 of the 1981 session, to increase the total appropriation to the department by \$281,197, as follows: Increases the appropriations for the Colorado state patrol's aircraft pool and the division of highway safety's alcohol and drug driving program, and adds an appropriation for the Colorado training institute.

May 29 May 29

S.B. 491 Supplemental appropriation - department of institutions.
Amends the 1980 long bill, as amended by Senate Bill No. 478 of the 1981 session, to increase the total appropriation to the department by \$3,708,079, which includes increases for personal services, utilities, program and therapy staff at Colorado state hospital, community center basic programs, and state education program expenses. Increases the capital construction appropriation by \$1,327,843, which includes increases for renovation projects at the state home and training schools at Grand Junction, Pueblo, and Ridge.

June 9 June 9

S.B. 492 Supplemental appropriation - department of labor and employment. Amends the 1980 long bill to increase the

total appropriation to the department by \$96,978. Increases are made for hearing officers and the public employees' social security section.

May 29

May 29

- S.B. 493 Supplemental appropriation - department of law. Amends the 1980 long bill to allocate additional Oregon plan earnings in the amount of \$192,763 to the department.

June 4

June 4

- S.B. 494 Supplemental appropriation - department of local affairs. Amends the 1980 long bill, as amended by Senate Bill No. 475 of the 1981 session, to increase the total appropriation to the department by \$31,519, including allocating \$20,589 in the litter control fund to the division of local government.

May 29

May 29

- S.B. 495 Supplemental appropriation - department of military affairs. Amends the 1980 long bill to increase the appropriation to the national guard for personal services by \$12,331.

June 4

June 4

- S.B. 496 Supplemental appropriation - department of natural resources. Amends the 1980 long bill to increase the total appropriation to the department by \$66,379, which includes the addition of an appropriation of \$43,048 to repair flood damage at Chatfield state recreation area. Amends the 1980 capital construction appropriation to add an appropriation of \$65,000 for revegetation and replacement of a segment of bicycle path at Chatfield state recreation area.

Amends the capital construction appropriation in the 1978 long bill to reallocate \$150,000 from land acquisition for Eldorado Canyon state park to alternate trail acquisition and construction, making such amount available until July 1, 1983.

May 28

May 28

S.B. 497 Supplemental appropriation - department of personnel.
Amends the 1980 long bill to increase the authorization of FTE from 9 months to 12 months, to increase by \$145,000 the spending authority from cash receipts from local governments for intergovernmental act services, and to increase by \$56,000 the spending authority from federal funds for payment of mobility assignment.

May 28

May 28

S.B. 498 Supplemental appropriation - department of regulatory agencies. Amends the 1980 long bill to increase the total appropriation to the department by \$70,345.

May 29

May 29

S.B. 499 Supplemental appropriation - department of revenue.
Amends the 1980 long bill to reallocate the source of \$1,124,873 in funds for utilities expenses of the motor vehicle division and the ports of entry division from the special reserve fund for tax relief to the general fund.

Amends the 1979 long bill, as amended by House Bill No. 1255 of the 1980 session, to reallocate the source of \$387,274 in funds from cash funds to the general fund.

June 4

June 4

S.B. 500 Supplemental appropriation - department of the treasury.
Amends the 1980 long bill to decrease the total appropriation to the department by \$442,462. The major change is a decrease of \$500,000 for payments of county costs of property tax deferrals for elderly persons.

May 29

May 29

S.B. 501 Supplemental appropriation - department of social services. Amends the 1980 long bill, as amended by Senate Bill No. 474 of the 1981 session, to increase the total appropriation to the department by \$26,371,960. Changes made include: An increase of \$344,147 for county administration of the food stamp program; an increase of \$4,965,993 for aid to families with dependent children; a decrease of \$334,709 in the state supplement grant for aid to the needy disabled; the addition of a one-time appropriation of \$937,000 for child welfare foster care; a decrease of \$180,183 for child welfare pilot projects

for preventive services development; an increase of \$420,368 for payments in subsidization of adoption; an increase of \$1,248,501 for day care; an increase of \$16,639,263 for the medical assistance division, which includes an increase of \$500,353 for administration, an increase of \$6,023,801 for inpatient hospitalization, an increase of \$1,020,000 for mental health ambulatory care, an increase of \$1,609,924 for mental health inpatient care, an increase of \$1,159,374 for long-term health care, and an increase of \$2,008,706 for care for the developmentally disabled; and an increase of \$2,248,374 in spending authority from federal funds for refugee assistance programs.

Amends the 1979 long bill, as amended by House Bill No. 1243 of the 1980 session, as further amended by House Bill No. 1262 of the 1980 session, to increase by \$572,348 the department's spending authority from federal funds for AFDC basic grants.

May 21 May 21

S.B. 502 Supplemental appropriation - department of institutions.
Appropriates \$45,812.05 to the department for replacing the steam line at the state home and training school at Wheat Ridge.

May 29 May 29

S.B. 513 General appropriation - long bill. For the expenses of the executive, legislative, and judicial departments of state government for the fiscal year commencing July 1, 1981, the grand total of the operating budget is \$2,761,877,141 (\$57,607,696 of which is for the judicial department), of which \$1,417,531,757 is from the general fund, \$696,053,529 is from cash funds, and \$648,291,855 is from federal funds. The total appropriation for capital construction is \$86,495,506, of which \$21,644,820 is from the capital construction fund, \$50,409,169 is from cash funds, and \$14,441,517 is from from federal funds.

PORTIONS VETOED June 11 June 11

S.B. 520 Supplemental appropriation - department of labor and employment. Amends the 1981 long bill to decrease the total appropriation to the department by \$343,000 by

deleting the appropriation for final settlement of the Sixth Avenue-Grant Street and Fourteenth Avenue-Broadway properties.

VETOED July 24

H.B. 1610 Appropriation - legislative department. Appropriates \$11,125,548 to the legislative department for its expenditures for the fiscal year beginning July 1, 1981, to be allocated as follows:

House of representatives and senate	\$4,539,365
State auditor	3,195,288
Joint budget committee	480,000
Legislative council	996,672
Legislative studies	184,575
Legislative drafting office	809,183
Office of revisor of statutes	839,315
Committee on legal services	67,000
Commission on uniform state laws	<u>14,150</u>
Total legislative department	\$11,125,548

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

CHILDREN AND DOMESTIC MATTERS

- S.B. 53 Delinquency petitions permitted for violations of felony state traffic and game and fish laws. Includes felony state traffic and game and fish law violations within the definition of "delinquent child" in the "Colorado Children's Code", permitting the filing of delinquency petitions for such offenses.

May 8 July 1

- S.B. 276 Child custody - best interests of child - spouse abuse. Provides that a parent's absence from the home due to spouse abuse shall not be a factor in determining the best interests of the child in a child custody case. Defines "spouse abuse".

May 22 May 22

- S.B. 313 Juvenile offenders - sentencing provisions for violent juvenile offenders. Amends the jurisdictional section in the "Colorado Children's Code" to provide that when criminal charges are filed directly in district court or transferred from juvenile court, the judge may remand the case for disposition at his discretion; except that a child 16 or older at the time of sentencing who is convicted of a class 1 felony or a child whose case was transferred to the district court and who was convicted of a crime of violence shall be sentenced as an adult.

May 8 July 1

- S.B. 337 Children - out of the home placements. Amends numerous provisions concerning the placement of children pursuant to Senate Bill No. 26 enacted in 1979. Extends out of the home placements to include independent living, as defined. Provides that petitions for review of need for placement out of the home are required only for such placements which are voluntary and which involve the expenditure of state funds and addresses notice of hearings therefor. States that evaluations for placement are to include other alternatives which have been considered and the reasons for their rejection. Changes the venue provisions to allow filings in counties other than the county of residence of the child's parent or guardian for such petitions. Requires a judicial review for a disposition resulting in placement out of the home. Authorizes designation of residential child care

facilities by the executive director of the department of institutions. Clarifies that commitments of children to the department of institutions shall be for a determinate period but shall not be subject to the automatic review in 90 days as other placements will be. Requires that parental fees for the residential care of children shall be in accordance with fee requirements of the department of social services when custody of the child is given to the county department and such fee shall apply, to the extent unpaid, to the entire period of placement. Amends the composition of the placement alternatives commission. Declares that the intent of the general assembly is that state moneys appropriated for out of the home placement of children are not to be used for the expansion or development of new programs operated by the counties if such services are already provided in the community. Authorizes the department of social services to promulgate rules in accordance with statutory standards concerning the short-term confinement of a child in defined emergency situations.

June 8 July 1

S.B. 378 Guardian ad litem and legal counsel under the "Colorado Children's Code". Specifies when legal counsel is required in proceedings under the "Colorado Children's Code". Clarifies that a guardian ad litem is not necessarily an attorney.

June 5 June 5

S.B. 395 Adoption - decrees by courts of foreign countries. Allows readoption in Colorado of children adopted in a foreign country. Requires that at least one of the adopting parents be a citizen and resident of Colorado at the time of petitioning for a decree of validity in Colorado. Also requires the child be a permanent resident or a naturalized citizen of the United States. The original or a certified copy of the foreign adoption decree plus a notarized translation must be presented to the court. The decree of validity will have the same legal effect as any decree of adoption issued in Colorado.

May 18 May 18

H.B. 1103 Juvenile offenders - fixing of bail and conditions of bond. Specifies that the fixing of bail and the condition of the bail bond for any juvenile shall require

that the juvenile appear at any place and upon any date to which the proceeding is transferred or continued, he not commit any acts while at liberty which would be a felony if committed by an adult, and the court retain specified powers regarding the release of the juvenile and the conditions of the bail bond.

May 18 July 1

H.B. 1144 Child abuse records - access by licensed agencies. Allows the state or county department of social services or a child placement agency access to reports of child abuse or neglect and to the state central registry of child protection when such agencies are investigating an applicant for licensure as a child care center or family care home if the applicant has given written authorization to such agencies as a requirement of its license application.

May 18 May 18

H.B. 1159 Children's code - procedures - disposition of mandatory offenders. Defines "mandatory sentence offender" and requires out of home placement for such an offender for not less than one year, but permits release by the committing judge after a showing of exemplary behavior. Provides that a court may make reasonable orders as a condition of release for a child taken into temporary custody and find the child in contempt for violation of any order. Allows identifying information of a child in temporary custody to be transmitted to any law enforcement agency in certain circumstances. Broadens the authority of the court to issue protection orders in connection with its decrees.

May 28 May 28

H.B. 1295 "Uniform Dissolution of Marriage Act" - temporary restraining order - motion to dissolve or modify. Allows an adverse party to appear and move the dissolution or modification of a temporary restraining order, which was granted without notice, on 2 days' notice or less as the court prescribes, to the party who obtained such order. Hearing is to be set at the earliest possible time.

May 13 May 13

H.B. 1490 Support obligations. Provides that once parentage has been judicially determined it need not be litigated again for purposes of the criminal nonsupport statute. Specifies that a district attorney, when enforcing support laws, or any other attorney, when prosecuting an action brought by a governmental agency to establish or enforce a child support obligation, represents the people of the state of Colorado and does not establish an attorney-client relationship with any witness or party other than the people of the state of Colorado. Repeals a provision requiring that proceedings to determine father and child relationship brought before the birth of the child be stayed until after the birth.

May 27

May 27

H.B. 1557 "Colorado Child Support Enforcement Procedures Act". Provides methods of establishing debts owed the state for the recovery of moneys expended through public assistance programs for the support of dependent children. Establishes a continuing garnishment and provisions for wage assignments as remedies for the enforcement of child support orders. Provides conforming amendments which exempt the assignment of wages for child support from the required spousal signature for an assignment to be effective and conforms the reimbursable costs to the employer, trustee, or payor in the dissolution of marriage act.

June 8

June 8

H.B. 1571 Parent-child legal relationship - relinquishment proceedings - guardian ad litem. Amends the article on relinquishment and adoption to provide that a child, 12 or over, is to be counseled and fully advised of the consequences of the action pending and authorizes the judge to appoint a guardian ad litem to protect the interests of the child when: There may be a conflict of interests; it is in the best interest of the child; and the child is 12 or older. Provides for an informal interview with the child by the judge in chambers and requires a record of such interview to be made and permits the court to seek professional advice in addition to that of experts provided by the parties. Charges the parent reasonable fees for the guardian ad litem, if one is appointed and the parent is not indigent, and provides that parental obligations for services provided the child through the department of social services shall be terminated upon a subsequent final decree of adoption or

by order of the court at the time of relinquishment
instead of being automatically terminated at the time of
relinquishment.

June 5

July 1

COMMERCIAL TRANSACTIONS

H.B. 1487 "Uniform Commercial Code" - investment securities.
Enacts rules for issuers, buyers, sellers, and other persons dealing with securities for which no stock certificate is issued. Amends the portion of the code which presently governs certificated securities, and adds similar provisions for uncertificated securities. Provides for the transfer of uncertificated securities by registration of such transfer, instead of by delivery of a certificate. Covers the creation, perfection, and termination of security interests in uncertificated securities. Sets forth the rights and obligations of buyers and sellers of uncertificated securities and the warranties made in connection with transfers thereof.

June 4

July 1

CONSUMER AFFAIRS

S.B. 157 "Colorado Consumer Protection Act" - inadmissibility of compelled testimony. Excludes the use of testimony compelled from any person pursuant to compulsory process under the act in any criminal prosecution of such person.

April 30 April 30

S.B. 407 "Uniform Consumer Credit Code" - land as security for small loans. Increases from \$1,000 to \$2,000 the loan limit at which a supervised lender is prohibited from obtaining a security interest in land. Provides that, for purposes of such prohibition, principal shall be determined by the amount of credit made available to the debtor if such available credit is made in writing and not subject to reduction by the lender, except upon default.

April 30 April 30

H.B. 1178 Usury laws - state override of federal preemption. Exercises the state's right under federal statutes to override federal preemption of state usury laws concerning mortgages, business and agricultural loans, small business loans, and other loans.

March 27 July 1

H.B. 1257 Computation of rebates on prepayment under "Uniform Consumer Credit Code". Changes the method of computation of the amount of refund due upon prepayment of consumer credit sales and consumer loans under the code when the finance charge is precalculated.

June 9 January 1, 1982

H.B. 1585 "Uniform Consumer Credit Code" - amendments. Makes numerous amendments to the code, including the following: Adds sales of mobile homes to the definition of "consumer credit sale" and "consumer loan", subject to a limitation of \$52,500 on the amount financed and to an interest rate not exceeding 12%; increases the interest allowed as credit service charges for consumer credit sales and the loan finance charges for supervised loans by increasing the dollar amounts to which the various levels of

interest apply, and increases the credit service charge for revolving charge accounts from one and one-half percent to one and three-fourths percent monthly; reduces the maximum amount which is subject to consumer-related loan provisions to \$3,000; increases the alternate maximum allowable annual charge for consumer loans from 18% to 21%, and increases to the same figure the loan finance charge for supervised loans, but permits such increase on revolving loan accounts involving the purchase of goods or services only if the lender gives the debtor the privilege of paying all charges for goods and services without any finance charge within 25 days of the date of the first statement and, as an additional condition, the lender may also require that the full balance shown on such statement be paid; raises the cash sales price of goods on which, if repossessed, no deficiency judgment can be entered against the debtor to \$2,100; and creates additional exceptions to the right of a debtor to rescind a transaction involving a security interest in property used as a dwelling; and makes conforming amendments necessitated by the removal of agricultural credit from the coverage of the "Federal Truth in Lending Act". Repeals a provision which says the code does not apply to rates and charges of credit unions.

June 8

June 8

H.B. 1619 Consumer credit sales - maximum service charge. Increases the maximum credit service charge which may be allowed for consumer credit sales other than revolving charge accounts to 21%, which is the same maximum charge allowed for consumer credit sales on revolving charge accounts and consumer loans.

July 17

July 17

CORPORATIONS AND ASSOCIATIONS

S.B. 352 "Colorado Corporation Code" - miscellaneous amendments.
Rewrites and reorganizes provisions of the code for greater clarity. Significant changes are summarized as follows: Allows a delayed effective date, not more than 90 days after the filing of the appropriate document, for corporate existence, amendments to the articles of incorporation, cancellation of redeemable shares, merger, consolidation or exchange of shares, and certificates of dissolution. Provides for a certificate of correction as a means to remedy inaccuracies in corporate documents. Prohibits similarity in corporate name to the name of a limited partnership as well as other corporations. Allows use of similar name if the other corporation consents and words are added to distinguish the name or if prior right to use the name is established by court decree. Distinguishing words must also be added to the name of a corporation which merges with another, is formed by consolidation or reorganization, or acquires the assets of another corporation including its name. The period allowed for reservation of a corporate name may be extended another 120 days from each date of renewal of the reservation. Provisions regarding service of process are simplified. Authorized signatures on share certificates are expanded to include either those of the chairman or vice-chairman of the board of directors or the president or vice-president of the corporation and the treasurer or assistant treasurer or the secretary or assistant secretary of the corporation. If no shareholder meeting is held within 13 months, the shareholders are allowed to apply to a court to summarily order a shareholder meeting. Amends provisions concerning court action by shareholders to provide that the plaintiff's security for costs is available to the corporation only if the action was brought without reasonable cause. Adds procedures for the protection of dissenting shareholders' rights. States a standard for the performance of a director's duties, and further provides upon whom he is entitled to rely so long as he does not have any knowledge which would make such reliance unwarranted. Provides that if the number of shareholders is less than 3, the number of directors required is determined by the number of shareholders. Provides that books, records, and minutes, if not in written form, may be in any form capable of being converted into writing within a reasonable time. Establishes a procedure for share exchange between acquiring and acquired corporations. Removes the 3-year time limit on the voluntary dissolution of corporations which have never begun business nor have any shares outstanding. The requirement that corporations organized prior to July 1, 1978, must entitle each outstanding share to vote on the question of dissolution is amended

to allow dissolution without such vote if the articles have been amended since that date to restrict such voting rights and the amendment received the same number of votes as would have been required for dissolution. Makes optional the secretary of state's duty to certify to the attorney general the names of corporations stating cause for dissolution. Adds provisions concerning the renewal, revival, and restoration of a dissolved corporation. Also adds provisions concerning post-dissolution distributions and contributions, and enumerates additional activities by a foreign corporation which shall not be considered to be transactions of business in this state.

June 12 January 1, 1982

- S.B. 451 Corporate filing fees adjusted. Removes the specified fee amounts from the statutes and provides that the fees charged by the secretary of state for filing articles of incorporation and corporate reports, issuing certificates of incorporation and certificates of authority, and filing other corporate documents be set according to the secretary's administrative costs of doing such work. The general assembly shall take the revenues generated by such fees into account in determining the annual appropriation to the department of state.

June 4 July 1

- H.B. 1461 Limited partnerships. Adopts the "Colorado Uniform Limited Partnership Act of 1981", which shall apply to all limited partnerships formed after November 1, 1981, and any existing limited partnerships which elect to come under the provisions of the act. The major changes from the "Uniform Limited Partnership Law" of 1931 include: (1) Changes in the scope of a limited partner's activities; (2) a provision for granting voting rights to limited partners; (3) registration of limited partnerships in the office of the secretary of state; (4) registration of foreign limited partnerships; (5) reservation of names for limited partnerships; (6) access to partnership records by limited partners; and (7) a provision for derivative actions by limited partners. Also provides a schedule of fees that may be charged by the secretary of state for the filing and certifying of documents related to limited partnerships.

June 10 November 1

CORRECTIONS

- S.B. 62 Correctional industries - training and employment of offenders. Authorizes the division of correctional industries to contract with private and public entities for the training or employment of offenders committed to the department of corrections. Proceeds and wages due an offender shall be held by the division and distributed for compensation of the victim up to a specified amount, payment for support of the offender's dependents, and establishment of a trust fund for the offender. Part of such proceeds and wages, up to a specified amount, may be used to defray the cost of the offender's confinement.

Specifies that no state moneys be appropriated for the program.

May 27

May 27

- S.B. 504 Work program - inmates of department of corrections. Directs the executive director of the department to establish a physical labor work program for inmates in the department who are able-bodied offenders. Able-bodied offenders assigned to the program will work 8 hours per day 5 days a week and shall receive no compensation. Workers shall be eligible to leave the work program for the division of correctional industries if they establish their fitness for such reassignment.

June 10

June 10

- H.B. 1012 Prerelease programs - establishment within the department of corrections. Authorizes the department of corrections to establish prerelease programs for offenders who will soon be released on parole or placed in a community correctional program, to aid such offenders in reintegration into society.

Repeals the authorization for such programs, effective July 1, 1984.

June 8

June 8

H.B. 1261 Good time deduction - not available while on parole.
Provides that a convict is not entitled to a good time deduction from his sentence while on parole.

May 26 July 1

H.B. 1274 Sale of state flags by the division of correctional industries. Authorizes the sale of state flags produced by correctional industries to retailers in this state and to individuals while visiting the correctional facilities after the requirements of state agencies and political subdivisions for such flags have been met.

May 18 May 18

H.B. 1379 Good time deductions from criminal sentences. Provides for the vesting of good time deductions semiannually rather than quarterly, and correspondingly permits the department of corrections to withhold up to 90 days of such good time per 6-month period.

May 29 July 1

COURTS

S.B. 63 Damages in product liability cases - based on comparative fault. Provides that persons claiming damages in product liability cases who are found to be partially at fault may recover damages in such case, but the amount thereof is to be reduced in proportion to the amount of the injured person's fault, and the claimant will receive nothing if his fault exceeds the other party's. Such method of measuring damages is also to be used in product liability cases for wrongful death. Special findings are to be made by the jury or court in such cases, allocating percentages of fault to each party found to be at fault. The share of damages due from each party is to be similarly allocated. Joint and several liability is provided for in certain cases.

May 18 July 1

S.B. 64 Limitation of actions against manufacturers and others involving product liability. Establishes a separate time limitation, for actions brought against manufacturers, sellers, or lessors of new manufacturing equipment, of 10 years from the date such item is first used for its intended purpose after sale or lease. The time limitation does not apply if the claim arises from injury due to hidden defects or prolonged exposure to hazardous material, or if there was intentional misrepresentation or fraudulent concealment of a material fact. Likewise the time limit does not apply where a written warranty gives a longer period for suit, or in the case of indemnity actions brought to secure contributions from third parties.

May 28 July 1

S.B. 150 Appeals to district court - 30 days from final action. Provides a 30-day deadline for filing appeals in district court for review of decisions by certiorari or other writ and for zoning appeals.

April 24 April 24

S.B. 153 Jury lists - maximum number thereon. Removes the 500 names limitation on county court jury lists.

April 24 April 24

S.B. 293 Municipal court jurisdiction over children - confinement for contempt. Clarifies municipal court authority to order a child confined for contempt of court. Provides that appeals of municipal contempt convictions for juveniles shall be to the juvenile court. Confinement of a child for contempt shall not exceed 48 hours and shall be in a juvenile facility. If a juvenile facility is not available, the child may be confined in an adult facility so long as he is separated from adult offenders. Specifies that a child in contempt of municipal court is not a "delinquent child" under the "Colorado Children's Code".

Provides for the appearance of the child's parents or guardian at municipal court proceedings. Changes references to county and superior courts to one comprehensive term "appellate court" in provisions on municipal court appeals. "Appellate court" now includes county, superior, and juvenile courts as appropriate.

April 30 April 30

S.B. 368 Jury selection - qualification and summoning. Authorizes the state court administrator to combine the qualification and summoning procedures under the "Uniform Jury Selection and Service Act".

June 4 July 1

S.B. 369 Bankruptcy - property exemptions. Provides that exemptions under the federal bankruptcy code are not available to residents of Colorado. Authorizes Colorado residents to claim only those exemptions expressly provided by state statute. Redefines exempt property to include greater monetary amounts for previously existing exemptions. Also includes as exempt property professionally prescribed health aids for the debtor or his dependents and the debtor's right to receive, or property traceable to, an award under a crime victim's reparation law. Specifies that military pensions are subject to court-ordered support of children or a spouse.

Became law without the Governor's signature
June 16 July 1

S.B. 416 Detention of juvenile offenders. Addresses the issue of incarceration of children arrested for or convicted of violation of traffic laws, fish and game provisions, municipal ordinances, and related offenses by conforming

with provisions in the children's code concerning offenses subject to the jurisdiction of juvenile court. Provides that children may be detained only in a juvenile detention facility if one exists within the county or within 40 miles of the jail. If no such facility exists, children may be jailed for a certain period of time if there is sight and sound separation. Children transferred to adult court jurisdiction for criminal proceedings are excluded from incarceration in juvenile detention facilities. Provides that the fixing of bail and conditions of bond for children shall be in accordance with established adult standards.

May 28 July 1

S.B. 470 Administration of estates under the probate code. Makes numerous changes in the probate code relating to: The administration of estates; distributions from estates, including family allowances and elective shares and contributions therefor; distributions in cash or kind; and apportionment of estate taxes. Raises the limit on the amount of property which may be collected by affidavit to \$20,000. Makes various changes concerning the appointment of guardians for minors.

May 18 July 1

H.B. 1083 Dead man's statutes - exceptions. Provides an exception to the dead man's statute for testimony to facts occurring outside his presence while the deceased was alive of which the deceased could not have testified of his own knowledge had he survived.

April 30 July 1

H.B. 1087 Civil actions - jurisdiction of county courts and small claims courts. Increases the jurisdictional limit for civil actions in county court from \$1,000 to \$5,000. Increases the jurisdictional limit for civil actions in small claims court from \$500 to \$1,000. Provides that a plaintiff may not file more than one claim per month in the small claims court, instead of the previous limit of 5 claims in any 12 consecutive months.

May 26 July 1

H.B. 1171 Court costs - clarification. Clarifies the extent and

the substance of court costs to be assessed against a defendant in a criminal or civil action in the state courts.

May 13 July 1

H.B. 1189 Unclaimed assets of an estate - disposition. Provides that the personal representative shall reduce all unclaimed devises and distributive shares to cash and pay the amount to the state treasurer within 3 months after entry of the final settlement order or 6 months after such property is eligible for distribution, whichever is earlier. The attorney general is classified as an interested person and may act as a defendant would in a case by a person to claim any of such unclaimed funds.

June 9 June 9

H.B. 1313 Supreme court justices - employees. Grants supreme court justices greater authority in hiring law clerks and clerical personnel. Previously, a justice was entitled to one law clerk and one secretary; now, each justice may appoint as many as may be necessary.

June 18 June 18

H.B. 1365 Compensation - judges and justices - appropriation. Provides that for a 6-month period commencing January 1, 1982, judicial compensation, except for county court judges for the city and county of Denver, shall be adjusted according to the average percentage salary increase for all classes of employees as determined by the state personnel director. Requires the state personnel director to annually determine said average increase and include it in the wage survey.

Appropriates \$487,479 to the judicial department for implementation of the act.

June 10 January 1, 1982

H.B. 1430 Public defender - representation of indigent persons. Allows the public defender to communicate with any person in custody who has indicated a desire to speak with an attorney and permits the public defender to determine whether or not any person in custody has been taken without unnecessary delay before the nearest judge.

Clarifies that the public defender is not to represent or advise any person physically outside this state who has not made a court appearance in the pending matter in Colorado.

May 26

May 26

- H.B. 1440 Examination of witnesses - paralegals and legal assistants. Includes paralegals and legal assistants within the category of persons who may not be examined without an employer's consent concerning any fact or knowledge acquired in the capacity as a paralegal or legal assistant.

May 26

May 26

- H.B. 1441 Appointment of retired justices or judges in civil actions by agreement and at the expense of the parties. Allows the chief justice to appoint a retired justice or judge to hear an individual civil action if the parties to the action agree and pay the salary of such justice or judge and any other expenses incurred. Makes the actual appointment and assignment discretionary with the chief justice; however, any such appointment shall only be made after the action is at issue and all discovery completed. Provides that per diem salaries and expenses shall be at the same rate paid to retired judges temporarily appointed at state expense. Gives the supreme court rule-making authority to implement such appointments and provides that orders, decrees, verdicts, and judgments issued pursuant to this act shall have the same force and effect as those resulting from hearings or trials presided over by a regularly serving judge and shall be enforced or appealed in the same manner.

May 26

May 26

- H.B. 1442 Limitations involving procedures in various types of court actions. Limits the time within which execution can issue on a county court judgment rendered on or after July 1, 1981, to 6 years, unless the judgment is revived pursuant to statute. Other limitations include a requirement that all class 2, 3, and 4 traffic offenses be filed within 6 months of the offense and a reduction in the number of peremptory challenges allowed in criminal jury trials to 10 in capital cases and 5 in other felony cases. Eliminates a provision requiring

prompt setting for oral argument in cases of judicial review of state agency decisions.

May 26

July 1

H.B. 1578 Jury service by individuals with impaired vision or hearing. No person shall be deemed incapable of jury service solely because of impaired vision or hearing. However, such sensory deficiency may be ground for challenge for cause if the court is satisfied that the person is incapable of performing the duties of juror in the particular action without prejudice to the substantial rights of the challenging party.

May 18

May 18

CRIMES

- S.B. 38 Obscenity - definitions and procedure. Repeals and reenacts the provisions of law dealing with obscenity and related offenses. Gives district courts jurisdiction to enjoin the promotion or display of obscene material through the use of restraining orders or injunctions and allows a district attorney to maintain an action for injunction for the same purpose. Allows joinder of a trial on the action on the merits and a hearing on an application for a temporary injunction and requires speedy resolution of the issues upon such joinder of issue.

Excludes certain material from the provisions of the obscenity statutes.

June 5 July 1

- S.B. 72 New crime - theft from the elderly. Creates a new crime of theft from the elderly when a person commits theft and the victim is 60 years of age or older and any element or portion of the offense is committed in his presence. The penalty is a class 1 misdemeanor if less than \$200 is involved or a class 3 felony if the amount is \$200 or more. Authorizes the court to order restitution.

April 28 July 1

- S.B. 138 Burglary - habitual offenders. Declares that the frequency of incidence of burglary, the high recidivism rate among burglars, and the high economic impact of such crime require that a person convicted of first degree burglary, first degree burglary of drugs, or second degree burglary of a dwelling who within 10 years of the commission of such offense was previously convicted of a similar offense here or elsewhere shall be sentenced to a term of incarceration more than the maximum in the presumptive range, but not more than twice the maximum. Provides that no such burglar shall be eligible for probation or suspension of sentence. Provides that a person who is convicted of any of the above types of burglaries and who has previously been convicted of 2 or more felonies is subject to sentencing under the general habitual criminal statute. Also, makes various conforming amendments.

June 19 July 1

S.B. 154 Disorderly conduct - definition. Provides that a coarse and obviously offensive utterance, gesture, or display in a public place must tend to incite an immediate breach of the peace in order to constitute disorderly conduct.

April 24 April 24

S.B. 155 Crimes - theft by receiving. Provides that theft by receiving which involves 3 or more stolen things of value from 3 separate owners, rather than a single stolen article worth at least \$1,000, constitutes prima facie evidence that the receiver is in the business of fencing.

April 23 April 23

S.B. 156 Crime of escape - elimination of loophole. Eliminates a loophole which permitted a prisoner to escape with impunity between conviction of a crime and sentencing for such crime.

June 12 June 12

S.B. 183 Criminal code - revisions. Provides that the year of parole for certain felonies is applicable whether the felon is incarcerated under jurisdiction of the department of corrections or a residential community correctional facility. Redefines "deadly weapon". Includes employees of a district attorney's office assigned to administer a defender's diversion program as a peace officer. Requires a different mens rea for one type of first degree murder. Restricts the definition of criminally negligent homicide. Adds certain attempted acts to the definition of assault in the first degree and adds a new crime to assault in the second degree. Delineates a scale of penalties for criminal mischief and the fraudulent use of credit devices depending on the dollar amount involved. Adds chemicals, weapons, and radioactive and other substances to the offense of false reporting. Makes persons immune from liability for disclosing suspected crimes. Increases the penalties for second and third degree burglary if the theft of narcotics or dangerous drugs is the objective. Provides that killing dogs in a contest is a class 5 felony. Adds a section to offenses involving communications authorizing cutting, rerouting, or diversion of telephone lines by officials when hostages are held. Makes defacing a firearm a class 5 felony and possession of a defaced firearm, except by normal wear and tear, a class 1 misdemeanor. Makes the manufacture or possession of

hoax explosives a criminal offense. Provides a new section on abandonment of hazardous wastes.

June 10 July 1

S.B. 210 Crimes governing misuse of guaranteed check cards.
Creates the crime of fraudulent use of a guaranteed check card. Extends provisions governing theft of a credit device and criminal possession of a credit device to guaranteed check cards.

April 30 April 30

S.B. 315 Sexual exploitation of children - inducement. Provides that inducement of a child to engage in or be used for explicit sexual conduct shall constitute the crime of sexual exploitation of a child. Applies to acts occurring on or after July 1, 1981.

June 19 June 19

S.B. 357 Identification of habitual offenders. Provides that in the case of an habitual offender charge, the photographs and fingerprints which are part of the court record for a prior conviction or are part of the record of the place in which he was incarcerated for a prior conviction shall be prima facie evidence of his identity and may be used in evidence against him. Provides that in felony conviction cases, the district attorney may file identification photographs and fingerprints of the defendant with the court and that such items shall become part of the court record.

May 27 May 27

S.B. 367 Crimes against the elderly and handicapped - sentences.
Provides that any crime against an elderly or handicapped person which involves use of, possession of, or threat of use of a deadly weapon is a crime of violence by definition. Provides that the mandatory maximum penalty within the presumptive range shall be assessed against the criminal for such crime.

May 18 July 1

S.B. 389 Gold, silver, and other valuable articles - regulation of public purchasers. Requires that any person who holds himself out to the public as a buyer of gold, silver, or other precious and semiprecious metals and stones and any person who buys more than 4 such valuable articles in any 30-day period comply with provisions concerning record keeping, reporting, identification, and a holding period. Also prohibits the purchase of valuable articles from minors. To knowingly give false information or to fail to comply with the provisions of the statute is a class 5 felony. The provisions do not apply to purchasers of less than 5 valuable articles in any 30-day period, purchasers from estates, purchasers from retail or wholesale merchants, and private collectors. Nor does the act apply, subject to certain conditions, to purchases exclusively in interstate commerce or trade-ins received by retailers.

May 22

May 22

H.B. 1145 Child prostitution. A person who by word or action induces a child to engage in prostitution commits the offense of inducement of child prostitution. Inducement of child prostitution is a class 3 felony.

May 28

May 28

H.B. 1156 Sentencing - crimes of violence or those with aggravating circumstances. Provides that if a defendant is convicted of a crime of violence or a crime with certain aggravating circumstances, the sentence, if for incarceration, shall be greater than the maximum authorized in the presumptive range but not more than twice the maximum.

May 29

July 1

H.B. 1167 Definitions - bodily injury. Substitutes the defined term "injury" for "harm", an undefined term, throughout the criminal code. Similarly, substitutes "bodily" for "physical" for the same reason.

May 13

May 13

H.B. 1173 Alteration of vehicle identification numbers - exceptions. Excepts persons effecting legitimate repairs from the criminal provisions governing alteration of

vehicle identification numbers. Also, requires the actor to know or have reasonable cause to know that an auto part contains an altered number in order to be guilty of the crime.

April 30 April 30

- H.B. 1310 Sexually explicit materials harmful to children - sale, loan, or exhibition thereof. Provides that the sale, loan, or display to persons under the age of 18 of depictions of sexually explicit nudity, conduct, excitement, or sadomasochism is a class 2 misdemeanor. The prohibition does not apply to works of art, books and other printed matter, dramas, and motion pictures distributed or exhibited by accredited museums, libraries, schools, or institutions of higher education.

VETOED June 5
OVERRIDDEN June 29 June 29

- H.B. 1319 Fraud by check - penalties - definitions. Amends the penalties for fraud by check as follows: Changes the penalty for fraud by check in an amount less than \$50 from a class 1 petty offense to a class 3 misdemeanor; changes the period within which 2 or more fraudulent checks of \$50 or more but less than \$200 need be cashed in order to commit a class 2 misdemeanor from 30 to 60 days; changes the period within which 2 or more fraudulent checks totalling \$200 or more need be cashed in order to commit a class 4 felony from 30 to 60 days. Specifies when a culpable mental state is presumed of the issuer of a check.

Became law without the Governor's signature
May 29 July 1

- H.B. 1405 Controlled substances - regulation - crimes relating thereto. Imposes criminal sanctions for offenses relating to each category of controlled substances within the new schedule of controlled substances which replaces the repealed provisions concerning dangerous drugs. Directs the department of health and the state board of pharmacy to regulate controlled substances and the manufacturing, distributing, possessing, and dispensing thereof.

June 19 July 1

H.B. 1463 Kidnapping. Provides that if a second degree kidnapping includes the use of a deadly weapon, the offense is a class 3 felony, and that if it includes sexual assault or robbery, the offense is a class 2 felony. If such additional elements are not present, the offense remains a class 4 felony.

May 18 July 1

H.B. 1465 Criminal trespass. Expands the offense of second degree criminal trespass to include knowingly and unlawfully entering or remaining in or upon the premises of a hotel, motel, or apartment building. Second degree criminal trespass remains a class 3 misdemeanor.

June 4 June 4

H.B. 1560 "Colorado Organized Crime Control Act". Provides updated and comprehensive methods of evidence-gathering, investigation, and prosecution in the detection and prosecution of complex organized criminal activities by establishing enhanced penal sanctions and new civil remedies, consistent with federal law. Authorizes prosecution of two or more combined unlawful acts, as defined within the act. Sets forth criminal penalties and civil remedies relating to criminal prosecution. Provides civil remedies for the state and for victims of organized crime.

June 19 July 1

H.B. 1577 Counterfeit controlled substances - crimes. Creates the crime of sale, manufacture, or distribution of a counterfeit controlled substance, or possession of such substance with intent to do any of said acts. Defines a counterfeit controlled substance as a substance which though not controlled is represented to be so. Provides for felony penalties. Limits defenses.

June 19 July 1

CRIMINAL PROCEDURE

- S.B. 1 Release from commitment after a verdict of not guilty by reason of insanity. Establishes procedures to revoke the conditional release of a criminal defendant who has been found not guilty by reason of insanity and committed to the custody of the department of institutions. Provides that such conditional release may be revoked upon grounds that the defendant has violated a condition of his release or that he is suffering from a mental disease or defect which is likely to cause him to be dangerous to himself, to others, or to the community in the reasonably foreseeable future if he is permitted to remain on release. Requires specified reports on the treatment and status of a conditionally released defendant. Requires terms and conditions of conditional release to be reviewed at least every 12 months.

June 12 July 1

- S.B. 194 Restitution to victims of crime - condition of parole. Requires victim restitution as a condition of parole, except in cases of undue hardship. Authorizes the state board of parole to implement the program. Requires courts to fix the amount of restitution, but authorizes the state board of parole to modify the amount. Increases the possible term of parole for parole violations.

June 4 July 1

- S.B. 262 Bail and bond - criteria - collateral attack upon judgment - production of evidence. Deletes the requirement that criteria used in determining the amount of bail and type of bond be considered insofar as they are relevant to the risk of nonappearance by the defendant. Provides that no person convicted under a criminal statute shall collaterally attack the validity of the conviction unless commenced within a specified time and subject to specified limitations.

Provides that established procedures concerning compulsory attendance of witnesses and production of tangible evidence apply to witnesses from another state in an action in this state and witnesses in another state from Colorado.

Repeals a portion of the grand jury statutes which allowed a witness who has notified the prosecuting attorney of his intention to exercise his privilege

against self-incrimination not to be compelled to appear before the grand jury.

May 8

July 1

- S.B. 292 Sentencing of habitual criminals. Provides that a person may be charged under the habitual criminal statute only after conviction for previous felonies which arose out of separate and distinct criminal episodes.

May 22

May 22

- S.B. 304 Appellate review of sentences. Eliminates provision for appellate review of sentences outside the presumptive range for felony convictions.

May 26

July 1

- S.B. 380 Prosecutions of persons alleged to be habitual criminals. Provides for a separate sentencing hearing on allegations that a defendant is a habitual criminal by virtue of prior convictions, such hearing to be before the jury impaneled to try the substantive offense with which the defendant is charged, unless a jury was waived, or the defendant pleaded guilty to the substantive charge, in which case the judge shall conduct the hearing.

When a defendant testifies in his own defense on the substantive charge and denies the prior convictions alleged, the prosecution may present evidence of the convictions, but only to impeach the defendant's credibility. If the defendant admits a prior conviction after previously denying it, the court is to instruct the jury that such admission can be used only to affect credibility, and that the prosecution must prove prior convictions by other evidence than the admission.

May 27

May 27

- H.B. 1002 Representation of the indigent at state expense not required - when. States that, in prosecutions for class 2 or class 3 misdemeanors, petty offenses, or municipal code violations, legal representation need not be provided if the prosecuting attorney does not seek incarceration as part of the penalty. Requires the

prosecuting attorney to state in writing his intention whether or not to seek incarceration.

April 24 September 1

H.B. 1021 Release hearings following commitment after verdict of not guilty by reason of insanity. Except for the first hearing following the initial commitment order, unless the court for good cause shown permits, a defendant found not guilty by reason of insanity is not entitled to a release hearing within one year subsequent to a previous hearing.

April 30 September 1

H.B. 1060 Release hearings - insane defendants. Permits the court to deny the request for release of a defendant found not guilty by reason of insanity if court-ordered reports fail to show eligibility of the defendant for release and the defendant cannot produce any other evidence to show eligibility. Allows a release hearing, on demand by the defendant, to be before a jury of not more than 6, instead of 12, persons.

May 13 September 1

H.B. 1205 Deferred prosecution - counseling and treatment in connection therewith. Provides that a court may defer prosecution and require a defendant to undergo counseling or treatment for his mental condition, alcohol or drug abuse, or both. If counseling or treatment for alcohol or drug abuse is authorized, the court may require it to be from any treatment facility approved by the division of alcohol and drug abuse. If the defendant voluntarily submits to treatment or counseling, the district attorney and court may consider this as a basis for deferring prosecution.

May 13 May 13

H.B. 1281 Incompetent criminal defendants - procedure after determination - termination of proceedings after commitment. Provides for commitment to the department of institutions for a defendant who is incompetent. However, if the crime does not involve violent behavior, treatment for a mentally incompetent defendant at a facility within the judicial district which provides

treatment for the mentally ill is authorized. Provides that an incompetent defendant is not precluded from release on bail. Proceedings susceptible of fair determination may continue after the defendant is found incompetent. Directs that a defendant confined as a result of an incompetency determination shall not be confined for longer than the maximum term he could have served less minimum good time credit. Provides for procedures with regard to the probability of the defendant's restoration to competence.

June 12

January 1, 1982

H.B. 1448 Public nuisances - miscellaneous changes. Defines a "vehicle" for purposes of the statutes dealing with public nuisances. Extends the provisions of the public nuisance laws to a broader class of vehicles. Extends the definition of a public nuisance to buildings and vehicles where pandering occurs, or gambling information is kept, or which are used for transporting property which is the subject of theft by receiving, and to places and vehicles used for prostitution of a child, and the commercial sexual exploitation of children, and any other felony. Provides for the forfeiture of all proceeds, currency, instruments, and other things of value used for or traceable to any felony or other crime listed as associated with a public nuisance. Clarifies the duration of temporary restraining orders. Provides for the distribution of the proceeds of seized property to the seizing agency or the person victimized by the action which constitutes a nuisance rather than only to the general fund.

June 4

July 1

H.B. 1493 Evidence - exception to the exclusionary rule. Provides that evidence which would otherwise be admissible in a criminal proceeding shall not be excluded if the court finds that the peace officer who obtained the evidence committed a good faith mistake or a technical violation in obtaining the evidence. Also allows as evidence any confession, otherwise admissible, voluntarily made in a noncustodial setting.

June 5

July 1

EDUCATION - PUBLIC SCHOOLS

S.B. 102 Borrowing of moneys from a school district fund - repayment. Allows moneys borrowed by a board of education from a school district fund to be repaid no later than 3 months after the end of the next budget year rather than within the same fiscal year. Provides for the repayment of such moneys from the first moneys credited to the borrowing fund and for repayment by the general fund if the borrowing fund does not receive an adequate credit of moneys.

May 6 July 1

S.B. 103 Reserve for prior redemption purposes - definition. Specifies that a board of education's reserve for prior redemption purposes is a reserve of funds for redeeming bonds which are redeemable but not due.

April 30 July 1

S.B. 116 Boards of cooperative services - accounting procedure. Requires the accounting procedures of boards of cooperative services to conform to the "Colorado Local Government Uniform Accounting Law".

April 24 July 1

S.B. 248 High school fast track program. Establishes the high school fast track program. Provides that a school district may enter into an agreement with a state institution of higher education whereby a student, having fulfilled the high school requirements, may take college courses during the 12th grade. Allows such student to participate in all sanctioned high school activities. Provides that such student does not have the rights and privileges of a college student. Entitles the school district to state support for such student on the same basis as under the "Public School Finance Act of 1973". Provides for the school district to forward to the college the appropriate tuition, up to 75% of the district's authorized revenue base per pupil. Provides that high school teachers teaching courses under the program remain school district employees.

May 22 July 1

S.B. 287 Building inspections - schools. Authorizes the building departments of local governments to inspect school buildings and structures upon request of the division of labor and after consultation with the appropriate board of education. Such inspection shall be to insure that the building or structure has been built to industrial commission standards. Specifies that failure of the local government to conduct such inspection does not relieve the division of labor of responsibility for inspecting the building or structure. Authorizes the local governments to conduct annual reinspections in order to insure compliance with the commission's fire code. Authorizes the governing body providing fire protection service to a school district to conduct an annual fire inspection unless the board has contracted for such inspection by a qualified person.

June 12

June 12

S.B. 344 Compulsory school attendance - notice required - enforcement. Deletes the requirement that the written notice to a parent and child before initiation of proceedings for a child's noncompliance with attendance laws be served in the same manner as a summons. Provides that the court's remedy for a child's refusal to obey an attendance order is a contempt rather than delinquency proceeding.

May 27

May 27

S.B. 403 School directors - election after recall petition. Alters the date of an election after a sufficient recall petition for a school board director from not less than 30 and no longer than 60 days from submission of the petition to the Tuesday following the 45th day after submission of the petition. Details procedures for conduct of the election.

May 22

May 22

S.B. 428 Handicapped children - placement - attendance entitlement counting period. Tightens the definition of "least restrictive environment" by declaring that handicapped children shall be placed in classes with nonhandicapped children unless the handicap is so severe that, even with supplementary aids and services, the handicapped child could not be educated satisfactorily in that environment.

Provides for hearings and appeals regarding placement of handicapped children and determinations of handicap. Declares that the handicapped child is a resident of the school district in which he resides unless he is living at a state home or training school, in which case his school district is that in which a parent or guardian resides if that can be determined.

Changes the attendance entitlement counting period from a 4-week period to a one-day determination, and provides for the counting of handicapped pupils.

June 10

June 10

S.B. 462 English language proficiency act - establishment - appropriation. Eliminates the existing bilingual-bicultural education program in the public schools. Establishes a program of intensive English language instruction over a period of 2 school years for students with deficiency in the English language caused by the influence of a language other than English. Directs the department of education to: Develop tests to identify students for the program; allocate moneys to the school districts for the implementation of the program; and report to the general assembly on the progress in the program. Directs the school districts to implement the program. Allocates funds to be appropriated to the program.

Appropriates \$2,878,000 for the implementation of the act.

Became law without the Governor's signature
June 9 July 1

H.B. 1098 Lease of pupil transportation vehicles by school districts - not reimbursed. Excludes the lease of pupil transportation vehicles from the definition of "current operating expenditures for pupil transportation", which operating expenditures are reimbursed by the state.

April 30

July 1

H.B. 1114 Fiscal reports of school districts and boards of cooperative services. Provides for an annual rather than a semiannual report to the state board of education concerning the receipts and expenditures of each district

or board fund. Repeals a provision which would conflict with this change.

May 18

May 18

- H.B. 1120 Special contingency reserve fund for school districts. The reserve fund, which was to be extinguished July 1, 1981, is continued indefinitely.

May 26

May 26

- H.B. 1138 Counting of kindergarten pupils under the "Public School Finance Act of 1973". Continues for an additional 3 years the present method of counting kindergarten pupils under the act.

June 8

June 8

- H.B. 1396 Teacher certification - hours of renewal credit. Provides that semester hours of credit from a Colorado community or technical college within the state system or from a Colorado local junior college may be applied toward hours of certificate renewal credit when such hours are applicable to an additional endorsement area or the teacher's area of assignment and have prior course approval by the department of education.

May 27

May 27

- H.B. 1408 Sight and hearing tests for school children. Provides that the sight and hearing of all children in the 1st, 2nd, 3rd, 5th, 7th, and 9th grades shall be tested during the school year by the teacher, principal, or other qualified person. Requires the school to keep a record of each child's tests and to notify parents or guardians when a deficiency is found. Allows exceptions from testing on personal or religious grounds.

May 18

May 18

- H.B. 1412 Teacher candidates - screening for competence. Directs the state board of education to adopt uniform state standards of acceptable competence for teacher candidates. Requires the board to adopt a program of screening student teachers and teacher candidates for

competence in basic skills. Provides for cooperative action to develop such a program by institutions of higher education, state educational organizations, and the board. Limits individuals to 3 rescreenings in a 4-year period.

June 12

January 1, 1983

H.B. 1565 School for the deaf and the blind - authorization to sell described school land - special fund for multipurpose building. Authorizes the commissioner of education to sell land located at the Colorado school for the deaf and the blind. Any portion of the legally described parcel may be sold by private negotiation for not less than the appraised value upon the concurrence of the school's advisory board. Proceeds from any such sale are to be credited to a specially created fund for the purpose of constructing a new multipurpose building and any expenditures are subject to appropriation by the general assembly.

June 8

June 8

EDUCATION - UNIVERSITIES, COLLEGES, AND VOCATIONAL

S.B. 9 Colorado postsecondary educational facilities authority - creation. Creates the Colorado postsecondary educational facilities authority as an independent corporate body politic and a political subdivision of the state. Provides for a 7 member governing board of the authority. Authorizes the authority to provide and assist in the provision of facilities (i.e. buildings and physical plants) for participating postsecondary educational institutions in Colorado. Permits the issuance of bonds and notes, contracts, and leases, and the acquisition of property. Exempts the state from liability for any bonds or notes. Requires the authority to make annual financial reports to the general assembly and the governor. Defines postsecondary educational institutions. Excludes divinity schools and seminaries from participation in the program of assistance in provision of facilities.

June 19 July 1

S.B. 231 Election of members of board of regents of university of Colorado. Provides for the election, starting in 1984, of a member of the university of Colorado board of regents to represent the new 6th congressional district, thereby reducing the number of at-large members of the board from 4 to 3.

May 18 May 18

S.B. 232 University of Colorado health sciences center - billing of professional fees. Authorizes the creation of a nonprofit corporation or other mechanism for the billing and collection of professional fees charged by members of the faculty of the university of Colorado health sciences center, and provides for the continuation of retirement benefits for certain hospital employees who become employees of such a nonprofit corporation. Provides for the phasing out of state appropriations for the costs of administering the faculty practice plan and for the regents to report on the status of the practice fund if requested.

May 27 July 1

S.B. 288 Junior college districts and area vocational schools - grants. Provides that direct grants made to junior

college districts and area vocational schools may be made directly to such districts or schools and need not be sent to the respective county treasurers.

April 30 July 1

- S.B. 360 Junior college districts - submission of budgets. Requires junior college district boards to submit to the state board for community colleges and occupational education a copy of the approved budget for each district college by July 1 of each year for the fiscal year beginning on that date, commencing in 1981.

May 18 May 18

- S.B. 361 School districts - annexation to junior college districts. Directs the annexation of a school district which is one of a group of school districts and which votes for annexation to a junior college district even if the other said school districts vote against annexation in the same election.

April 30 April 30

- S.B. 387 Degree-granting institutions. Broadens the scope of the definition of "private universities and colleges" by removing the requirements that such schools require a high school diploma as a prerequisite to admission and that credits earned at such schools be transferable to accredited colleges or universities. Requires, instead, that such schools be accredited for their educational purposes or be progressing toward accreditation. Consistent with such changes, the term "institution of higher education" is changed to "postsecondary educational institution". Adds a definition of "private occupational school" and allows such a school to award degrees. Clarifies the penalty for violation of the law.

May 27 May 27

- H.B. 1020 Colorado student bond obligation authority - limit on outstanding bonds - investment of funds. Includes within the definition of "student obligations" those debt obligations evidencing loans to parents of students as well as to students themselves. Raises the limit from \$50,000,000 to \$200,000,000 on the bonds the authority may have outstanding at any time. Clarifies and expands

the institutions and obligations in which the authority may invest any funds. Provides for the authority to have the same fiscal year as the federal government.

May 28

May 28

- H.B. 1109 Educational benefits to dependents of disabled law enforcement officers and firemen. A police officer, sheriff, or other law enforcement officer or fireman is permanently disabled for the purpose of determining the eligibility of his dependants to qualify for tuition assistance if such officer or fireman is unable to perform in the position to which he was regularly assigned when he became disabled. Formerly, the disability had to render the officer or fireman ineligible for retention and unable to engage in any substantial full-time gainful activity because of a disability which had lasted for a year or was expected to result in death. Benefits, however, will only be allowed to those dependants of a disabled officer or fireman who are also in need of financial assistance.

May 28

May 28

- H.B. 1330 Tuition - reciprocal agreements with other states. Directs the commission on higher education to identify situations in which granting in-state tuition to students from other states on a reciprocal basis would aid Colorado residents and to negotiate with other states in those situations. Provides for adoption of rules and regulations to implement such agreements based upon the closest college concept. Provides for reports to the general assembly on the number of students in the program.

June 10

June 10

- H.B. 1392 University of Colorado - housing loans to faculty. Allows the board of regents to make secured loans to full-time faculty members pursuant to a faculty housing assistance plan.

May 28

May 28

- H.B. 1403 Medical services for spouses of students. Provides that a medical doctor may provide medical care to students' spouses at postsecondary educational institutions if no

increase in expenditures is required by the university, college, or school.

June 4

June 4

H.B. 1433 Faculty member on the board of trustees for the university of northern Colorado. Increases the board of trustees for the university of northern Colorado from 8 to 9 members and provides that the 9th office shall be advisory, nonvoting, and filled by a member of the faculty at large elected by other members of the faculty at large for one-year terms until July 1, 1983, when such office shall cease unless extended by statute.

June 4

June 4

H.B. 1498 Creation of Colorado water resources research institute. Creates the Colorado water resources research institute as a unit of Colorado state university for the development, implementation, and coordination of water research programs in the state and for the dissemination of research information. Creates an advisory council to assist and advise the institute. Provides for the repeal of the act on July 1, 1982.

June 18

July 1

H.B. 1534 Student loan guarantee program - miscellaneous changes. Permits the loan guarantee division of the department of higher education to borrow funds from the student loan marketing association and use the funds to make loans to residents. Amends the definition of "resident" to include dependent parents of eligible students. Specifies that no agreement made by the division to repay the funds borrowed shall constitute a debt of the state.

May 29

May 29

ELECTIONS

S.B. 98 Assistance for certain electors. Authorizes a registered elector to request help in the voting booth on the grounds of difficulty with the English language or disability, and specifies that any election judge, a person selected for such duty by the county clerk and recorder, or a person selected by the voter may give assistance but may not suggest how to vote. Provides that persons so assisting, except election judges and persons selected by the county clerk and recorder, can only assist one voter unless the assistant is the voter's spouse, parent, grandparent, sibling, or child. An entry in the back of the poll book is to be made as a record of the matter.

June 12

June 12

S.B. 152 Changing polling place because of emergencies. Allows election judges to move polling places to the nearest convenient place during emergencies upon posting at the original polling place a proclamation which details the nature of the emergency and the street address of the new location.

February 20

February 20

S.B. 193 Election procedures - miscellaneous changes. Requires that in elections in which paper ballots are used the election judge shall record the registered elector's name in the pollbook before, rather than after, giving such elector his ballot. Removes provisions for stamping of ballots used in electronic voting.

April 29

April 29

S.B. 202 Primary elections - dates. Changes the date for holding primary elections from the second Tuesday of September to the first Tuesday of August. Makes corresponding changes in dates for precinct caucuses and appointment of and certification of election judges and similar primary election dates.

VETOED May 22

S.B. 214 Absent voters - residency - subject to challenge - registration book. Provides that an application for an absent voter's ballot shall be subject to rules of residency and shall be subject to challenge. Requires the supply judge for an absent voter's precinct to receive the absent voters' registration book, the list of applicants for an absent voter's ballot, and the record of absent voters' ballots. Requires the county clerk and recorder to deliver the record of absent voters' ballots to the supply judge of the absent voter's polling place before 8:30 a.m. on the day of any election.

May 6

May 6

S.B. 221 Voter registration. In determining residence for voting, a "residence" must be a permanent building or part thereof. Includes municipalities in the prohibition against place of residence in this state if a person retains a domicile elsewhere. Allows any registered elector to register or make change of residence for members of his family who reside at the same address. Continues the address used at the time of registration as the address of record for members of the military. Branch registration offices need not be established in counties with populations of less than 50,000 if the chairmen of the two major political parties and the county clerk and recorder file a written statement 75 days before the primary in each general election year, with the county commissioners, that such branch office is not necessary. Branch offices shall publicly announce the schedule of their hours. Removes the requirement of branches being open a minimum number of hours but requires that at least one-third of the hours during which they are open be at a time other than between 9 a.m. and 5 p.m. on weekdays. Changes the requirement of branches being open on the first day after the primary to being open on the first Monday after the primary. Allows public libraries and driver's license facilities to be used as branch registration offices. Deletes the reference to "party" when the law refers to transfer of a voter's affiliation.

June 12

June 12

S.B. 224 Initiatives and referenda - filing and hearing procedures. Conforms statutes governing petitions for initiatives and referenda to recent constitutional amendments. Provides, inter alia, requires that a voter be registered, rather than qualified, in order to sign a petition. Changes the number of voters required to sign a petition before it is submitted for official review.

Makes various minor changes regarding petition filing provisions, warnings, and hearings.

May 6

May 6

- S.B. 277 Precinct committeepeople - election at precinct caucuses. Changes the designation of precinct committeeman and precinct committeewoman to precinct committeeperson or precinct committeepeople throughout the election code. Provides for their election at the time of the election of county assembly delegates rather than at the primary election. Provides for challenges to such elections and for the removal of an elected committeeperson from such office. Makes conforming repeals.

June 8

January 1, 1982

- S.B. 336 Miscellaneous amendments - branch offices - absentee ballots - nominations - state board of education - Moffat tunnel commission - special elections. Clarifies provisions concerning consolidation of local elections with primary, general, or congressional vacancy elections. Provides that the term of office for a state, district, or county officer shall commence on the second Tuesday in January after his election unless otherwise provided by law. Amends provisions concerning the opening of branch registration offices: One-third of their hours shall be on evenings or Saturdays, the hours during which they are open shall be on a publicly announced schedule, and a branch office need not be established if the chairmen of the major political parties and the county clerk and recorder file a written statement that the office is not necessary. Clarifies the time following primary elections when the branch office may be open by changing the reference to "primary election" to the "second Tuesday of September in even-numbered years". Reduces the amount of time required for residency and party affiliation from 3 to 2 months in order for an elector to vote at a precinct caucus. Specifies that the order of designation of judges of election shall be made on a precinct-by-precinct basis. Requires that the application for an absent voter's ballot be made either on a form prescribed by the secretary of state or in a letter stating the applicant's residence address and probability of absence or inability to attend the polls on the day of election. Allows any person, rather than just qualified electors of the political subdivision, to inspect the list of absent voters. Prohibits an absent voter's ballot from being notarized by a candidate for office in that election. Requires that, when more than 5

absentee ballots are to be sent to the same address, the county chairmen of the major political parties be notified. Removes the requirement that the request by either political party for a committee to deliver the absent voters' ballots be in writing.

Amends the composition of the state board of education to provide for a member to be elected in 1982 by the qualified electors of the congressional district not represented on the board due to reapportionment. Further provides for the election of an at-large member to break the tie caused by the increase in the number of congressional districts from 5 to 6.

Amends provisions in the municipal election code concerning special elections to provide that use of voting machines is no exception to the prohibition against holding special elections within 90 days preceding a regular election. Further adds that no special election shall be held within 30 days before or after a primary, general, or congressional vacancy election although a special election may be held at the same time and place as a primary, general, or congressional vacancy election.

Amends provisions concerning election of Moffat tunnel commissioners to require that a petition for the nomination of a division candidate must be signed by qualified electors residing in that division who have paid real estate tax in that district in the preceding year and that the number of signatures on said petition at least equal one-half of one percent of the total votes cast for the commissioner receiving the largest number of votes at the last election in that division of the Moffat tunnel improvement district.

The following provisions of the act were contingent upon Senate Bill No. 202 of the 1981 session becoming law, and Senate Bill No. 202 was vetoed: The deadline for filing or withdrawing certificates of nomination was accelerated from 45 days to 75 days before the general election; the deadline for filling vacancies in nominations or candidate designations was accelerated from the 43d day to the 73d day before the general election; and the time by which the secretary of state must give notice to the counties of the officers to be elected at a general election was accelerated from 32 to 60 days before the general election.

June 19

June 19

H.B. 1176 Residency for voting in caucus - prior precinct. Permits an elector who has moved within 32 days before a caucus

to vote in the precinct of his former residence. Bars such elector from eligibility for election as a committeeman in such precinct.

April 29

April 29

H.B. 1179 Elections - deadlines. Changes the deadlines for designation for primary election as follows: Requires that assemblies be held no later than 55, rather than 52, days before the primary election; requires that each candidate file his acceptance of designation with the secretary of state not more than 10, rather than 7, days after adjournment of assembly; requires certificates of designation to be filed at least 45 days before the primary election; and requires any person designated to fill a vacancy to file any certificate of designation by the end of the 43rd day prior to the election.

March 27

March 27

FINANCIAL INSTITUTIONS

- S.B. 111 Credit unions - assessments by bank commissioner - share insurance. Eliminates a specific fee for examinations of credit unions by the state bank commissioner and provides instead that the expenses of the division of banking attributable to the supervision of state-chartered credit unions shall be covered by an assessment imposed by the bank commissioner on all credit unions. Requires credit unions to obtain insurance on shares and deposits.

April 2 July 1

- S.B. 125 Credit unions - general management of affairs. Provides specific authority for credit unions to allow shares and deposits to be paid for, transferred, and withdrawn for payment to the account holder or to third parties, and provides that such authority shall apply only to share draft accounts in which the entire beneficial interest is held by individuals or members or by nonprofit organizations operated primarily for religious, philanthropic, charitable, or educational purposes.

Permits a credit union to make loans to officers or employees of the division of banking who are members of the credit union. Permits the board of directors to declare interest refunds on loans by classes of loans and to declare dividends at various rates on different types of shares. Provides for the disposition of shares and deposit accounts remaining in the name of a deceased member more than 2 years after the date of death.

April 30 July 1

- S.B. 186 Annual fees - eligible collateral - investments by water conservation districts. States that savings and loan associations shall pay the actual administrative costs of the division of savings and loan for the past fiscal year rather than the estimated costs for the following fiscal year. Requires payment by September 30th of the following fiscal year.

Defines eligible collateral to include any obligation secured by a first lien mortgage or deed of trust on real property in the state if such obligation is not for construction or land acquisition and development, not exceeding 100% of the eligible collateral on pledge, and is not in default and are wholly owned by the eligible depository.

Allows water conservation districts to invest surplus moneys in any depository in which state agencies and political subdivisions may deposit funds. Allows the board to appoint persons who shall give surety bonds, as custodians of the district's money.

April 30

April 30

- S.B. 401 Industrial banks. Makes changes in provisions relating to the establishment and operation of industrial banks. The major changes include: (1) A provision for industrial banks to apply to the bank commissioner for a change of location; (2) changes in the requirements concerning the capital structure; (3) a definition of "unsound business practices"; (4) an increase in the amount by which savings obligations are guaranteed by the industrial bank savings guaranty corporation; and (5) a procedure for the liquidation, both voluntary and involuntary, of industrial banks.

May 22

July 1

- S.B. 419 Regulation of securities - continuation of division of securities - appropriation. Continues the division of securities to July 1, 1987. Eliminates registration requirements for certain securities and modifies licensing requirements for licensees. Modifies certain enforcement procedures and expands the types of securities exempt from registration requirements. Contains certain notice requirements which are in lieu of registration provisions in some cases; requires persons who sell or issue securities to give consent for the securities commissioner to be their agent for service of process; and requires a nonreturnable fee, which escalates if not paid within specified periods, with each notice of sale filed with the commissioner. Fees under the securities act are to be set by the division on the basis of the direct and indirect costs of regulation annually and are to be adjusted for each fiscal year.

Appropriates \$332,285 for the fiscal year beginning July 1, 1981, for the activities of the division.

June 19

July 1

S.B. 471 Fiduciaries powers with respect to trust properties.
Expands the powers of fiduciaries under the "Colorado
Uniform Gifts to Minors Act" and the "Colorado
Fiduciaries' Powers Act".

May 18

July 1

H.B. 1088 Savings and loan associations - regulation of loans.
Increases the percentage of appraised value of the
security for which savings and loan associations can make
loans to 95% of value and increases the maximum loan term
to 40 years. Also authorizes the purchase of such loans.
Authorizes contracts providing for variable interest
rates based upon indices, any such changes to be limited
to once yearly. Increases to 80% of the appraised value
of property the amount which may be loaned without
amortization of principal and increases the maximum term
therefor to 20 years. Loans of the latter type are
limited to a total of 20% of the association's assets,
with a limit of 5% thereof for any one borrower.

May 26

May 26

H.B. 1228 Savings and loan associations - powers - as fiduciary -
restoration of impaired stock. Provides that a savings
and loan association in Colorado has certain fiduciary
powers and authority granted to federal savings and loan
associations by the federal home loan bank board and upon
specific approval of the state commissioner of savings
and loan associations including the power to act under
the provisions of the federal "Employer Retirement Income
Security Act of 1974". Abolishes specific investments
that an association managing funds may make and instead
subjects them to the standard of an individual fiduciary
to the extent applicable to federal savings and loan
associations. Establishes that stockholders are not
liable to creditors or for assessments upon their stock
issued on or after July 1, 1981 unless the bylaws of an
association give the directors power to levy and collect
assessments upon permanent stock.

May 18

May 18

GENERAL ASSEMBLY

S.B. 4 Distribution of published journals of the general assembly. Provides that the secretary of the senate and the chief clerk of the house of representatives shall deliver copies of the published journals of their respective houses to the state library for delivery to designated state documents depositories and that they shall jointly notify in writing each county clerk and recorder when the published journals are available. Copies of the published journals shall be sent to any county clerk and recorder or county law library requesting the journals in a timely manner.

March 20 March 20

S.B. 23 Colorado energy coordinating council. Provides for the reestablishment of the Colorado energy coordinating council to render advice, information, and recommendations to the governor and the general assembly regarding coordination of state and local governments and the private sector to achieve orderly energy development and conservation. Provides for 14 members and for the composition and compensation thereof. Sets forth the council's specific duties and requires an annual written report to the governor and the general assembly. Transfers \$10,000 to the council out of research moneys appropriated to the Colorado energy research institute. Provides for the repeal of the council effective July 1, 1983.

June 4 June 4

S.B. 291 Legislative review of principal departments - fees and fines. Provides that the joint legislative oversight committee may, as part of its study of a principal department, study fees and fines charged by the department. Requires the department to provide certain information in connection therewith.

June 4 June 4

S.B. 508 Per diem compensation of members of the general assembly when in recess. Allows members of the general assembly to be paid per diem compensation at times the general assembly is in recess for more than 3 days in the same manner as when not in session for attendance at meetings of the legislative council, the joint budget committee,

the committee on legal services, the legislative audit committee, and the interim committees created by law, by the legislative council, or by joint resolution. Allows similar compensation to the president of the senate, speaker of the house of representatives, and the majority and minority leaders of both houses when attending to official matters at times when the general assembly is in recess for more than 3 days.

June 5

June 5

S.B. 509 Suspension of expense allowances of members of the general assembly by joint resolution. Authorizes the general assembly to temporarily suspend its per diem expense allowance by joint resolution when it is in recess for more than 3 days.

June 5

June 5

H.B. 1215 State auditor - powers, duties, and functions. Makes miscellaneous changes in the powers, duties, and functions of the state auditor in the areas of auditing of judicial and legislative branches, corrections, student loan and assistance programs, and sunset reports. Repeals sections dealing with employees in the defunct department of auditing and requiring the state auditor to execute a bond.

March 27

March 27

GOVERNMENT - COUNTY

S.B. 89 County improvement districts - requirements for organization. Eliminates a requirement that the signers of a petition for a county improvement district (or for any subsequent project) own property in the district totalling at least one-half of the district's valuation for assessment, while retaining a requirement that the petition signers must constitute a majority of the electors in the proposed district. Adds a requirement that agricultural, commercial, or industrial real property having a valuation over \$25,000 can be included in the district only with the owner's consent, and prohibits the inclusion in the district of any personal property which is situated on real property outside the district.

May 6 July 1

S.B. 122 County coroners. Authorizes county coroners to appoint deputies, assistants, and employees and provides for compensation for such deputies, assistants, and employees. Changes the compensation of county coroners from a per diem basis to a per task basis, and provides that the compensation of a county coroner shall not be increased during the term of office to which he has been elected or appointed.

May 6 May 6

S.B. 191 Public recreational facilities - criminal sanctions. Makes violations of county rules and regulations regarding public recreation lands and facilities a class 2 petty offense punishable by a fine of not more than \$300. Allows the county to adopt the statutory penalty assessment procedure for such violations and to adopt a graduated fine schedule. Provides for the disposition of fines and forfeitures to the county.

May 18 May 18

S.B. 192 Violations of county ordinances. Provides that a violation of general county regulations shall be a class 2 petty offense punishable by a fine of not more than \$300. Authorizes the use of penalty assessment

procedures for such violations.

May 22

May 22

- S.B. 196 Coroners - authority to authorize removal of corneal tissue. Authorizes coroners to permit removal of corneal tissue by an ophthalmologist or person certified by the eye bank association of America if the coroner or such persons obtain permission from either the decedent's spouse, adult son or daughter, parent, adult brother or sister, or guardian, respectively. If a relative of the decedent consulted in the order of priority objects to the taking of corneal tissue, the person seeking permission shall make no further communications for that purpose. If none of the listed relatives of the decedent can be located, the coroner may authorize the taking of corneal tissue if reasonable efforts to locate the relatives have been made and documented. Persons acting in good faith and in compliance with the provisions of the act are exempted from liability for civil damages and from criminal prosecution for their acts; but, a person who violates the provisions of the act commits abuse of a corpse.

June 12

June 12

- S.B. 341 Drainage authority. Grants boards of county commissioners the power to expend moneys for the maintenance of drainage structures and facilities and to accept dedicated or deeded drainage easements or drainageway tracts as county property when completed and in compliance with county specifications and standards.

June 12

July 1

- S.B. 415 Planning commissions - limitation of duties. Provides that if the county has a full time planning staff, the board of county commissioners may discontinue or limit the duties of the county planning commission and may instead perform those duties itself.

VETOED May 28

- S.B. 421 County planning and building code requirements. Provides that, after a county has adopted a master plan and subdivision regulations pursuant to state law, the board

of county commissioners, after public hearing, may exempt the county from any requirement of state law relating to planning and building codes except the requirement that a subdivision show that provisions have been made for water and sewer facilities and that the proposed land use is compatible with soil conditions and the requirement that a board distribute copies of plans to affected local governments.

VETOED June 12

H.B. 1001 County boundaries - corrections and revisions. Revises and corrects the boundaries of Alamosa, Baca, Douglas, El Paso, Fremont, Gilpin, Huerfano, Jackson, Kiowa, Lake, Larimer, Lincoln, Logan, Mineral, Otero, Phillips, Prowers, Rio Grande, Sedgwick, and Weld counties.

May 28 July 1

H.B. 1050 Subdivided land - conditions on sale. Provides that a subdivider or his agent may transfer subdivided land or offer to do so before the approval of the final plat by the board of county commissioners if the transfer contract is contingent upon or subject to final plat approval.

Requires the initiation of proceedings against a subdivider or his agent for unlawful transfers or offers within 18 months after the recordation of filing or the transfer or offer.

VETOED May 28

H.B. 1106 Filing fees and charges for document handling by public officers. Fees for filing documents under the "Uniform Commercial Code" are increased from \$2 to \$3; except the fee for issuing information on secured parties is raised from \$2 to \$5 for the first year searched and from \$.50 to \$2 for each additional year searched. Fees collected by county clerks and recorders for filing or recording other papers and doing record searches are also increased from \$2 to \$3. Record searches beyond the first year are increased from \$.50 to \$1 per year searched.

May 21 May 21

H.B. 1115 County clerk and recorder - record keeping duties. Allows county clerk and recorders to utilize new methods for the keeping of records, including books and indices of grantor's and grantees' names. Provides alternative methods of posting releases and for combining the grantor and grantee indices into one index.

April 2

January 1, 1982

H.B. 1164 Coroners' duties regarding inquiries and inquests of unexplained deaths. Raises the required bond for coroners from \$250 to \$25,000 and authorizes them to declare an individual dead upon a finding of irreversible cessation of circulatory and respiratory function. Provides additional grounds for a proper inquiry by the coroner if a person has died as a result of contagious disease, criminal abortion, while in the custody of law enforcement officials, from an industrial accident, suddenly, or from thermal, chemical, or radiation injury. Allows for the transfer of jurisdiction concerning an inquiry into the death of certain persons and provides for the reporting of deaths with provisions for taking legal custody of the body. Authorizes the coroner holding an inquest to request and receive medical information from health professionals. Permits the filing of stenographers' notes rather than transcripts of inquests if certain conditions are met.

June 4

July 1

H.B. 1232 Salaries of elected county officials. Fixes the salaries of elected county officials according to county category, and provides for 5 categories of counties. Allows the board of county commissioners to increase or decrease such salaries within 15% of the specified amounts. Prohibits any increase or decrease in the salary of such officials during their term of office, and allows salaries to be adjusted pro rata for part-time officials.

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

H.B. 1242 County assistance for poor persons. Rewrites the article concerning poor persons to authorize counties to provide temporary general assistance to both residents and transients. The county commissioners are to establish eligibility standards for assistance and determine what types of assistance shall be available. Up to 6 months county residency may be required and the applicant may be

required to search for employment. Counties are to provide burial for persons without sufficient funds. If a general assistance program is undertaken by a county, the commissioners are to establish an account and appropriate all temporary assistance out of such account. The county can make claim for reimbursement and may bring legal action therefor. Eliminates provisions requiring keeping of records of recipients and provisions concerning the liability between counties for nonresidents.

June 8

June 8

H.B. 1452 County buildings - lease purchase agreements. Authorizes counties to enter into lease purchase agreements for buildings used for governmental purposes. Specifies that no such agreement shall constitute an indebtedness of the county. Exempts such buildings from taxation. Includes buildings already the subject of lease purchase agreements.

May 29

May 29

H.B. 1579 Home rule counties - powers, duties, and functions. Provides permissive and mandatory powers for home rule counties pursuant to section 16 of article XIV of the state constitution based upon applicable powers for statutory cities.

June 8

June 8

GOVERNMENT - LOCAL

S.B. 163 Colorado Housing Finance Authority - indebtedness limitation. Raises the limit on the amount of outstanding bonds which the Colorado Housing Finance Authority may have from \$800,000,000 to \$1,200,000,000.

May 21

May 21

S.B. 173 Local government - bond anticipation notes authorized. Authorizes municipalities, counties, districts, authorities, agencies, and commissions to issue bond anticipation notes in anticipation of the issuance of bonds. Such notes may be payable from the proceeds of additional notes, the sale of the bonds, or with other moneys. The notes must mature within 5 years and can carry such interest as the governing body sets. Limitations on the issuance of such notes are specified when the bonds which the notes anticipate will constitute indebtedness of the issuing entity. Validates previously issued bond anticipation notes to the extent specified.

May 29

July 1

S.B. 209 Sports and recreational facilities projects - county and municipal development revenue bonds. Expands the definition of sport and recreational facilities type projects which can be funded by counties and cities through revenue bonds. Includes therein residential housing facilities, including housing for employees of the facility's owner, and facilities located in proximity to and in connection with sports and recreational facilities providing treatment, therapy, or recreation for the handicapped and their families.

May 27

May 27

S.B. 246 Limitation on local mill levy increases - exception relating to jails. Provides that the expense incurred by a municipality or county in defending actions brought to force the construction of new jail facilities, including appeals, shall not be subject to the 7% limit on increases in tax levies; requires that public hearings be advertised and held concerning any increase so required.

June 19

June 19

S.B. 268 Fire and police benefit plans. Makes various amendments to provisions for benefits for firemen and policemen, including the following: Eliminates the existing board of directors of the fire and police pension association and provides for a new 9 member board to be appointed by the governor, gives the board subpoena powers, provides a checkoff against outside earned income for members receiving disability benefits, permits the board of the fire and police pension association to delegate limited investment authority to its secretary, broadens board authority to facilitate transactions with fund moneys, permits municipalities and special districts to transfer local fund moneys not subject to payment of benefits into other plans, amends examination provisions for determination of disability, requires formerly disabled firemen and policemen to return to duty under specified conditions, provides for employer withdrawals from the state pension plan to establish money purchase plans, directs prepayment of contributions to employers withdrawing from the state pension plan, defines money purchase plans, clarifies inclusion of firemen and policemen under new and old plans, sets minimum state contribution to municipalities and special districts, clarifies existing language in several sections to conform to previously expressed intent.

June 19

June 19

S.B. 459 Tax levies - exclusions in computing limit on. In determining the local government 7% revenue-raising limitation, expands the exclusion of increased valuation for assessment attributable to annexation and new construction to include personal property connected with such annexation or new construction and also excludes the increased valuation for assessment attributable to increased production by a producing mine in certain situations.

Applies these provisions to fiscal years commencing on or after January 1, 1982.

May 27

May 27

S.B. 481 Heating and cooling utilities. Expands municipal authority to construct heating and cooling utilities by authorizing, in addition to geothermal and solar energy, the following energy sources: Wind, hydroelectric and renewable biomass resources, including waste and cogenerated heat. Also allows special improvement districts to construct such heating and cooling utilities. Counties may provide the same service through

formation of public improvement districts and regional service authorities. The oil and gas commission is authorized to delegate its geothermal reservoir management authority to local governments.

May 27

May 27

- S.B. 515 Fire and police pensions - reenactment of pension reform act. Reenacts the pension reform act of 1978 which was found unconstitutional by the state supreme court. Conditions state assistance to fire and police pension plans for accrued unfunded liabilities upon the maintenance of certain minimum funding levels to the plans by the local governing boards. Sets minimum funding levels. Adopts schedules of contributions. Limits modification of plans. Directs segregation of pension funds for paid and volunteer firemen.

June 10

July 1

- H.B. 1015 State assistance to local government - criteria. Provides that state agencies administering programs of assistance to units of local government shall award such assistance solely on the basis of criteria established by statute and any regulations authorized by statute.

Became law without the Governor's signature
June 2 June 2

- H.B. 1089 Fiscal year for school districts and boards of cooperative services. Provides that the state board of education in conjunction with the state auditor shall establish the fiscal year for school districts and boards of cooperative services; except that for any fund authorized by statute to raise revenues through property taxes, the fiscal year shall be the calendar year.

April 30

January 1, 1982

- H.B. 1174 Permits for concealed weapons. Authorizes county sheriffs and chiefs of police to issue permits for concealed weapons to clarify an existing implied authority to carry concealed weapons under a permit. Requires the county sheriff or chief of police to investigate the background of any individual requesting

such a permit. Exempts the sheriff or chief from liability for damages resulting from granting a permit.

June 8

June 8

H.B. 1202 County and municipal sales and use taxes - limitations. Allows the 7% sales and use tax limitation to be exceeded if it would have precluded a county sales or use tax, so long as the county tax does not exceed one percent.

Provides for a one year 350 day rather than 2-year period between the time a countywide sales tax, use tax, or both is defeated at the polls and the time it is again submitted to the electorate.

June 9

June 9

H.B. 1235 Motor vehicles - collection of use tax. Clarifies that the executive director of the department of revenue may contract with the county clerk and recorder and municipalities for the collection of state, county, and city or town motor vehicle use taxes.

April 24

July 1

H.B. 1240 Emergency telephone service. Authorizes cities and counties to provide for the operation of an emergency telephone service (#911) for the reporting of police, fire, medical, and other emergencies. Provides for the imposition of a charge and the collection of such charge by the service supplier. Grants an administrative fee to the supplier. Also provides for the establishment of an adequate rate of charge by the local governing body.

May 26

May 26

H.B. 1419 Local sales and use taxes - special fund authorized for capital improvements - revenue bonds. Authorizes a county, city, or incorporated town proposal for a sales and use tax to contain a provision for the deposit of all or any portion of the revenues in a special fund for capital improvements. Allows the governing body to create such a special fund by ordinance or resolution when approved by a majority of the registered electors of the county, city, or incorporated town. Provides for the issuance of revenue bonds to be paid from sales and use tax revenues in the special fund, for the purpose of

financing capital improvements.

June 5

July 1

GOVERNMENT - MUNICIPAL

- S.B. 71 Revenue bonds for water and sewer - sale requirements. Removes restrictions on the sale of municipal revenue bonds to finance water and sewer facilities which allowed private sale of such bonds only to the federal or state government and allows public or private sale on terms and conditions set by the municipal governing body.

March 4

March 4

- S.B. 142 Financing of urban renewal and downtown development projects. Authorizes municipalities to use sales taxes, in addition to property taxes, to assist in financing urban renewal and downtown development projects; such financing in the case of both types of taxation to use tax increment methods for funding such projects. Specifies that the purpose of downtown development authorities include the halting or prevention of further deterioration of blighted areas in central business districts caused by one or more factors which, if not corrected, impairs or stops the growth of the district and menaces the public health, safety, morals, or welfare. Defines blighted area.

May 29

July 1

- S.B. 251 Municipal elections. Makes numerous amendments to the "Colorado Municipal Election Code of 1965". Permits the governing body to delegate to the municipal clerk the authority to appoint election judges. Eliminates statutory references to election clerks, alternate judges, and alternate clerks. Rewrites a section which specifies the number of judges, clerks, and alternates to provide that there shall be at least 3 judges in each precinct and such additional judges as may be necessary.

Eliminates a person's right to vote in municipal elections when he moves his permanent residence outside the municipality. In cases where unregistered electors are permitted to vote, permits the governing body to require such electors to sign an oath as to their qualifications. Allows a candidate for municipal office to use a nickname on the ballot, but prohibits the use of any title or degree designating the candidate's business or profession. Allows the governing body to require that a write-in-candidate file an affidavit stating his intent to be a candidate prior to the election.

Amends the requirements relating to notices posted

at polling places to conform to the requirements applicable to state and county elections. Permits the governing body to publish the notice of election in more than 2 newspapers. Permits only registered electors, rather than qualified electors, to sign petitions to change polling places within precincts. Requires the election judges to notify the municipal clerk when the location of the polling place is changed. Permits candidate elections to be cancelled, and candidates declared elected, if there is no more than one candidate for each office to be filled.

Allows the municipal clerk to deliver ballots and election supplies to election judges during the judges' school of instruction. Eliminates the requirement for wooden ballot boxes, but requires ballot boxes to be constructed so as to prevent tampering. Permits requests for emergency absent voters' ballots to be made on the day of election. Specifies the procedures and grounds for contesting ballot questions.

Makes miscellaneous technical amendments to provisions governing initiatives and referenda for municipal ordinances. Clarifies the procedures applicable to such initiatives and referenda, and provides that the duties performed by the secretary of state for state initiatives and referenda shall be performed by the municipal clerk for municipal initiatives and referenda.

Reduces the number of signatures required on a petition for the recall of a municipal officer from 40 percent to 25 percent of all ballots cast for all the candidates for that particular office at the last preceding regular election.

May 27

July 1

S.B. 263 Water facilities. Amends the definition of "water facilities" to provide that generation of power is a beneficial use and purpose so that municipal sewer and water bonds may be issued for the construction, operation, and maintenance of power plants. Construction, operation, and maintenance of a facility are included in the term "water facilities". However, the question of any acquisition or construction of a facility for the sale of electric power, other than hydroelectric power for sale at wholesale, must be submitted at an election and approved in the manner provided for bonded indebtedness.

May 18

May 18

H.B. 1272 Regulations on land use - subdivision requirements - zoning protests - board of adjustment. Makes amendments to the municipal regulations on land use, including the following: Includes in the definition of "subdivision" land to be used for multiple-dwelling units; authorizes subdivision regulations to contain waivers and to establish different requirements applicable to subdivisions of different sizes; provides for additional enforcement provisions; revises protest procedures for zoning changes; and grants a municipality the authority to modify the composition and authority of the board of adjustment.

June 4

June 4

H.B. 1290 Change in classification of municipalities. Provides that, when certain cities because of population changes have to reclassify as towns, they can do so by home rule charter, as towns over 2,000 in population and reclassified as cities can now do. Changes the home rule provision on the size of charter commissions. Adds several provisions on reorganization to help towns ease the transition to cities and cities to towns, and clarifies when reorganization elections are to be held.

June 5

June 5

H.B. 1332 Voting rights of mayors. Clarifies the voting rights of mayors in statutory cities and towns by including the mayor as a member of the governing body, allowing the mayor to vote on all matters before the governing body, allowing the mayor to be counted towards a quorum, and repealing the mayor's existing authority to veto or approve ordinances and resolutions. However, an ordinance may be adopted which precludes the mayor from voting except in the case of a tie vote, if adopted within 60 days preceding the election of any mayor, in which case all resolutions authorizing the expenditure of money or the entering into of a contract shall be subject to a mayoral veto. Makes conforming amendments.

May 28

May 28

H.B. 1533 Unilateral annexation of enclaves. Provides that no enclave may be unilaterally annexed to a surrounding municipality if any part of the municipal boundary or territory surrounding the enclave consists solely of public rights-of-way not immediately adjacent to the municipality on the side of the right of way opposite the

enclave. Allows the court, in an action to review annexation of the enclave, to review prior annexations resulting in creation of the enclave. If such a prior annexation resulted in a municipal boundary consisting solely of a public right-of-way the annexation of the enclave is void but there is no effect on the validity of such prior annexations. Establishes provisions for notice by publication of a proposed annexation ordinance and specifies that no public hearing on such an ordinance is required.

June 5

June 5

H.B. 1603 Municipal incorporation - population density requirements. An alternative requirement for the incorporation of an area, involving population density per square mile, which was scheduled for repeal July 1, 1981, is extended to July 1, 1983.

May 27

May 27

GOVERNMENT - SPECIAL DISTRICTS

- S.B. 74 Boundary changes - validation. Validates all changes or purported changes to the boundaries of existing metropolitan districts, which changes were initiated before March 1, 1981, and completed before the act takes effect. Does not validate any boundary changes which have already been held illegal or which are subject to pending action.

May 8

May 8

- S.B. 118 Compensation of directors of the urban drainage and flood control district. Increases the maximum compensation which the urban drainage and flood control district board can set for its members of \$240 annually, to be set on a per meeting basis. Members are not to be paid for missed meetings. If an alternate attends, he is to receive the payment for that meeting.

May 6

July 1

- S.B. 253 Elections - preservation of records - recounts. Clarifies that records from special district elections shall be available for any contest or recount.

Provides for an automatic recount of votes cast in an election when the results differ by one percent or less, and allows the losing candidate or supporters of a losing question to request a recount at their own expense when the results differ by more than one percent.

April 29

April 29

- S.B. 327 Metropolitan sewage disposal districts. Defines "sewer connection" and "single family equivalent". Allows municipalities within a 10 or less member district to have 2 additional board members if the municipality's population is 50% of the district population plus an additional board member if its population is 80% of the district population. Reduces the population multiplier from 3.8 to 2.8 but increases the multiplicand, which is the number of water taps or sewer connections, by adopting a "single family equivalent" count for multiple unit dwellings. Removes the requirement that municipalities added to a district shall be represented if, after the addition, the district is still composed of 10 or less member municipalities. Increases compensation

for board members from \$960 to \$2,000 per year. Provides that joint operating or service contracts between the district and 10 or more municipalities may be amended by written agreement authorized and signed by representatives of two-thirds of the parties to the agreement; the two-thirds authorization applies to existing, as well as future, contracts. Increases from 2 to 5 years the time period for maturing of debentures and warrants issued by the board.

May 18

May 18

- H.B. 1131 Urban drainage and flood control district - board of directors. Allows the deputy mayor of Denver to act in place of the mayor as an ex officio member of the board of directors of the urban drainage and flood control district.

May 26

May 26

- H.B. 1139 Metropolitan recreation districts - mill levy. Allows a metropolitan recreation district to impose an additional one mill levy over the 4 mill levy limit if such additional levy is first approved by the qualified electors of the district.

May 28

May 28

- H.B. 1140 Metropolitan recreation districts - inclusion of territory. Employs agricultural zoning, in addition to agricultural use, as a factor necessary for exemption of land from inclusion within a metropolitan recreation district, and provides for expedited procedures for the inclusion of formerly agricultural lands when there is a change of zoning or use.

May 28

May 28

- H.B. 1302 Regional transportation district - clarifications in the initiated law and limitations on mill levies. Amends the "Regional Transportation District Act", as amended by the initiated law in 1980. Changes include: An earlier date of April 15, as opposed to July 1, 1982, for completion of the apportionment of the district by population into director districts for election of board members; provides that if such apportionment is not completed by April 15, the legislative council shall apportion the

board and submit such plan to the General Assembly for approval or amendment by June 1; raises the number of signatures required on a nominating petition for district director to 250, rather than 150, registered electors; provides a method of filling vacancies occurring on the appointed board until its expiration on January 1, 1983; restores the compensation of \$600 per year for appointed directors until their offices expire on January 1, 1983.

The limitation on any levy of general ad valorem property taxes by the district is lowered from 2 mills to one-half of one mill on each dollar of valuation for assessment each year and such tax may only be levied for payment of a deficit in the RTD's operating and maintenance expenses. Also lowers, from 2 and one-half mills to one-half of one mill, the levy of general ad valorem property tax allowed if the first such levy produces insufficient revenue to the obligations of the district.

June 8

June 8

H.B. 1308 Regional transportation district - routes for handicapped - district area. Authorizes the RTD to transport handicapped persons other than along prescribed routes only and to have facilities for the transportation of package express shipments to and from Boulder and Denver on regular passenger service trips.

Includes the new town of Highlands Ranch within the RTD area.

May 28

May 28

H.B. 1312 Repetitioning of elections for special districts. Reduces from 12 months to 120 days the time within which an election on a proposal concerning the creation or dissolution of a special district or concerning the creating of any indebtedness of a special district may be reheld, except that the question of contracting bonded indebtedness shall not be submitted to the voters at more than 2 elections within any 12 month period.

May 18

May 18

H.B. 1320 Special districts - recodification. Recodifies statutory provisions relating to the organization and powers of special districts, including provisions relating to organizational control, inclusion and exclusion of

territory, consolidation, dissolution, and elections.
Makes various conforming amendments and repeals
provisions superseded by the recodification.

June 19 July 1

GOVERNMENT - STATE

- S.B. 7 Reports filed with general assembly - copies to joint legislative library. Requires that, when reports are to be made to the general assembly, 6 copies are to be filed in the joint legislative library.

March 25

March 25

- S.B. 17 Office of regulatory reform - appropriation. Creates the office of regulatory reform in the office of the executive director of the department of regulatory agencies. Pursuant to the Sunset Law, the office will terminate July 1, 1983, unless extended by bill.

The office is to expedite the business permitting process by coordinating, to the extent possible, the permitting requirements of federal, state, and local agencies. Services of the office include development of a master application procedure for multiple permits, provision of information on legal requirements to operate a business, acceleration of permit review, consolidation of hearings, review of permit requirements, and general streamlining the regulation of business. General services of the office are free. The office will lend permit assistance to commercial and nonprofit business projects requiring 2 or more permits. The office will not be involved in the routine issuance of licenses or permits to practice a trade or profession, to operate a motor vehicle, or to engage in sporting activities such as hunting and fishing.

Annually, the office is to report to the general assembly on the cost-effectiveness of its operation and to make recommendations to the general assembly and the governor regarding improvements in the business permitting process.

Appropriates \$95,159 and 4.0 FTE to the executive director of the department of regulatory agencies to establish the office.

June 4

July 1

- S.B. 36 State capitol buildings group - security and law enforcement - repeal of repealer. Repeals the provision which would have repealed the provisions which gave the city and county of Denver jurisdiction to enforce laws on the grounds of the state capitol buildings group and which provided that ordinances of the city and county of

Denver relating to access to and conduct on properties referred to as parks be likewise applied to the grounds of the state capitol buildings group.

March 25 March 25

- S.B. 52 Division of savings and loan - continuation. Extends the existence of the division of savings and loan in the department of regulatory agencies to July 1, 1987, pursuant to provisions of the Sunset Law.

May 27 July 1

- S.B. 59 Alcohol dealers - elimination of licensing requirement. Eliminates state licensing of dealers in nonbeverage alcohol.

April 2 July 1

- S.B. 61 Department of natural resources - gifts - Colorado natural resources foundation fund. Authorizes the department to accept or reject gifts and bequests and to retain, invest, or sell such gifts and bequests for the provision and maintenance of parks and natural areas and related uses. Requires any moneys received to be credited to the Colorado natural resources foundation fund, and requires annual reports on fund expenditures. Allows the general assembly to appropriate from the fund to pay expenses incurred from acceptance of gifts or bequests.

May 21 July 1

- S.B. 65 Judgments under governmental immunity statutes - limitations. Provides that, when a public entity acquires extra insurance coverage to protect itself against losses under a federal law, the higher limits don't allow the recovery of higher judgments against the entity except as to claims based upon the federal law. Also increases the limits of insurance coverage which may be purchased to cover liability of state and county employees from \$100,000 to \$150,000 for injury to one person and from \$300,000 to \$400,000 for all injuries in one occurrence.

April 30 April 30

- S.B. 70 Discriminatory or unfair practices relating to employment - investigations into charges. Persons filing charges of discriminatory or unfair practices with the Colorado civil rights commission are to advise the commission, before it investigates a charge relating to employment practices, whether or not the charge is then being investigated by the U.S. equal employment opportunity commission. The civil rights commission may proceed with an investigation so long as the federal agency is not conducting an investigation at the same time.

VETOED June 8

- S.B. 76 State procurement of consultants' services. In case of a contract for services of an architect, engineer, land surveyor, or landscape architect, the state is permitted to enter into renegotiations with any or all of the 3 most qualified persons bidding for such contract after negotiating with the third most qualified. Allows the state to reject all bids and restructure or redesign the project.

May 18

January 1, 1982

- S.B. 104 Publication of rules and regulations - incorporation by reference. Authorizes state agencies, subject to certain requirements, to incorporate by reference in their rules specified types of material without publishing such material in full. Requires that incorporated material be made available to the public.

April 23

July 1

- S.B. 130 State purchasing - adoption of a "procurement code". Provides a comprehensive code to govern state purchasing. The code applies to executive branch contracts only, with the exception of bridge and highway construction contracts. The code does not apply to procurement of public printing nor to the procurement of professional services. Rulemaking and final policy authority is placed in the executive director of the department of administration. Central purchasing authority is vested in the division of purchasing, headed by the state purchasing director, formerly known as the state purchasing agent; however, procurement of capital construction and controlled maintenance remains with the principal representative of the appropriate purchasing agency. Provides that the governor shall appoint a procurement advisory council. Sets forth 5 methods of

source selection: Competitive sealed proposals, small purchases, sole source procurements, emergency procurements, and competitive sealed bids. Competitive sealed bidding is the preferred method of procurement and any departure from this method generally must be justified in writing. Prohibits use of a cost-plus-percentage-of-cost contract. Allows the state to audit the books and records of person to the extent that cost or pricing data has been submitted by that person. Contains special provisions regarding construction contracts which concern selection, bonding, contract clauses and fiscal responsibility of the state in such contracts. Authorizes the executive director to make rules and regulations regarding standard contract clauses to appear in any state contract covered by the code. Also authorizes the executive director to promulgate rules concerning cost principles. Directs the executive director to make rules and regulations on supply management, and prohibits any public employee from purchasing surplus property. Grants the state purchasing director and heads of purchasing agencies the authority to settle contract controversies. Lists causes for the debarment or suspension of a person from consideration for award of a contract. Decisions of the state purchasing director or the head of a purchasing agency may be appealed de novo to either the executive director or the Denver district court. If the executive director route is chosen, his decision on appeal may in turn be appealed de novo to the Denver district court. Declares that the "State Administrative Procedure Act" does not apply to hearings and determinations concerning state purchasing. Provides for cooperative purchasing among state and local government units. Retains the state's preference for products and services from correctional industries, visually impaired and the severely handicapped. The code shall apply to contracts solicited and entered into on and after January 1, 1982.

June 19

January 1, 1982

S.B. 162 Public employees retirement association - membership - benefits. Makes miscellaneous changes in the PERA provisions including the following: Adds cooperative extension employees to the definition of state employees and excludes students from the definition if they are employed for the purpose of providing financial support or experience; requires that the 2 retired members of the retirement board be from different divisions of the association, starting with elections in 1982; authorizes the board to obtain insurance covering the members and employees of the board for liability for their acts in the performance of duties; raises the limit on investments in corporate stocks and bonds to 50% of the

asset value of the division funds; authorizes employees of the special districts association to join the association; allows a surviving spouse who is both the named beneficiary and the sole survivor of a deceased member to take a lump-sum benefit; changes the benefit formula for judges having at least 10 years of service, and authorizes a refund of contributions for judges having 16 years or more service and otherwise qualified; limits the requirement of mandatory registration of new employees, in connection with buy-in and buy-back programs, to employees coming under the state, public, and judges' divisions of the association. Makes amendments concerning annuity options.

May 6

January 1, 1982

- S.B. 174 Public employees retirement association - reduction formula for certain benefits. Increases the percentage per month by which an annuity, including deferred annuities, is reduced for early retirement under PERA, and allows persons who qualify for an annuity so reduced as of January 1, 1982, to have their annuity computed under the percentage reduction in effect prior to that date if it results in a higher annuity. In place of computing the annuity reduction by adding the months until the employee would reach a certain age, it is to be computed to the date the early retiree would have been eligible for a retirement annuity without any reduction.

April 29

January 1, 1982

- S.B. 181 Public employees retirement association - contributions - benefits. Redefines final average salary, for purposes of computing retirement benefits under PERA so that, effective January 1, 1982, final average salary will be based upon the highest 3 years of salary preceding retirement. For retirement prior to that date the average is based upon the highest 5 years. Limits to 15% the amount of annual salary increases which can be used in the computation. Increases all employee contributions to PERA by one-fourth of one percent of salary paid, except for the contributions of judges, which are increased by one percent.

May 27

January 1, 1982

- S.B. 189 Public employees - payment of defense and judgments. Requires that a public entity's employee's action or omission be both willful and wanton in order to remove

the entity's obligation to defend such employee in a court action. Makes the same provision regarding the entity's obligation to pay judgments and settlements of claims against such employees. Allows the entity to refuse to assume an employee's defense, but requires payment of his attorney fees unless certain circumstances exist. Allows awarding attorney fees against the plaintiff in certain circumstances.

May 26 July 1

- S.B. 195 Attorney general - powers and duties - trusts. Provides that the general assembly reaffirms the power of the attorney general regarding all trusts established for charitable, educational, religious, or benevolent purposes.

May 26 May 26

- S.B. 217 High school students - date available to armed forces recruiting officers. Authorizes the release of the names and addresses of high school students to recruiting officers for any branch of the U.S. armed forces unless the student requests in writing that the information not be released.

May 18 May 18

- S.B. 227 Interstate compacts - nonresident violators - motor vehicle laws. Authorizes the governor to enter into a compact with other states relating to the handling of traffic violations committed by drivers in states other than their home state. The act, when implemented, will permit drivers to be issued citations, in other states which join the compact, upon their personal recognizance to comply with the terms of the citation. If the motorist fails to comply with such terms, that fact is to be reported to the driving license authority of the motorist's home state, which is to initiate a license suspension action. Certain non-moving traffic violations are exempted from the act.

June 4 June 4

- S.B. 241 Division of accounts and control - administrative organization - procedures - type of transfer. Provides that the division of accounts and control shall exercise

its powers and perform its duties as if transferred by a type 1 transfer rather than a type 2 transfer. Makes elective officers subject to the division of accounts and control.

VETOED May 22

- S.B. 256 Administrative procedures - judicial review - court of appeals. Provides a uniform procedure to be utilized in taking direct appeals to the Colorado court of appeals from administrative orders and decisions of school districts and certain state agencies, including the civil rights commission, the board of medical examiners, the board of dental examiners, the banking board, and the commissioner of insurance.

April 30 July 1

- S.B. 281 State treasurer - management and investment of state moneys. Reinstates provisions of former law concerning the investment of moneys in the treasury department and moneys owned by the public school fund, to provide for the sale, repurchase, delivery, and replacement of obligations.

Reduces the period of time for which paid warrants must be kept and provides for their being microfilmed.

Removes a requirement that certain time deposits be held in the name of the state treasurer or appointed custodian.

Specifies that short-term investments may be made in a federal government sponsored corporation such as the federal national mortgage association.

May 21 May 21

- S.B. 285 Sunset review - regulatory boards - performance review. Provides that the legislative audit committee shall not cause a performance review to be conducted on any board scheduled for termination under the provisions sunsetting agencies within the department of regulatory agencies.

May 28 May 28

S.B. 290 Division of wildlife - acquisition of water in John Martin Reservoir - appropriation. Authorizes the division of wildlife to acquire 13,000 acre feet of water in the John Martin Reservoir in Bent County for use for wildlife purposes.

Appropriates \$52,000 for the acquisition. The money will remain available until July 1, 1984, unless expended first.

June 12 June 12

S.B. 308 State personnel system - compensation classification, rule-making authority, jurisdiction. Provides that it is state policy that a state employee's advancement and compensation should be based upon the employee's performance. Directs the state personnel director to establish a compensation plan based upon performance. Requires employees to be evaluated at least annually and for evaluations to be on a fiscal year basis.

Provides for the delineation of constitutional rule-making authority for the state personnel board and the statutory rule-making authority for the state personnel director. Further provides for certain management authority to be held by heads of principal departments and presidents of colleges and universities. Clarifies jurisdiction of the state personnel board in grievance procedures. Lessens the time that certified employees must be on reemployment lists and modifies those instances in which attorney fees may be recovered.

Repeals provisions requiring notice to and approval by the governor upon making employee appointments, provisions relating to the state personnel board which repeat the state constitution, classification plan principles which are inconsistent with the state personnel director's otherwise prescribed authority, superseded examination requirements, and outdated pay plan references.

June 1 July 1

S.B. 317 Department of regulatory agencies - sunset review system revised. Declares that regulatory agencies tend to become unnecessarily restrictive; therefore, under the Sunset Law, such agencies should be reviewed for the purpose of determining the least restrictive method of regulation consistent with the public interest. The period for which an agency scheduled for termination may be continued is extended from 6 to 10 years. The

department of regulatory agencies is to conduct an analysis and evaluation of the performance of each division, board, or agency scheduled for termination, and to submit such report to the legislative council by July 1 preceding the date for termination; on and after July 1, 1984, the department of administration shall perform such analysis and evaluation. During the year preceding termination, the legislative council, rather than the legislative audit committee, shall perform a performance audit and report to the general assembly at the next regular session. During the interim preceding the regular session, the legislative council shall hold hearings on the need for an agency's continued existence. Factors to be considered in such hearings include changed social conditions, whether the method of regulation is the least restrictive, and the economic impact of regulation. The legislative council, or its special committee, shall report its findings as a result of the hearings and make recommendations to the general assembly. Thus, the initial review process, prior to the public hearings held by the committees of reference of each house of the general assembly, has been modified. Other sections of the statutes have been conformingly amended.

June 10 July 1

- S.B. 318 State board of land commissioners - authority to dispose of state school land indemnity interest. Allows the state board of land commissioners to lease, subordinate, grant, or otherwise dispose of the state school land indemnity interest retained in property conveyed to the federal government for the establishment of a solar energy research institute, in order to facilitate the conveyance to the federal government. Provides that such lease, subordination, grant, or other disposition may contain specified provisions for its reversion or termination.

March 17 March 17

- S.B. 330 State library - gifts and bequests. Empowers the state librarian to accept gifts and bequests to the state library. Provides for his administration of the proceeds or interest from such gifts and bequests. Directs auditing by the state auditor.

April 30 April 30

- S.B. 333 Requirements for annual reports filed by attorney general and legislative audit committee removed. Removes the requirement for filing annual reports with the general assembly and the governor for the legislative audit committee and the attorney general.

April 30 April 30

- S.B. 339 Division of banking - continuation - repeal of rule. Extends the life of the division of banking, due to expire July 1, 1981, until July 1, 1987, pursuant to the provisions of the Sunset Law.

Repeals Rule No. CB-101.28 of the banking board rules, concerning loan production offices, and makes such repeal effective upon passage of the bill.

May 6 July 1

- S.B. 340 Wildlife habitat - Use of private land so designated. States that designation of privately owned land as a wildlife habitat shall in no way interfere with present or future uses of the land without written consent of the owner.

VETOED May 28

- S.B. 348 Authorizing the lease of property at the Colorado state hospital. Replaces a 1976 authorization to the department of institutions to lease building 53 at the grounds of the Colorado state hospital with another authorization for a lease of 20 years, with termination permitted on 60-day notice and no sublease allowed. A report on the status of the leased property is to be made annually by January 30 to the general assembly.

May 29 May 29

- S.B. 353 Investigators for district attorneys or attorney general as peace officers - limitation on definition of. Amends the definition of peace officer, for purposes of the Colorado law enforcement training academy, to include an investigator for a district attorney or the attorney general only if he is designated for such training.

May 18 May 18

S.B. 376 Acquisition of real property by lease-purchase agreement.
Authorizes lease-purchase agreements as a method of
acquiring real property for use of the state.

June 12

June 12

S.B. 381 Fuel conservation - governor - fuel conservation policy
council. Restores the provisions regarding the fuel
emergency powers and duties of the governor and the fuel
conservation policy council which were repealed February
1, 1981. Provides definitions in connection therewith.
Sets forth the power of the governor to declare an
emergency and develop and implement conservation programs
and fuel reduction measures. Gives the governor
rule-making power as well as subpoena power.
Reestablishes the fuel conservation policy council and
sets forth its duties. Provides for nonliability for
damages resulting from actions taken under orders and
rules promulgated under these provisions except in the
case of negligence or wanton or willfull misconduct.
Provides criminal penalties. Provides for the repeal of
these provisions on February 1, 1982.

June 12

June 12

S.B. 384 Colorado civil rights commission - appointments.
Provides that, of appointments made to the Colorado civil
rights commission by the governor on or after July 1,
1981, the first 4 are to include 2 members to represent
the business community and small businesses and 2 to
represent state or local governments. Subsequent
appointments are to maintain such representation and are
to include 3 representatives of the community at large.
At least 4 of the 7 members are to be members of groups
which have been, or could be, discriminated against in
violation of their civil rights.

May 28

July 1

S.B. 406 Attorney general - representation of general assembly and
principal departments - general assembly - standing to
sue. Provides that parties and entities in the
Legislative branch shall be represented by the attorney
general in legal proceedings upon a request made by the
legislative leadership. Requires the attorney general to
prosecute and defend suits and give written opinions at
the request of the head of any principal department.
Declares that any member of the general assembly has
standing in legal proceedings to enforce the public

policy of the state as expressed in statutes or in the state constitution.

VETOED June 12

- S.B. 479 State lands - conveyance authorized to federal government for solar energy research institute. Amends a prior authorization to convey to the federal government approximately 300 acres of state lands in Jefferson county, authorizing such conveyance to be made in 2 parcels, parcel A for the main test site, with a provision that that parcel revert to the state if the federal government has not commenced construction within 5 years of the date of the deed. The conveyance of parcel B is to provide that it is to revert to the state at the time parcel A reverts or, if parcel A does not revert, parcel B will revert 20 years from the date of the deed if construction has not commenced or been approved. Authorizes the state board of land commissioners to subordinate its interest in the described land to facilitate the conveyance.

June 12

June 12

- H.B. 1008 Licensing decisions of state agencies. Specifies that every decision of a state agency respecting the grant, renewal, denial, revocation, suspension, annulment, limitation, or modification of a license must be based solely upon the stated criteria, terms, and purposes of the statute, or regulations promulgated thereunder, and case law interpreting such statutes and regulations pursuant to which the license is issued or required.

April 30

April 30

- H.B. 1009 Governor's policy-making authority. Repeals a statutory section concerning the policy-making authority of the governor over the executive branch.

VETOED June 12
OVERRIDDEN June 29

June 29

- H.B. 1016 State clearinghouse for A-95 project review. Designates the department of local affairs as the state

clearinghouse for federal A-95 review process relating to applications for federal assistance.

Became law without the Governor's signature
June 9 July 1

H.B. 1017 Planning responsibilities of state agencies. Separates the respective planning roles of the division of planning in the department of local affairs and the division of state planning in the office of state planning and budgeting as follows: The division of planning has state responsibility for local and regional planning, and the division of state planning has responsibility for state-level planning activities and for participating in interstate planning and federal-state planning programs.

June 12 July 1

H.B. 1024 Publications relating to administrative rules. Provides that the code of Colorado regulations and the Colorado register shall be the sole official publications for rules and regulations of agencies of the executive branch. Provides that such publications shall include references to court opinions and recommendations of the legal services committee of the general assembly which relate to rules and regulations. Requires the general assembly to provide at least one copy of each publication to each principal department, the offices of the governor and lieutenant governor, appropriate legislative agencies, and each board of county commissioners.

June 19 June 19

H.B. 1041 Recovery of fees and costs for state-supplied or court-appointed counsel. When a court determines that a defendant is able to pay all or part of the expense of state-supplied or court-appointed counsel or any related expenses, the court shall assess such costs and fees against the defendant and shall notify the state controller who shall seek recovery of such fees and costs.

May 18 September 1

H.B. 1070 Rate of wages on public works. Repeals a provision which required that wages paid laborers and mechanics under certain public works contracts be not less than the

prevailing wages for similar work in the same locality.

VETOED May 22

H.B. 1075 Psychologist examiners - sunset law. Continues until July 1, 1987, the state board of psychologist examiners, which otherwise would have expired July 1, 1981, pursuant to provisions of the Sunset Law.

May 18

July 1

H.B. 1166 Criminal justice records - sealing or limiting release or access. Deletes state agencies that perform defense work from the definition of criminal justice agency and substitutes the defined term "arrest and criminal records information" for "criminal justice information" in that definition. Repeals and reenacts section 24-72-308, Colorado Revised Statutes 1973, to restructure the law so that provisions on limiting access to records, sealing records, advisements, and exceptions are all contained in separate subsections and to simplify the procedure for automatic limitations on access. Lengthens the period for compliance with orders sealing or limiting access from 30 days to 120 days.

June 4

June 4

H.B. 1185 Leasehold conveyance authorized - Fort Logan mental health center. The executive director of the department of institutions is authorized to lease as much as 80 acres of idle grounds at the Fort Logan mental health center to a private, nonprofit corporation for the purpose of developing a sports and recreation complex designed for use by the handicapped but open to both the handicapped and general public. North of West Quincy avenue and west of South Osceola street is the situs for the anticipated complex. Terms of the lease must include provisions for prior approval of the plan by the department of institutions, termination upon one year's notice if the land is required for the department's use, retention of rights-of-way and of all oil, gas, and mineral rights as well as water rights in the state of Colorado, and reversion of the land to the state if the property is not used as planned.

May 18

May 18

H.B. 1188 Public work projects - fiscal accountability. Provides for the documentation and preservation on the cost of public work projects performed by any agency of state government. Defines a project as any public work which will cost more than \$25,000 for any fiscal year. Provides that the division of accounts and control in the department of administration shall promulgate rules and regulations to implement such accountability provisions and that the legislative audit committee may direct the state auditor to conduct an audit of any alleged violation.

Repeals the act, effective July 1, 1986.

June 9 July 1

H.B. 1193 Fairplay lands - conveyance authorized. Authorizes the department of administration to convey, by quitclaim deed, to the town of Fairplay in Park County, a parcel of approximately 30 acres of land located in said town. The sale, lease, or exchange of the same described parcel authorized by chapter 37 of the Session Laws of 1977 is repealed.

April 30 April 30

H.B. 1212 Fiscal procedures. Requires financial statements of state agencies to be submitted to the controller by August 31, and that such statements be submitted by the controller to the governor and the General Assembly by September 30. The controller may grant an extension of 20 days because of administrative hardship. Requires a determination of expenditures or encumbrances to be made no later than 45 days after the close of the fiscal year.

May 29 May 29

H.B. 1237 State lands - exchange. Authorizes the state board of land commissioners to exchange a parcel of state land in Rio Grande county for a similarly valued, privately-owned parcel in Rio Grande county. Directs execution by the governor of any deed to the lands.

April 30 April 30

H.B. 1267 State board of barbers and cosmetologists - sunset law. Provides for continuation of the board, which was

scheduled to terminate July 1, 1981, until July 1, 1987,
pursuant to the provisions of the Sunset Law.

May 26 July 1

H.B. 1284 Land acquisition - division of wildlife - appropriation.
Authorizes the division of wildlife in the department of
natural resources to purchase 633 acres of land, the
Russell Lakes - Wetherill Property in Saguache county.
Specifies that such land is to be used for wildlife
purposes.

Makes an appropriation of \$361,000 for
implementation of the act.

June 18 June 18

H.B. 1286 Public records - scholastic data - inspection. Allows
inspection of scholastic achievement data for purposes of
information on a group so long as no individual within
the group can be identified from the data.

May 26 May 26

H.B. 1326 Voluntary certification program - firefighters. Extends
availability of prior appropriations for the program
until June 30, 1983. Creates a cash fund for the
purposes of the voluntary certification program.
Specifies that moneys in the cash fund shall be expended
before appropriations are used. Directs that after June
30, 1983, the program shall be funded solely on a cash
fund basis.

May 28 May 28

H.B. 1411 State buildings - energy efficiency in design and
construction. Requires that energy conservation and
renewable energy design practices be employed in the
design and construction of all state buildings and
improvements to such buildings. Applies to all new
construction and improvements designed on or after July
1, 1981. Exempts certain unconditioned and historical
structures.

June 19 July 1

H.B. 1427 State council on criminal justice - abolition. Abolishes the state council on criminal justice and deletes provisions of law describing the council's powers and duties.

May 18

July 1

H.B. 1429 Public projects - construction bidding - agency cost estimates. Requires that all state agency construction contracts for public projects costing over \$50,000 be awarded by competitive sealed bidding. Provides exceptions for emergency projects, certain architectural services already covered by existing law, and projects for which there is no acceptable bid.

Requires that a state agency proposing to undertake a public project costing over \$50,000, other than by contract awarded by competitive bid, prepare and submit a cost estimate in the same manner as other bidders.

The act does not apply to any county, municipality, school district, special district, or political subdivision.

June 12

July 1

H.B. 1476 Administrative proceedings - crime victim compensation programs and fund. Amends the administrative procedures act to provide that any final agency action shall include a list of all parties and specify the effective date of the action. Removes certain rule filing and public inspection requirements from agencies and the secretary of state because there is the published code of Colorado regulations. Allows any agency conducting a rule-making hearing to use its statutory powers upon its own motion or that of any interested person for good cause shown. Gives all parties to an administrative proceeding the right to cross-examine witnesses. Makes it clear that the opportunity to begin an action for judicial review is given to affected or aggrieved persons, rather than parties, in rule-making proceedings. Requires agencies in rule-making proceedings to maintain records of persons participating in the proceeding and provides for notice to each upon commencement of a suit for judicial review.

Enacts a new article which creates a crime victim compensation program with an administrative board in each judicial district of 3 members appointed by the district attorney. Establishes requirements for applications and awards and lists compensable losses. Allows for

emergency awards in a sum not to exceed \$500 if undue hardship will result and limits total awards to \$1,500. The administrative provisions for claims and awards become effective July 1, 1982. Creates a fund in the office of the court administrator of each judicial district to consist primarily of costs levied on criminal actions, damages recovered, restitution, and federal funds. Defendants will be charged, upon conviction, \$50 for felonies, \$30 for misdemeanors, and \$15 for class 1 and class 2 traffic offenses. Repeals the article effective July 1, 1985.

Became law without the Governor's signature
June 6 July 1

H.B. 1506 Hazardous materials accidents - establishment of training institute. Creates the Colorado training institute within the division of highway safety to provide instruction in the transportation of hazardous materials and the management of accidents involving spillage or release of such materials. Directs the institute to train individuals who might be faced with an accident. Directs the institute to: Prepare plans for dealing with accidents; provide advice to state agencies; negotiate with the federal government for services and facilities; accept gifts and grants; investigate accidents. Specifically provides that no appropriation is necessary and that no highway users tax fund moneys may be used for the institute.

June 19 June 19

H.B. 1601 Colorado racing commission - payment of judgment - appropriation. Appropriates \$90,000 for payment of a judgment against the Colorado racing commission ordering the commission to make past payments to the public employees' retirement association.

June 19 June 19

H.B. 1605 Judicial department - payment of judgment against - appropriation. Appropriates \$1,121.31 for the satisfaction of a judgment in favor of Victor J. Medina against the judicial department entered on May 5, 1980, in civil action no. 80C14 in county court for Pueblo county.

June 18 June 18

HEALTH

S.B. 10 Water quality. Repeals and reenacts the "Colorado Water Quality Control Act" to resolve the conflict between the doctrine of prior appropriation in the state constitution and the water quality requirements of state and federal law. Declares that the policy of the state is to obtain the highest practical level of water quality consistent with the welfare of the state. Provides that no water quality statute shall be construed to supersede the state constitutional right to appropriate waters and apply them to beneficial uses. Prohibits the imposition of a permit or fee requirement for the diversion of water from natural surface streams. Removes specific provisions concerning nuclear, toxic, and radio active wastes.

Changes the composition of the water quality control commission in the department of health to 9 citizen members appointed by the governor with the consent of the senate. The 9 members shall be appointed so as to represent the geographical areas and various interests in water in the state.

June 12 July 1

S.B. 284 Colorado health facilities authority - bonds - issuance and security. Clarifies that the leasing of a facility by the Colorado health facilities authority shall provide for rentals sufficient to pay the principal and interest on bonds issued to finance such facility; that bonds of the authority may be secured through a pooling of loans as well as mortgages and leases; and that a facility must have satisfied any requirements of law for review and certification to qualify for financing by the authority.

February 27 February 27

S.B. 396 Multiphasic health screening unit unsolicited referrals - immunity. Defines multiphasic health screening units, and provides immunity for persons due to receipt of unsolicited referrals arising from a test performed by such units.

May 27 May 27

Hazardous waste - disposal sites - state program for treatment, storage, and disposal facilities - appropriation. Requires every new hazardous waste disposal site to be approved by the county or municipality where it is located by obtaining a certificate of designation from such county or municipality. Establishes application procedures for the certificate of designation. Provides for the department of health to review the application for compliance with rules and regulations of the board of health. Permits the county or municipality to deny the application if the site conflicts with local land use plans or regulations, if the site would pose a substantial threat to the public safety, taking into consideration specified factors, or if the site would not conform to rules and regulations of the board of health. Grants limited rule-making authority to the board of health. Provides that a hazardous waste disposal site in active operation prior to July 1, 1981, need not apply for the certificate of designation if such site possesses a certificate of designation under the current solid waste law and if such site complies with the federal act on hazardous waste facilities. Provides that a certificate of designation may not be transferred without approval of the county or municipality which issued it. Authorizes the county or municipality to modify a certificate of designation if it finds that a substantial threat to the public health or safety exists. Requires the operator of every hazardous waste disposal site to maintain and make available to the public an inventory of the types of hazardous wastes received at the site.

Authorizes the department of health, beginning July 1, 1983, to take over from the United States environmental protection agency the administration of a comprehensive program of hazardous waste regulation. Repeals such authority July 1, 1985. Provides that the rules and regulations under the state program shall be no more stringent than the rules and regulations of the environmental protection agency under the federal program. Grants the department of health numerous powers to carry out the state program, including the power to issue permits for hazardous waste treatment, storage, and disposal facilities. Requires permit holder to pay fees to offset the costs of the department of health in administering the state program. Imposes civil and criminal penalties for violations.

Makes several minor amendments to the current solid waste law. Provides that user fees charged at any privately-owned solid wastes disposal site and facility may not be increased unless notice of the increase is published 30 days prior to the increase.

Appropriates \$58,000 for the implementation of the act.

June 19 July 1

- H.B. 1048 Individual sewage disposal systems - application for permit - fee. Provides that the fee for accepting and processing an application fee for a permit for an individual sewage disposal system shall not exceed \$150 and shall be based on the average annual cost of processing such applications.

March 27 March 27

- H.B. 1224 Therapeutic use of cannabis. Provides that possession, use, prescription, dispensation, or administration of certain drugs as classified by the guidelines of the national cancer institute or pursuant to the "Dangerous Drug Therapeutic Research Act" shall not be punishable. Clarifies the definition of cannabis and cannabis concentrate. Defines clinical researcher and provides for inclusion of new disease groups into the program after presentation of pertinent medical data by a clinical researcher rather than by a practitioner. Cannabis for the program shall be provided through the federal government rather than the national institute on drug abuse and can be obtained by a patient upon a practitioner's written order form.

May 21 May 21

- H.B. 1380 Reimbursement and compensation for members of state board of health - appropriation. Provides that members of the state board of health shall receive per diem compensation of \$50 in addition to reimbursement for actual and necessary expenses for performance of their duties.

Makes an appropriation of \$5,400 for implementation of the act.

June 9 June 9

- H.B. 1468 Water quality control - permits - nuclear and radioactive wastes. Requires the division of water quality control in the department of health to issue a permit for the disposal of radioactive waste underground if the division finds by a preponderance of the evidence (rather than

beyond reasonable doubt) that there will be no significant pollution resulting therefrom, or that any pollution will be limited to waters in a specified limited area from which there is no significant migration. Eliminates the requirement that the proposed activity be justified by public need. Specifies exemptions from the need for permits, and provides for the handling of pending applications and the status of existing permits.

June 19 July 1

- H.B. 1489 Hereditary disorders - "Newborn Screening and Genetic Counseling and Education Act" - cash funds - appropriation. Authorizes the executive director of the department of health to establish and administer state programs for newborn screening and genetic counseling and education in accordance with prescribed directives; for example, personal information shall be confidential and such counseling shall be voluntary and nondirective. Mandates newborn testing for 5 metabolic disorders and abnormal hemoglobins such as sickle-cell anemia except for any child of a parent who, because of religious beliefs or personal principles, objects to such test.

Creates cash funds for such programs and makes an appropriation of \$507,295 from such funds for the administration of the programs.

June 12 July 1

- H.B. 1558 State participation in federal superfund law. Authorizes the department of health to participate in federal implementation of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", the federal "superfund" act. Requires any cooperative agreement entered into between the department of health and the federal government to be approved by the general assembly. Provides for repeal effective July 1, 1982.

June 12 July 1

- H.B. 1606 Air pollution - prevention of significant deterioration - stationary sources. Revises the "Colorado Air Quality Control Act" to accord with changes in the EPA regulations in the area of prevention of significant deterioration pursuant to the Alabama Power case. Such changes include: Elimination of the tonnage amounts of an air pollutant which a major stationary source or major

modification must emit to be regulated under part 2 of the act, limits the exclusion of mobile source pollutants to those from internal combustion engines, makes fugitive emissions includable in determining a major modification or major stationary source if the commission adopts regulations to that effect, changes the definition of "potential to emit", adds a definition of "secondary emission", modifies the definition of "source" to require industrial grouping, inserts the requirement of no adverse impact on air quality for excluded pollutants from temporary activities, and conforms the general exclusions from part 2 to the exclusions from determining a major modification.

May 29

May 29

HIGHWAYS AND ROADS

H.B. 1004 Access to public highways - access permits - approval by state department. Declares that access permits require the approval of the state department of highways. States that such permits are deemed issued subject to the approval of the state department if the local authority fails to act within 45 days after the permit has been requested. Also provides that such permits are to be deemed approved if the state department does not act within 20 days. Provides that in the event the state department administers access permits in a jurisdiction, it is to act within 45 days or the permit is deemed approved. Deletes the authority of the state department to require the closure of a driveway.

April 14

April 14

H.B. 1090 Financing highways - gasoline and special fuels tax increased - allocation of funds. Increases the state tax on gasoline and special fuels from 7¢ to 9¢ per gallon effective July 2, 1981. Provides that the 2¢ per gallon increase is to be used only for improvements to existing highways, and not for administrative purposes. 16% of the additional revenue is allocated to a special account for highway bridge repair, to be distributed to the state, counties, and municipalities under a special costs formula. The balance of the additional revenue will be allocated as follows: 60% to the state, 22% to counties, and 18% to municipalities. Provides for legislative review of bridge conditions by 1987. Requires the state highway commission to submit the highway budget to specific legislative committees for recommendations before it is adopted. Defines what is included under the term "administration" in the highway department budget and provides that administration expenditures shall not exceed 5% of the budget, and requires the highway commission to prepare an inventory of department property which could be disposed of for the benefit of the highway fund.

June 19

June 19

H.B. 1154 Roadside advertising. Rewrites the outdoor advertising act, taking into account the federal "Highway Beautification Act of 1965", subsequent amendments thereto, and state statutes on secondary road advertising. Principal changes relate to: Clarification of language and reorganization of provisions; procedures for billboard removal; allowing nonconforming

tourist-related advertising devices in certain situations; and basing the permit fee for advertising devices on the size thereof.

June 19 July 1

H.B. 1186 Obstruction of public highways - penalties. Requires bridges constructed over roads or ditches to be constructed to standards established by the governmental unit having jurisdiction. Requires the person desiring to have such bridge constructed to pay for the cost thereof in advance to the governmental unit. Increases various monetary penalties for different types of obstruction of highways and causing water to flow or fall on highways. Decreases potential jail sentences for such acts. Eliminates provisions regarding mandatory bridging of ditches.

June 8 July 1

INSTITUTIONS

S.B. 100 Information and records - mentally ill - confidentiality. Provides that observed behavior which is a crime committed upon the premises of a state institution or against a person performing or receiving certain services is not privileged or confidential.

May 18

May 18

S.B. 364 Parental liability for patient care in state institutions. Provides that parental responsibility for the costs of care of children in any public institution supervised by the department of institutions terminates when the child reaches the age of 18 rather than 21.

May 18

May 18

S.B. 435 Mental illness proceedings - allocation of expense incurred in connection with change of venue. Provides that after a change of venue in a proceeding relating to the mentally ill to a county other than the county of residence of the respondent or other than the county in which certification proceedings were commenced, the county from which the proceeding was transferred shall either reimburse the county in which the proceedings occur or conduct the proceedings using its own personnel and resources.

May 28

May 28

H.B. 1076 Care and treatment of mentally ill - mailing of copies of certification to department of institutions. Eliminates the required mailings to the department of institutions of copies of certifications for short-term treatment and of copies of petitions and certifications for long-term treatment of the mentally ill.

May 28

July 1

INSURANCE

- S.B. 56 State employees' and officials' group insurance - state contribution - appropriation. Increases from \$40 to \$43 the amount which the state contributes to group health or life insurance, or both, for each employee and official enrolled in such a plan.

Appropriates \$570,667 for implementation of the act.

June 12 October 1

- S.B. 148 Preneed funeral contracts - deposit of funds with trustee. Removes the authorization for the use of escrow agreements with respect to the deposit of funds required of sellers of preneed funeral contracts. Requires that such funds be placed in trust and allows such funds to be deposited in a chartered state bank, state or federal savings and loan association, trust company, or national banking association.

April 2 January 1, 1982

- S.B. 165 Regulation of surplus line insurance. Expands the regulating process of surplus line insurance. Specifies that it does not apply to reinsurance nor to specified types of property insurance, and specifies conditions under which surplus lines may be procured from nonadmitted insurers. Raises the capital and surplus requirements for such insurers. Provides that the insurance commissioner is to furnish facilities necessary for such regulation and for an association of surplus line brokers to advise and assist the commissioner in such regulation. Authorizes the commissioner to approve a levy for an examination fee for the operation of the brokers' association in providing such assistance and advice.

May 6 January 1, 1982

- S.B. 171 Title insurance - form and rate filing requirements. Allows the rates charged by title insurance companies to be regulated through open competition. A change in rates will no longer be subject to a prior review and determination by the commissioner. However, rate

schedules must be filed with the commissioner and displayed publicly for 30 days before any new rate may become effective.

May 13

July 1

- S.B. 179 Health maintenance organizations - regulation. Requires each HMO to file monthly financial reports with the insurance commissioner regarding the HMO's financial commitments. Requires an HMO issued with a noncompliance order by the federal government to report such to the commissioner. Requires each new HMO to maintain a minimum surplus of \$100,000. Sets varying minimum surplus standards for older HMOs based upon number of enrollees and year in operation. Requires each HMO to deposit acceptable funds with the commissioner to protect enrollees in the event the HMO cannot meet its obligations. Requires contracts involving HMOs to specifically include a "hold harmless" provision absolving enrollees from liability for unpaid debts of an HMO. Eliminates certain exemptions for HMOs from the certificate of public necessity act. Applies to every new or renewed contract after the effective date of the act.

June 9

July 1

- S.B. 431 No fault - primary coverage for school buses. Specifies that a no fault insurance policy covering a school bus is the primary policy and that any other policy covering an individual person occupying a school bus is secondary.

May 18

May 18

- S.B. 472 Mandatory motor vehicle insurance. Requires owners of motor vehicles required to be registered in this state to insure the vehicle (or self-insure) for the coverages required under the no-fault insurance provisions. Makes it a class 1 traffic offense for failure to have such insurance at the time of an accident requiring reports to the police and to the department of revenue. Requires that applications for motor vehicle registration give notice that carrying such insurance is mandatory in Colorado, and that non-compliance is a class 1 traffic offense.

June 19

January 1, 1982

H.B. 1064 Regulation of investments made by insurance companies. Makes various changes in provisions regulating insurance company investments, including percentages of a company's assets which can be invested in bonds, mortgages, owned real estate and similar properties. Limitations are imposed on investments in stocks, and domestic companies are prohibited from buying assets on margin.

May 28 July 1

H.B. 1072 Insurance company officials - remuneration. Repeals the provision which provides that no more than \$20,000 can be paid to insurance company officials in any one year without approval of the board of directors of the insurance company.

March 27 March 27

H.B. 1116 Nonprofit hospital and health service corporations - examination of, filing rate information and investments. Provides that the state auditor no longer has joint responsibility with the insurance commissioner for examination of nonprofit hospital and health service corporations. Requires examination of each corporation at least once every three years rather than at least once every year. Allows each corporation to provide the commissioner semiannual rating information necessary to evaluate the character and extent of coverages provided rather than prespecified information. Establishes limits on allowable investments by such corporations.

May 13 May 13

H.B. 1118 Domestic insurance company investments - limitations. Domestic insurance companies may invest in loans secured by first liens on real property up to 80% of the property's value (instead of 75%) and, in the case of residential buildings of up to 4 units, the loan can be up to 90% of the property's value.

April 1 April 1

H.B. 1227 Mutual benefit associations. Repeals provisions regulating mutual benefit associations.

April 30 April 30

H.B. 1256 Medicare supplement insurance. Defines a medicare supplement policy and sets standards for policy provisions. Provides that the commissioner shall issue reasonable regulations to establish minimum benefit standards. Establishes loss ratio standards and provides for full and fair disclosure in the sale of policies to be prescribed and enforced by the commissioner. Defines a preexisting condition. Authorizes a policy holder to examine a policy and return it within 30 days of delivery for a full refund. Subjects nonprofit hospitals, health service corporations, and health maintenance organizations to these provisions. Repeals relevant prior provisions dealing with medicare supplemental policies.

Applies to policies issued on or after October 1, 1981.

June 4

June 4

H.B. 1266 Premium tax payments - exemption limitations - schedule of payments. Provides for exemption from collection of the premium tax to out-of-state insurance companies only if the laws of the state under which such companies are organized grant such an exemption to Colorado insurance companies. Requires an insurance company making a quarterly estimated tax payment to pay either one fourth of the total tax for the previous year or eighty percent of the total quarterly tax for the current year, whichever amount is greater. Previously, the insurance company could choose to pay either amount.

May 13

May 13

H.B. 1307 Revising the "Standard Nonforfeiture and Valuation Act". Provides for new minimum standards for life insurance reserves and nonforfeiture benefits, for future automatic updating of such standards, and for more efficient regulation of the variety of types of policies which have been developed, and allows flexibility in such policies in the future. Provides for new mortality tables and authorizes the insurance commissioner to promulgate new life insurance, annuity, and disability tables, and new valuation and nonforfeiture regulations when necessary to accommodate policies permitting changes in benefits and premiums after policies are issued.

June 4

July 1

H.B. 1407 Property and casualty insurance companies - reports of losses. Specifies that reports of losses, including incurred losses of property and casualty insurance companies, are to be reported as required in schedule P of the 1978 annual convention statement filed with the commissioner of insurance.

April 30 April 30

LABOR AND INDUSTRY

- S.B. 29 Colorado employment security act - change "contribution" to "tax". Changes the word "contribution" to the word "tax" throughout the "Colorado Employment Security Act". Makes minor revisions changes throughout the act.

April 2 July 1

- S.B. 33 Unemployment compensation - rules and regulations - benefit awards - claims. Provides that the industrial commission of Colorado has rule-making power. Provides that the unemployment compensation commission of Colorado rather than the division of labor and training has rule-making authority concerning the "Colorado Employment Security Act".

Provides that combined wage claims in which Colorado wages are transferred to another state shall be included in the computation of benefits paid with respect to base period wages. Changes the time within which interested parties may present information on a claim to 12 calendar days.

April 24 July 1

- S.B. 34 Unemployment compensation - weekly benefit - extended benefits - amendments. Specifies that a nonschool administered headstart program is not an "educational institution" with respect to certain eligibility conditions for such institutions.

Rewrites and makes substantive changes to provisions reducing weekly benefits for retirement payments received, and provides for a new reduction from benefits for maternity benefits and other cash payments from a base period employer.

Sets forth additional requirements for receiving extended benefits which include requirements for seeking suitable work.

June 8 July 1

- S.B. 123 State compensation insurance fund - investment in real property. Provides that the manager of the compensation insurance fund may authorize and direct the state treasurer to invest a portion of the fund's moneys for

the purchase of the 950 Broadway Building and the adjoining property on the south for use as offices and facilities of the fund. Allows the manager to lease space not needed at present and that any lease moneys be credited to the fund. Specifies conditions for funding maintenance and for any sale of such property.

May 13

May 13

- S.B. 172 Protection of underground facilities from excavation damages. Requires owners or operators of underground facilities to file a statement with the county clerk in each county in which they have underground facilities giving a general description of the area involved and the name of a person who can give information concerning the facility. Notification associations can be formed by such owners or operators to receive notice of planned excavations or of damage done within a county, and notice to or from the association is notice to or from all members. Architects, engineers, and others designing for excavation are to procure such information and put it in plans or specifications for the use of excavation contractors. Notice of excavation work is to be given to owners and operators of underground facilities at least 2 business days prior to commencement of excavation, and such owners and operators are to mark the ground to show the extent of the facilities. Failure to give notice can affect the legal liabilities of the parties, as specified. Mitigation of damages, and injunction relief against excavators is provided for.

June 10

October 1

- S.B. 280 Workmen's Compensation - investment of funds. Specifies additional permissible investments for moneys credited to the state compensation insurance fund and related funds, including loans secured by mortgages or deeds of trust on real property in Colorado and corporate notes, bonds, and equipment trust certificates.

May 18

May 18

- S.B. 297 Workmen's compensation act - chiropractors within the act. Includes chiropractors and chiropractic care as an alternative to a medical doctor and medical care under the workmen's compensation act.

May 26

May 26

S.B. 338 Workmen's compensation - benefits payable - surtax imposed. Removes the monetary ceiling on the value of rehabilitation services required to be furnished by an employer of an injured employee and specifies a maximum period of 52 weeks for furnishing rehabilitation benefits to an employee. Also provides that the major medical insurance fund be closed to further cases from any source on the effective date of the act. Establishes the weekly wage for the fiscal year beginning July 1, 1981, at not more than 7% above \$305.81, which was the wage set for the year ending June 30, 1981. Provides for an interim committee to study the procedures used in establishing the average weekly wage for the period starting July 1, 1981.

Provides for a surtax on workmen's compensation premiums of one-half of one percent of premiums in addition to the existing premium tax, the surtax to be discontinued when the major medical insurance fund balance reaches \$1,000,000.

May 26

July 1

S.B. 408 Unemployment compensation - employer liability for benefits - employee conduct. Prohibits the payment of benefits if employment separation is due to one or more of the enumerated reasons which involve employee conduct. Rewrites the provisions on reduced benefit awards by eliminating many of the factors to be considered by the division of employment and training in determining the cause of the separation from employment. Specifies that such determination is pertinent when considering whether benefits will or will not be reduced. Provides that the eliminated factors generally concern employee conduct and that, if the separation from employment occurred because of one or more of such factors, the employer may not be charged for benefits, nor may any benefits be paid from the unemployment compensation fund. Applies such prohibitions only with regard to benefits attributable to the employment from which a separation occurred because of one or more of such factors and does not affect benefits attributable to other employment. However, if the separation from such employment is the most recent separation, defers any benefits attributable to prior employment for the period specified in the act. Makes all these provisions subject to the maximum reduction consistent with federal law.

June 8

July 1

S.B. 458 Workmen's compensation - local governments may self-insure and pool. Provides that counties, municipalities, schools, and other types of districts and authorities may qualify as their own carriers for workmen's compensation coverage and may cooperate with each other to form self-insurance pools, subject to the approval of the state insurance commissioner, who is to make annual examinations of such pools and who is given broad supervisory powers over them.

May 18 July 1

H.B. 1042 Unemployment compensation - miscellaneous changes. Permits cooperative exchange of information agreements between the division of employment and training and the department of revenue. Changes parties responsible for determining conformity of Colorado labor and employment security statutes with the federal law. Defines claim terms. Amends provisions concerning partial claims. Revises the division's notice requirements to be given to the employees. Shortens WIN program appeals time. Increases the amount charged to the account of a political subdivision or its instrumentality electing to become a taxpaying employer. Repeals the local government advisory council.

May 18 July 1

H.B. 1113 Industrial commission - rules and regulations. Reenacts the general rule-making power of the industrial commission and amends its rule-making power concerning workmen's compensation and related provisions to include the power to promulgate rules relating to the major medical insurance fund and the medical disaster insurance fund.

March 27 March 27

H.B. 1165 Unemployment insurance - corporate contribution. For the purposes of unemployment compensation, specifies that the term "employment" does not include the services performed by an individual in the employ of a corporation which he controls. Thus, the corporate employer does not have to make unemployment compensation contributions on behalf of an employee who is a majority or controlling shareholder and an officer.

June 4 July 1, 1983

H.B. 1177 Workmen's compensation - review by the industrial commission. Provides that the industrial commission, when reviewing a workmen's compensation decision of the director of the division of labor, shall review only evidence which was presented at the hearing before the director. Permits the commission to remand the case to the director if further fact-finding is necessary. In doing the above, conforms the procedure to that for administrative review provided in the "State Administrative Procedure Act".

May 26

May 26

H.B. 1233 Workmen's compensation - subsequent injury fund. Provides that part of the moneys in the subsequent injury fund be used to pay the costs of administering said fund. Directs that a portion of such administrative moneys be used to conduct an actuarial study of the fund. Requires that the actuarial report be made available to the general assembly. Provides that all administrative moneys be subject to appropriation by the general assembly.

May 18

May 18

H.B. 1234 Colorado medical disaster insurance fund. Provides that the costs of administering the medical disaster insurance fund be paid from the fund, subject to appropriation by the general assembly.

May 18

May 18

H.B. 1340 Workmen's compensation - paid cooperative education and internship programs. Provides that the responsibility for payment of workmen's compensation and liability insurance benefits for persons engaged in paid, on-the-job cooperative education or internship training programs shall be the employer's rather than that of the educational institution sponsoring the program. Provides that a student teacher shall be deemed an employee of the school district during his practice teaching in a school for the purposes of workmen's compensation and liability insurance.

May 28

July 1

MOTOR VEHICLES

- S.B. 6 Ton-mile tax. Authorizes owners or operators of motor vehicles required to pay the ton-mile tax to pay the tax and file the required statement on a quarterly basis.

April 24 July 1

- S.B. 69 Motor vehicle traffic violation classifications - drivers' licenses and registration. Provides uniform penalties where none are provided. Establishes a class 3 misdemeanor traffic offense for violations of provisions concerning drivers' licenses and a class 4 misdemeanor traffic offense for violations concerning the registration and taxation of motor vehicles.

April 24 July 1

- S.B. 75 Registration of interstate motor carriers. Provides for a 30-day unladen weight registration for trucks, truck tractors, trailers, and semitrailers operated in interstate commerce in lieu of annual registration. States that registration authorizes operation of the vehicle only when empty. Specifies that any moneys collected from the fees of \$5 for a truck or truck tractor and \$3 for a trailer or semitrailer are credited to the highway users tax fund.

April 24 April 24

- S.B. 77 Excess size and weight permits - exemption for county vehicles and equipment. Exempts county road maintenance vehicles and county road construction equipment temporarily moved upon the highway from the special permit requirements for large or heavy vehicles.

April 30 July 1

- S.B. 83 Specific ownership tax - manufacturer's suggested retail price. Provides that the taxable value of certain types of motor vehicles shall be specified percentages of the manufacturer's suggested retail price, which term is also defined. Effective January 1, 1982, allows a credit for the payment of a specific ownership tax if the property is disposed of during the registration period and provides that such credit shall be prorated, based on the

number of months remaining in the registration period. Repeals inconsistent provisions on the determination of such tax.

May 29

September 1

- S.B. 135 Requirements for brakes on trailers. Provides that trailers and semitrailers weighing less than 3,000 lbs. gross weight, rather than 1,500 lbs. as provided in present law, need not be equipped with brakes and that trailers and semitrailers weighing 3,000 lbs. or more gross weight must have brakes on all wheels.

April 30

April 30

- S.B. 205 Licensing of motor vehicles of former prisoners of war. Provides for the issuance of special license plates to former prisoners of war who desire to use such plates.

April 30

April 30

- S.B. 247 Mobile homes - permit for movement. Provides that a prorated tax receipt and proper notification to local authorities may serve as a permit for the movement of a mobile home on streets and highways under local jurisdiction. Increases the fine for persons who knowingly either move or assist in moving a mobile home without a permit or prorated tax receipt and establishes increased fines for persons who use a permit or tax receipt for more than one trip.

June 1

July 1

- S.B. 283 Motor homes - registration fee - definition. Defines the term "motor homes" for the purposes of the "Uniform Motor Vehicle Law" and includes a motor home within the definition of "noncommercial or recreational vehicle". Provides a separate registration fee for motor homes.

May 28

January 1, 1982

- S.B. 296 Visual inspection of emissions control-related equipment. Provides that visual inspection of the fuel filler neck restrictor, catalytic converter, or air system originally installed by the manufacturer shall be made only of motor

vehicles of the model year 1982 or later. Allows the air quality control commission to promulgate regulations which allow a reasonable time, not to exceed one year, for the repair or replacement of deficient equipment.

April 24 April 24

- S.B. 307 Motor vehicle registration - street rods. Permits the issuance of special distinctive license plates for use on street rods. Defines street rods as vehicles with rebuilt bodies of vintage 1948 or earlier.

May 6 January 1, 1982

- S.B. 391 Traffic offenses involving use of alcohol - penalties. Provides that the maximum term of imprisonment for operating a vehicle while ability is impaired by alcohol is raised from 90 to 180 days.

June 12 July 1

- S.B. 445 State department of highways - study of longer vehicle combinations. Directs the state department of highways to conduct a one-year test of longer truck and truck tractor combinations over selected segments of the interstate highway system. Requires that the department report to the 54th general assembly as to the results of such test and requires that all costs of the test be paid by private industry.

May 27 July 1

- S.B. 511 Unsafe operation of a motor vehicle. Directs the department of revenue to revoke the driver's license of any juvenile adjudicated a delinquent for conduct which would constitute vehicular homicide if committed by an adult. Provides that, for the purposes of the offenses of driving under the influence, vehicular assault, and vehicular homicide, the inhalation of a toxic vapor or glue-sniffing shall be considered being under the influence of a drug. Requires every court of record to transmit a report to the department of the adjudication of a juvenile's delinquency for conduct which would constitute vehicular homicide if committed by an adult.

June 19 June 19

S.B. 512 Automobile theft law - seizure by police of stolen cars and parts. Allows peace officers to seize any automobile or component part upon reasonable belief that the automobile or part has been stolen. Sets forth due process procedures after which the automobile or part may be destroyed, sold, converted to the use of a criminal justice agency, or otherwise disposed of.

June 10 June 10

H.B. 1005 Ports of entry weigh stations - vehicle identification. Requires every owner or operator of a motor vehicle for which the executive director of the department of revenue has determined an average weight factor to affix a distinct marking on his vehicle according to specifications set by the executive director, including the address of the owner and the tare weight of the vehicle. States that, if the motor vehicle bears such a marking, it does not need to secure gross ton-mile clearance at a port of entry weigh station unless ordered to do so by an officer of the ports of entry division. Requires such motor vehicles to weigh through each port of entry weigh station. Deletes statutory provisions which were inconsistent with the new program of motor vehicle identification.

April 2 January 1, 1982

H.B. 1091 Accidents involving death or serious bodily injury - duty to stop and to give information and aid. Increases, from a class 1 traffic offense to a class 1 misdemeanor, the penalty imposed on a driver of a motor vehicle involved in an accident resulting in serious bodily injury who fails to stop at the scene and to fulfill the requirements to give notice, information, and aid. Increases the penalty to that for a class 5 felony if the accident resulted in the death of any person.

May 21 July 1

H.B. 1160 Revocation or suspension of license - driving under the influence - emissions control inspection - penalties. Requires a driver whose license has been revoked for alcohol or drug-related offenses to complete an education and treatment program and pass a driver's test before his license may be reissued and removes the procedure for applying to the court for a reissue order. Requires the department of revenue to suspend for an additional period the license of any driver who commits an offense when

driving while his license has been suspended or revoked and provides that such additional suspension be for a period of one year after the date the person would otherwise have been entitled to a new license or to reinstatement. Allows a judge to make findings which support a lesser sentence in specific cases in which an habitual offender is convicted of driving while his license is revoked, an offense for which a prison sentence is mandatory and there is a prohibition against probation.

Expands the implied consent statute to include driving upon the streets and highways and elsewhere throughout the state instead of just upon the public highways.

Exempts traffic violations occurring outside of the state from the record-keeping requirements of the department.

Requires a license plate tab identifying a motor vehicle required to have a certification of emissions control. Provides penalties for violations regarding certifications of emissions control.

Makes those provisions of the act dealing with emissions control effective as of the date the provision eliminating the annual motor vehicle safety inspection contained in House Bill No. 1277 (1981 session) goes into effect.

May 21

May 21

H.B. 1170 Driver's license - recording of violations. Eliminates the recording on the back of a driver's license of violations governing the operation of a motor vehicle.

May 13

May 13

H.B. 1243 Pedestrian-control devices - symbol indicators. Extends penalty provisions for violation of directions of pedestrian-control devices to devices which employ symbols rather than words. Extends right-of-way to pedestrians in relation to all vehicles, not only motor vehicles.

March 27

March 27

H.B. 1277 Safety inspections - 3-year suspension of program. Provides for a 3-year suspension of the annual motor vehicle safety inspection program. Provides for new enforcement and funding procedures for the motor vehicle emissions control inspection program, which was previously linked to the safety inspection program, and for spot inspections by the state patrol. Directs the state patrol to inspect school buses. Reinstates the annual motor vehicle safety inspection program in July of 1984.

June 12 July 1

H.B. 1283 Parking in quasi-public areas - regulation - abandoned vehicles. Upon request by the landowner or lessee of land in unincorporated areas, authorizes the board of county commissioners to designate specific areas on private property for use by authorized vehicles only. Specifies that violations are punishable by a \$25 fine.

Removes the 72-hour waiting period before a vehicle left on private property is presumed abandoned and requires the owner or lessee to post a sign warning that vehicles may be towed away. States that notice of towing away a vehicle left on private property is to be made only to the sheriff's office.

May 26 May 26

H.B. 1323 Regulation of height and length of commercial passenger vehicles. Increases the maximum permitted length of vehicles used for mass transit of passengers to 60 feet and imposes a height maximum of 13 1/2 feet for intercity buses.

May 21 July 1

H.B. 1327 Registration and transfer - new motor vehicles. Includes within the definition of a new motor vehicle one which has been used by a dealer solely for the purpose of demonstration to prospective customers unless it has been used for more than 200 miles. Exempts motor vehicles with a gross weight rating of 16,000 pounds or more from this definition. Broadens the definition of a used motor vehicle to include a motor vehicle used for demonstration purposes for more than 200 miles. Provides that, if a demonstration motor vehicle is classified as new,

transfer is to be made in accordance with provisions for new motor vehicles.

April 30

April 30

- H.B. 1345 Emissions control inspection - changes in dates. Delays the date of commencement of motor vehicle emissions control inspections for most privately owned vehicles to February 28, 1983. Specifies that this delay does not apply to privately owned fleet vehicles or publicly owned vehicles nor to privately owned vehicles for which an emissions control inspection is required for the transfer of ownership and registration of each such vehicle.

VETOED June 19

- H.B. 1410 Inspection and readjustment program - emissions control inspection. Provides that specifications adopted by the air quality control commission for exhaust gas measuring instruments shall not exceed similar California specifications; except that an inspection and readjustment station may use instruments exceeding such specifications. Expands the inspection authority of a person owning or leasing 10 or more motor vehicles and operating an adequately equipped and manned motor vehicle repair garage. Requires a certification of emissions control containing a notation of equipment deficiency to be issued to motor vehicles with altered or removed equipment. Such certification shall be in effect for the time established by the commission that is necessary to repair or replace such equipment. Removes used motor vehicles transacted at wholesale between licensed motor vehicle dealers from the requirement of having a certification of emissions control.

July 14

July 14

- H.B. 1467 Driving while ability impaired - revocation of license. Requires the revocation of the driver's license of any person convicted of driving a motor vehicle while ability is impaired by alcohol if such person has 2 previous convictions of driving under the influence or driving while ability is impaired or if such person has one conviction, within the previous 5 years, of driving under the influence or driving while ability is impaired.

May 27

July 1

H.B. 1492 Motor vehicle emissions program - exemption of Weld county. Removes Weld county from mandatory participation in the motor vehicle emissions inspection program area. Repeals a related provision concerning portions of Weld county already excluded from the program.

May 27

May 27

NATURAL RESOURCES

- S.B. 5 Division of mines inspections - permits - appropriation. Makes numerous changes in provisions concerning coal and metal mines. Changes references to the "assistant director for coal mining" to the "chief inspector of coal mines". Reduces required coal mine inspections to one annually and makes such inspection applicable only to coal mines having an average of 75 or less full-time employees during the preceding calendar year. Provides that larger coal mines are subject to the fee and other requirements for explosives and diesel permits. Makes similar provisions for metal mines, limiting inspections to such mines having 75 or less employees, and redefines "mine" to exclude quarries and sand and gravel excavations and plants and earthen dams. Establishes the division of mines operational fund, from which appropriations will be made to cover the expenses of the division of mines. Repeals numerous repeal clauses enacted in 1979 which would have taken effect July 1, 1981.

Appropriates \$60,117 to the department of natural resources to implement the act.

June 19

June 30

- S.B. 50 Division of parks and outdoor recreation - senior resident parks identification cards. Reduces from 64 to 62 the age at which residents of Colorado may obtain identification cards from the division of parks and outdoor recreation for \$2.

May 28

May 28

- S.B. 124 Judicial review of actions of the oil and gas conservation commission. Replaces provisions concerning civil actions against the oil and gas conservation commission with a provision for judicial review, under the "State Administrative Procedure Act", of rules, regulations, and final orders of the commission. Applies, with regard to final orders of the commission, to those orders entered on or after July 1, 1981.

May 21

May 21

S.B. 161 Natural resources - exemption from mined land reclamation. Exempts the state department of highways from some fee and bonding requirements of the mined land reclamation act. Permits the submission of a written guarantee in lieu of a surety bond.

April 30

April 30

S.B. 170 "Sagebrush rebellion" - public lands - commission established - appropriation. Provides for state control of certain defined public lands within state boundaries which are currently held and managed by various federal agencies. Provides that, upon transfer of public lands to the state, such lands shall be administered in accordance with the principles of multiple use and sustained yield and with consideration and provisions for public access, conservation, and transfers to units of local government and provisions for reimbursement for receivables currently due counties from the federal government, if such payments are reduced because of state action. Creates the public land commission within the department of natural resources consisting of 7 members: 3 state officials and 4 local members with knowledge of land management issues. Charges the commission with the development of a plan for the transfer and management of the public lands. Prohibits the state board of land commissioners from selling any such acquired land unless and until the general assembly, by a vote of at least two-thirds of its members, specifically authorizes and approves each sale of land.

Makes an appropriation of \$25,000 to the department of natural resources for implementation of the act.

VETOED June 5

S.B. 177 Use of federal mineral leasing moneys for public schools. Changes the allocation of federal mineral leasing moneys for county and public school purposes to provide: That one-half of any balance in excess of \$10,100,000 (out of the "spillover" moneys), after proportional payments are made to counties, shall be paid into the local government mineral impact fund for a period of 5 years; that 25% of such spillover moneys going to the local fund shall be distributed to counties and municipalities based upon their proportions of resident employees from mines and related facilities leasing federal properties; and that participating counties shall notify the state treasurer to have at least 25% of their proportional payments

(before "spillover" moneys) distributed to any school districts within their jurisdictions.

June 19

June 19

- S.B. 211 Oil and gas conservation - drilling units and pooling interests. Provides for the compensation of a nonconsenting owner in a drilling unit authorized by the oil and gas conservation commission and for such owner's sharing in further costs as if he had originally agreed to drilling, after the consenting owners of the drilling unit have recovered the proper costs from the nonconsenting owner's share of production.

May 6

July 1

- S.B. 370 State surface coal mining reclamation rules or regulations based on federal law - limitation on effect. Provides that state surface coal mining reclamation rules or regulations and permit provisions based on or required by federal law, rules, or regulations, which become ineffective, shall not be enforced when said federal rule or regulation is deleted or withdrawn. Establishes that the repeal of such rule or regulation shall become effective 60 days after publication of the repeal in the federal register but will be subject to a rule-making hearing by the mined land reclamation board.

Became law without the Governor's signature

June 23

June 23

- H.B. 1056 Interests in land and water - legislative authorization required. The wildlife commission may not acquire, except by gift or devise, an interest in land nor sell nor acquire an interest in water unless such transaction is authorized by the general assembly by bill. Similarly, the board of parks and outdoor recreation is prohibited from acquiring an interest in land or water, except by gift, from exchanging an interest in water, except temporarily for 30 days, and from selling an interest in water unless such transaction is authorized by the general assembly by bill.

VETOED June 8

- H.B. 1085 Management of state wildlife - federal participation. Provides that express consent of the general assembly is

required for the division of wildlife, wildlife commission, or board of parks and outdoor recreation to enter into any mitigating agreements with any federal governmental agency regarding the transfer or exchange of land or water condemned by the federal government. Allows common agreements with federal agencies regarding the management of wildlife on federal lands.

Became law without the Governor's signature
June 9 June 9

H.B. 1097 Permit amendments under the "Colorado Mined Land Reclamation Act". Removes the requirement for a permit amendment when the acreage to be affected by a mining operation is decreased.

May 21 May 21

H.B. 1172 Mining claims - filing dates for labor affidavits. Conforms the annual filing date for affidavits of labor on mining claims to federal law by changing the filing date to December 30 of the year following the improvement period.

April 30 April 30

H.B. 1223 Commercial bodies of water - licensing requirements. Requires that commercial lakes, private lakes, and connecting channels be entirely private property unless licensed prior to January 1, 1970.

May 13 May 13

H.B. 1276 Coal mining - land reclamation - procedures. Provides that the mined land reclamation board or division of mined land reclamation may intervene in certain civil actions. Requires interested persons to be given notice of hearings held by the board and makes other procedural changes. Requires the filing of information concerning violations of environmental laws of other states with a Colorado permit application. Provides that rules or regulations promulgated by the board pursuant to federal law shall become ineffective if such federal law is

repealed or becomes ineffective for any other reason.

Became law without the Governor's signature
June 16 June 16

H.B. 1398 Nurseries damaged by wildlife - appropriation. Allows recovery from the state for damages to nurseries caused by wildlife.

Appropriates \$15,000 out of the wildlife cash fund for implementation of the act.

June 4 July 1

H.B. 1518 Land reclamation - performance and financial warranties - procedures for default. Revises the requirements for a surety or bond under the "Colorado Mined Land Reclamation Act" and denotes such requirements as "performance warranties" and "financial warranties". Provides for "self-bonding" in certain circumstances.

Changes procedures for defaults in performance and financial warranties.

June 19 June 19

PROFESSIONS & OCCUPATIONS

- S.B. 21 Electrical inspections of mobile homes. Removes the requirement of an electrical inspection by the state electrical board for mobile homes or other movable structures prior to sale, new construction, remodeling, or repair if and when such inspections are done by the state housing board.

April 24 April 24

- S.B. 22 Collection agencies - debt collectors' and solicitors' licenses. Clarifies a provision relating to licenses per debt collection office. Extends the period of validity of a solicitor's certificate from a maximum duration of one year to 3 years and of a debt collector's registration from one year to 3 years.

May 22 June 30

- S.B. 35 Fermented malt beverages - personal or family use - license. Allows an adult to manufacture fermented malt beverages without obtaining a license to do so if permitted by federal law or regulation and if limited to the amount permitted thereby. Exempts such beverages from state tax.

May 27 July 1

- S.B. 60 Registration of social workers - termination of various boards and agencies. Requires that a registered social worker shall have obtained a bachelor's degree in social work rather than merely a bachelor's degree. Permits registered social workers to practice under the personal, responsible supervision of a licensed social worker only as an employee of a skilled or intermediate nursing care facility. Extends the life of the state board of social work examiners until July 1, 1987.

June 10 July 1

- S.B. 90 Liquor stores - display of promotional material. Allows a retail liquor store licensee, subject to specified limitations, to display promotional material furnished by

a manufacturer or wholesaler, which material permits a customer to purchase other items from a third person.

March 25

March 25

- S.B. 97 Public accounting - continuation of state board of accountancy - regulation of the profession. Empowers the state board of accountancy to place accountants, partnerships, and professional corporations on probation. Amends provisions with regard to dates for qualification requirements of certified public accountants. Specifies that persons who are not certified public accountants are not prohibited from providing services involving accounting skills, including preparation of tax returns and financial statements without the expression of opinions or assurances thereon. Empowers the board to impose conditions and limitations upon a certified public accountant or a registered accountant in addition to its revocation and suspension power. Provides that a pattern of failure to meet generally accepted accounting standards is grounds for action against an accountant. Repeals provisions requiring the board to find a certified public accountant to be of good moral character.

Extends the automatic termination date of the board to July 1, 1987, pursuant to the provisions of the Sunset Law.

May 18

July 1

- S.B. 149 Board of veterinary medicine - Sunset Law correction. Changes the date of scheduled termination of the board, which was continued in 1979, from July 1, 1987, to July 1, 1985, to conform to the 6-year limit on continuation under the Sunset Law.

April 24

April 24

- S.B. 169 Dangerous drugs - unlawful acts - includes cannabis concentrate. Clarifies that the possession or use or attempt to obtain or procure the administration of cannabis concentrate is an unlawful act.

April 29

April 29

S.B. 187 Racetracks - satellite facilities for pari-mutuel wagering. Authorizes licensed animal racetracks to conduct pari-mutuel wagering on a race held at another licensed racetrack.

May 15

May 15

S.B. 203 Bail bondsmen - licensure - bail and bond - conditions. Reduces age requirements for applicants for licensure of bail bondsmen. Eliminates references attesting to good moral character. Requires suspended bondsmen to pay all forfeitures and judgments. Specifies when bail bondsmen may accept collateral security. Prohibits certain activities of bail bondsmen. Requires the courts to notify sureties pledging security for defendants upon forfeiture of the bond. Prohibits release of person on personal recognizance if he is on release under surety bond for a class 1 misdemeanor or a felony in certain instances. Repeals requirements for financial statements and statements of intent to engage in the bail bond business.

May 13

May 13

S.B. 208 Board of hearing aid dealers - continuation - appropriation. Reduces the size of the board of hearing aid dealers from 7 to 5 members, making 3 a quorum, and extends the life of the board to 1987. Makes several minor changes in the requirements for issuing licenses giving the holder the right to dispense, fit, or deal in hearing aids. Authorizes the board to seek injunctions against persons violating the act. Makes other minor changes.

Appropriates \$26,536 to the division of registrations for allocation to the board.

May 28

July 1

S.B. 213 Notaries public. Repeals and reenacts the statutes governing notaries public. Includes the following changes: Amends requirements for application for appointment and commission of persons to act as notaries public; specifies grounds for revocation of appointments; sets forth a notary's powers, including the power to certify that a facsimile is an exact copy of an original document if the original cannot be obtained through a county clerk and recorder or other custodian and if it does not violate any other law; and defines official

misconduct and several other misdemeanors. Also increases the required bond of notaries to \$5,000 and increases the maximum fee a notary may charge for each acknowledgment to \$2.

June 19 July 1

S.B. 237 Mobile home dealers - sunset review - revisions. Amends the definition of "mobile home dealer" to include manufacturers who are engaged in the retail sale of mobile homes and repeals the exclusion from said definition of real estate brokers engaged in transactions in which the sale of land is an integral part of the mobile home sale. Recreates the Colorado mobile home licensing board by changing the composition of the board and the qualifications of its members and by transferring the functions of the director of the division of registrations in the department of regulatory agencies, in his capacity as administrator of the mobile home law, to the board, which will exercise its functions independently of the head of the department of regulatory agencies. Requires senate confirmation for the governor's appointment of board members. Authorizes the attorney general, at the board's request, to seek injunctions or other legal remedies to enforce actions and orders of the board and restrain violations of the law. Repeals specific license fees and replaces them with a provision authorizing the board to set fees according to costs as approved by the general assembly pursuant to the board's budget request. Extends provisions concerning temporary licenses to a proprietorship which loses its licensed designee. Eliminates the requirement that a manufacturer file copies of his warranties with the regulatory agency. Requires the principal place of business to be within Colorado and the address of the dealer to appear on the license.

Amends grounds for denial, revocation, or suspension of licenses in the following ways: Violations of the "Unfair Practices Act" and the "Colorado Consumer Protection Act" must be established by final court judgment; contractual breach must be so frequent as to indicate a tendency toward such in the dealer's general business practice; and failure to provide mobile home installation is repealed as a ground for the suspension, denial, or revocation of a license.

Requires proof of licensure before any dealer or salesman can bring a court action to collect compensation. Amends civil penalties for violation of the law concerning mobile home dealers to establish a \$100 to \$1,000 fine for the first offense and a \$1,000 to

\$10,000 fine for subsequent offenses. Previously, fine penalties were divided into first, second, and third offenses, with the third offense receiving the additional penalty of permanent revocation of license. Authorizes the board to audit and inspect dealer escrow accounts during normal business hours.

Amends provisions concerning the mobile home recovery fund. Increases the minimum balance required in the fund from \$75,000 to \$150,000. Provides that dealers will be assessed to bring the fund up to the minimum balance; however, provides that, under the act, dealers will only be assessed to restore the fund to \$75,000 until such time as the fund reaches the new maximum amount of \$320,000, increased from \$100,000, after which time, the new minimum balance will trigger a dealer assessment. States that the \$25,000 limitation per dealer on claims against the fund is changed to \$25,000 per claim with a \$50,000 limit per dealer for transactions occurring after July 1, 1981. Specifies that payments from the fund are preconditioned on the claimant's pursuit of all available legal remedies to satisfy a judgment against the dealer and the board's consent to the judgment or opportunity to participate in the trial on the merits of the claim. Raises the interest rate on repayments made by judgment debtor licensees to the fund from 6% to 12%. Further provides that, if the judgment debtor is a corporation or partnership, no officer, director, or controlling shareholder of such judgment debtor shall be eligible for licensure as a dealer or salesman and that no business entity in which such person has an interest shall be eligible for licensure until the amount paid from the fund, plus interest, is repaid. Increases the amount, from 5% to 10% of the payment to a judgment creditor, which may be drawn from the fund by the board and authorizes the employment of private counsel for the purposes of enforcing rights of the judgment creditor to which the board is subrogated.

Repeals outdated and unnecessary provisions and extends the termination date for the board until July 1, 1987, pursuant to the provisions of the Sunset Law.

May 28

July 1

S.B. 240

Private occupational schools - regulation. Renames the "Private Vocational School Act of 1975" as the "Private Occupational Education Act of 1981". Makes numerous amendments, including the following: Specifies that educational credentials granted may include associate degrees; defines occupational education; rewrites and revises provisions on the exemption of specified

educational institutions and educational services; authorizes the state board for community colleges and occupational education to establish standards and requirements for the awarding of educational credentials by private occupational schools; allows schools to meet certain minimum standards by being accredited by an association recognized by the United States education department or by the state board for community colleges and occupational education; clarifies provisions relating to in-state and out-of-state agents' permits; and revises provisions on refund policy, bonding, application fees, record-keeping, and the enforceability of loans to pay for educational services.

Repeals provisions which allowed the state board for community colleges and occupational education to adjust bond requirements and provisions which required a specific notice on the face of any instrument or notice given by any school extending credit or lending money to any person for educational services.

May 27 July 1

S.B. 266 Nursing homes - administrator licensure, duties of board of examiners of nursing home administrators - registration. Permits a temporary licensee to operate a nursing home. Allows the board of examiners of nursing home administrators to hold hearings, take evidence, administer oaths, and issue subpoenas. Provides that the amount of the biennial registration fee for recertification of registration is determined by an adjustment in the fee the board is authorized to collect, as set out in its annual budget. Establishes that certain qualified applicants for a nursing home administrator license need not spend a one-year training period before receiving a license. Exempts nursing home administrators of certain churches or religious denominations from the provisions for nursing home operators.

June 19 June 19

S.B. 301 Liquor sales - special events. Allows the issuance of a special event permit for special events to be held on premises licensed as a club under the "Colorado Liquor Code" so that persons other than club members and guests may be served at the special event. Makes the holder of the special event permit liable for violations of the liquor code which occur on the club premises.

Declares that nothing in the law concerning special

event permits for the sale of liquor shall be construed to prohibit the sale or the dispensing of liquor on closed streets, highways, or public byways for which a special event permit has been issued.

June 12 June 12

- S.B. 320 Warehousing of liquors. Requires any wholesale liquor licensee to warehouse at his own facilities all malt, vinous, and spirituous liquors purchased by him prior to delivery to his buyers.

May 18 May 18

- S.B. 343 Temporary licensure for physicians who are graduates of foreign medical schools and who are medical school faculty members. Allows temporary licensure for physician applicants by the Colorado state board of medical examiners if the applicant will be a full-time faculty member of a medical school, if he is board-certified and if his medical practice is limited to that required by his academic position. Provides for discretionary renewal if the required conditions continue to exist. Allows a personal interview and termination of licensure by the board for unprofessional conduct.

May 18 May 18

- S.B. 422 Podiatric services - permissible if rendered under supervision of licensed podiatrist. Allows podiatric services to be rendered by a person without a license if they are under the supervision of a licensed podiatrist.

May 27 May 27

- S.B. 433 Nonprofit organizations - conducting activities where alcoholic beverages are served. Declares that it is no longer necessary to be a tax-exempt nonprofit organization to conduct games of chance if the organization is otherwise entitled to obtain a license to do so. Exempts an organization from obtaining a special event permit to serve alcoholic beverages when the charge to members or guests is uniform without regard to whether alcohol is consumed.

May 22 July 1

H.B. 1026 Regulation of life care institutions - division of insurance appropriation. Places regulatory authority for life care institutions with the commissioner of insurance rather than with a board of examiners within the division of registrations. Mandates extensive application requirements and disclosure for providers of life care services. Provides remedies for residents of life care institutions by requiring the recording of a lien for their benefit, by requiring specified escrow and reserve funds, and by providing statutory remedies for the rehabilitation of an insolvent or financially unsound provider.

Appropriates \$32,732 to the division of insurance for implementation of the act and appropriates \$12,986 to the department of administration for reimbursement of debts of the board of examiners of life care institutions.

June 19 July 1

H.B. 1057 Licensing of municipal facilities for sale of liquor. Authorizes the issuance of arts and special event licenses for the sale of liquor at facilities owned by a municipality which are used for productions of an artistic or cultural nature. Provides that fermented malt beverage licensees and liquor licensees need not have meals available at such municipally owned facilities and that guidelines for such licensees be established by local and state licensing authorities. Prohibits sales under both types of licenses at the same time on the same premises.

May 26 May 26

H.B. 1101 State electrical board - national standards governing rules and regulations. Changes the publication by which the state electrical board is governed in its promulgation of rules and regulations relating to electrical standards.

March 27 July 1

H.B. 1117 Drug paraphernalia - definition. Removes the word "adapted" from the definition of "drug paraphernalia" in the drug paraphernalia law in response to the decision of the United States court of appeals for the 10th circuit

in Hejira Corporation v. MacFarlane on May 5, 1981 (No. 80-2062).

June 4

June 4

H.B. 1130 Electricians - residential inspectors' qualifications - fees. Authorizes the state electrical board to appoint or employ as electrical inspectors persons having passed the test for residential wireman to examine residential dwellings of up to 4 family units and also to appoint or employ persons who have been certified as residential electrical inspectors by a national certification authority and who have at least 2 years' experience in such inspection. Requires that local electrical inspection fees not exceed state fees by more than 15%.

May 18

May 18

H.B. 1149 Horse racing - distribution of receipts from wagering. Increases the amount which the racing licensee must pay for the supplemental purse fund. Increases the amount of the gross receipts which nonprofit licensees must pay to the racing commission. Increases the maximum percentage which a licensee for racing may take of the receipts of wagering.

April 30

April 30

H.B. 1187 Animal racing - license fees. Defines racing year. Lowers the license fee for dogtracks and tracks racing animals other than horses from 5% to 4% of gross receipts. Provides that, if the state collects less money than what it collected on the average for the racing years 1977 through 1979, any track causing such a deficiency shall pay the difference to the state. Clarifies a provision concerning the imposition of governmental taxes.

March 27

July 1, 1982

H.B. 1199 Vinous liquor tax - simplification. Simplifies the excise taxes on malt, vinous, and spirituous liquors, eliminating special provisions for metric measurements and varying proofs.

April 24

July 1

H.B. 1209 Food service establishments - inspection and licensure fees. Increases from \$20 to \$50 the license fee for food service establishments and provides an exemption from such fee where a local ordinance requires a food service inspection fee of \$50 or more and where such inspection services are approved by the department of health. Provides that the entire \$50 fee is credited to the state general fund if inspection is by the department or, if the inspection is by a local department, \$20 is credited to the general fund and the balance retained by the local board. Specifies that funds retained by local boards shall be used for future operations.

June 9 July 1

H.B. 1238 Permitted proximity of tracks licensed for racing standardbred harness horses. Allows counties, when licensed by the state racing commission, to conduct standardbred harness horse race meets at county fairgrounds so long as the track is more than 15 miles from another track licensed for horse racing.

May 21 May 21

H.B. 1271 Importation and sale of vinous and spirituous liquors - primary source of supply. Revises the primary source of supply provision in the liquor code to provide a legislative declaration of the state's interests to be protected by such a law; to clarify and limit the exception to the primary source provision; to establish a reporting provision for importers in order to provide the department of revenue with an audit trail of importers' invoices and liquor brands; and to define the term "primary source of supply in the United States".

April 30 April 30

H.B. 1289 Regulation of psychologists. Makes extensive amendments in the article providing for the regulation of psychologists, including the following: Adds and amends definitions and replaces stated fees with those based upon costs of regulation; changes from certification to licensing successful applicants and provides for withholding or denial of licenses; adds new grounds for discipline or suspension and specifies procedures for disciplinary actions; increases fines for violations; and increases required amounts of insurance coverage for professional corporations. Repeals the numerical passing score requirement required for licensing and allows the

state board of psychologist examiners to set the scores required to pass each part of the examination. Terminates certain exemptions from licensing requirements as of July 1, 1982.

June 19 July 1

- H.B. 1291 Horse jockeys - independent contractor status. Provides that, unless a written employment contract exists between the jockey and the horse owner or trainer which designates their relationship as employer-employee, horse jockeys shall be construed to be independent contractors and that, therefore, no horse owner or trainer shall be obligated to withhold taxes or pay workmen's compensation on behalf of a jockey.

VETOED May 28

- H.B. 1306 Procedures of state board of optometric examiners. Eliminates the inquiry and hearings panels of the state board of optometric examiners and provides that the board will perform the functions of the two panels. Provides that complaints filed with the board need to be written rather than sworn.

May 28 July 1

- H.B. 1317 Mortuary science. Amends the "Mortuary Science Code" by adding definitions of "funeral directing", "funeral directing trainee", and "funeral director" and makes various conforming amendments. Sets out requirements for licensure as a funeral director. Prohibits any county coroner, taking office after the general election in 1982, from directing business to his funeral establishment except when a health hazard exists and provides that such a coroner knowingly so acting when he has a conflict of interest commits a class 2 misdemeanor, which may result in the loss of his license.

June 8 June 8

- H.B. 1371 Drugs and pharmacists - regulation. Clarifies the regulatory authority of the state board of pharmacy over prescription and related drug outlets and pharmacists. Eliminates the requirement for physician registration with the board. Distinguishes prescription orders from hospital chart orders. Authorizes emergency prescription

refills when the physician is unavailable and the patient's health or safety is threatened. Classifies as dangerous drugs those federal "controlled substances" which are not otherwise regulated as narcotic drugs under Colorado law. Deletes the defunct classification of "assistant pharmacist" from the statutes. Provides that any school employee who distributes drugs to a student according to written instructions from the parent or guardian shall not be held liable.

June 19 July 1

H.B. 1394 Architects - miscellaneous amendments to statutes governing the profession. Continues the state board of examiners of architects until 1987. Abbreviates and simplifies statutory provisions governing architects. Sets insurance standards for incorporated architectural firms. Removes requirement of senatorial consent to governor's appointees to the state board. Permits an individual architect to practice as a professional corporation. Extends the authority of the attorney general to prosecutions for violations of the architects' act. Requires insurance companies to furnish the state board with information about adverse malpractice judgments on claims against licensed architects.

June 19 July 1

H.B. 1397 Alcohol - crimes relating to sale and possession. Increases the fine for crimes concerning persons under certain specified ages, persons visibly intoxicated, and habitual drunkards and relating to malt, vinous, and alcoholic beverages to not less than \$100 nor greater than \$500. In addition, provides that, if a person under 21 is convicted more than once of obtaining or possessing malt containing more than 3.2% alcohol, wine, or an alcoholic beverage or if a person under 18 is convicted more than once of obtaining or possessing malt containing 3.2% alcohol, the court must impose the minimum fine without discretion to suspend it. Requires the same fine without suspension for more than one conviction for failure to properly display a notice of what constitutes illegal sales and purchases. Allows the court in all 3 situations to provide for payment by public work.

May 27 July 1

H.B. 1401 Real estate recovery fund. Until July 1, 1984, imposes a one-time additional fee of \$10 on renewal of a real

estate broker's license. Removes the requirement that a percentage of any excess remaining in the real estate recovery fund at the end of a fiscal year be transferred to the state's general revenue. Provides that interest earned on the real estate recovery fund moneys be credited to the fund. Requires a court to find grounds for recovery from the fund and rewrites the requirements on claims against the fund. Limits recovery from the fund to \$50,000 per transaction when more than one licensee is involved. Distinguishes a judgment debtor licensed as a member of a partnership or association or as a director of a corporation from a judgment debtor licensed as an individual for purposes of license revocation due to payments made from the fund.

April 30 July 1

H.B. 1414 Liquor code - beer and wine licenses. Amends the requirements for obtaining a beer and wine license to provide that such license shall be issued for consumption on the premises of the licensee and that the licensee shall have sandwiches and light snacks available for consumption on the premises.

May 18 July 1

H.B. 1437 Medical practice - determination of death. Provides alternate standards of determining death to harmonize the newer concept of brain death and the more traditional definition of death as the cessation of respiration and circulation and provides that a determination of death be made in accordance with accepted medical standards.

May 21 May 21

H.B. 1449 Real estate - license requirements. Removes the unconstitutionally vague requirement that an applicant for a real estate broker's or salesman's license establish his "reputation" for honesty and truthfulness but still requires him to establish good moral character, truthfulness, and honesty. Clarifies other licensing requirements and authorizes the real estate commission to require proof of the fulfillment of any of these requirements by any applicant.

May 28 May 28

H.B. 1510 Engineers and land surveyors - broad revision of statutes. Broadly amends the provisions of the statutes governing the professions of engineering and of land surveying and the body which regulates such professions. Includes among the modifications: Changes the makeup of the state board of registration for professional engineers and land surveyors; changes the requirements for board members; amends and defines the requirements for licensure as an engineer, an engineer-in-training, a land surveyor, and a land-surveyor-in-training; provides for immunity in professional review proceedings; and makes various miscellaneous changes. Extends the state board of registration until July 1, 1987, pursuant to provisions of the Sunset Law.

June 19 July 1

H.B. 1517 Regulation of automobile dealers - fees - appropriation. Eliminates the requirement for providing pocket card certificates for persons licensed to sell, distribute, and manufacture motor vehicles. Strikes all dollar amounts of fees for licenses, provides that the motor vehicle dealer licensing board shall establish fees for licensees, and repeals the requirement for transferring 10% of all such receipts to the general fund. Authorizes the executive director of the department of revenue to promulgate rules concerning dealer plates, the violation of which may lead to suspension.

Makes an appropriation of \$455,946 to the department of revenue for allocation to the motor vehicle dealer licensing board for implementation of the act.

June 19 July 1

H.B. 1546 Liquor excise tax - credit or refund to manufacturers, importers, and wholesalers. Provides that a manufacturer or wholesaler of malt, vinous, or spirituous liquors who is entitled to a refund of his excise tax may instead receive a credit against the tax due on other sales. Allows a credit or refund for excise taxes paid to the state by manufacturers and wholesalers of vinous and spirituous liquors selling or delivering such liquors on ceded federal property within this state so long as federal law precludes this state from collecting its excise taxes for sales and deliveries on such federal property.

June 5 June 5

H.B. 1572 Physical therapists - licensing. Provides that an applicant must file a written application for a license and meet the qualifications set out. Sets standards for licensure by endorsement depending on when a license was received elsewhere. Abolishes licensure by waiver. Permits the issuance of temporary permits in certain circumstances. Repeals provisions allowing applicants for licensure to practice prior to licensure by endorsement.

May 18

July 1

PROPERTY

- S.B. 67 Housing finance authority - exempted from security interest prohibitions. Exempts the Colorado housing finance authority from restraints imposed upon persons holding security interests in real property, one of which prohibits the acceleration or maturing of indebtedness on property at the time of its sale, and the other of which limits the amount by which the interest rate can be increased on a loan which is assumed by a new property owner.

April 2 April 2

- S.B. 305 Personal property liens - motor vehicle repair garages - restoration and foreclosure. Provides procedures whereby a motor vehicle repair garage which has released a vehicle upon an open account may restore such lien. Specifies that such procedures are similar to those presently existing for vehicles released upon receipt of a check which is dishonored. Extends from 60 days to 90 days the time within which a foreclosure action must be commenced on a personal property lien.

May 29 July 1

- S.B. 328 Commercial property - condemnation or adverse impact - title notice. Requires that notice of condemnation concerning commercial property be recorded in the title record of such property. Requires that a brief statement of the action proposed shall be recorded in the title record with regard to commercial property which is adjacent to state, county, or municipal property and which will be adversely affected by the use of such government property to establish, open, or change a portion of a highway, road, or street.

VETOED June 12

- S.B. 465 Homestead exemption. Increases the amount allowed as a homestead exemption from execution and attachment arising out of any debt or obligation from \$7,500 to \$20,000.

May 21 May 21

H.B. 1422 Mortgage loans from proceeds of development revenue bonds - exception from statutory restraints on alienation. Excepts security interests in real estate which are financed with county or municipality development revenue bonds from the statutory provisions concerning unreasonable restraints upon the alienation of property.

April 30 April 30

H.B. 1502 Contractor's bond. Increases from \$10,000 to \$50,000 the minimum amount which must be involved in a public works contract before the contractor is required to execute a penal bond. However, states that the state, county, municipality, school district, or other political subdivision may require execution of a penal bond in the case of a contract involving a lesser amount.

May 28 May 28

H.B. 1516 Mechanics' liens - notice requirement. Requires the agency or authority issuing a building permit for repairs, remodeling, reconstruction, or construction of improvements to supply written notice to the property owner regarding the lien law. Provides that such notice need not be given in the case of permits for new residential construction or for residential property with more than 4 units. Clarifies the consequences of a lien and possible precautions against double payment for services or materials. Provides that the agency may increase the fee for a building permit by one dollar to offset the cost of issuing the notice. Establishes that the agency's failure to supply such notice is not an affirmative defense to liens by subcontractors, materialmen, or others and that there is no liability for the agency or agency's employees for failure to notify.

June 9 July 1

H.B. 1524 Mobile home parks - owners' and residents' rights and responsibilities. Makes substantial additions to the mobile home park landlord-tenant act, including the following: Limits security deposit on multiwide units to 2 months' rent; authorizes courts to grant equitable relief rather than damages in actions involving disputes between park management and residents and suggests the use of mediation; prohibits discrimination by management as to who may rent sites; except that portions of parks may be designated for adults only; requires a written rental agreement, signed by both parties with copies for

each, covering all charges to be paid by the resident, such rental agreement to include copies of current park rules; authorizes management rules, which must be in writing and clearly stated, must not be retaliatory or discriminatory, and must be either for the best interest of the residents, the preservation of the premises from abuse, or the fair allocation of park facilities and services; and provides that new developments and parks may require that the original tenant of a site shall have purchased his mobile home from a particular seller or group and authorizes mobile home dealers to acquire exclusive rights to one or more sites in such new parks.

June 9

June 9

H.B. 1604 Prohibiting control of rents by counties and municipalities. Provides that no county or municipality may enact an ordinance or resolution which would control rents on residential property. Declares that rent control is a matter of statewide concern.

Became law without the Governor's signature

June 23

June 23

PUBLIC UTILITIES

- S.B. 139 Utility rates - surcharge for franchise - municipally owned utilities. Provides that the public utilities commission shall order a fixed public utility, except a municipally owned utility, to increase rates only to customers in a municipality by adding a surcharge to recover the amount the utility pays to the municipality as a cost of doing business therein under a franchise or pursuant to a license or occupation tax levied by the municipality.

For municipally owned utilities providing service outside the corporate limits, provides that the public utilities commission shall include in the utility rates an allocation of the amount transferred by the utility to the municipality in lieu of property taxes if such amount is or will be included in the utility rates for service within the corporate limits.

June 12 July 1

- S.B. 200 Transportation of hazardous materials - spills. Provides that the rules and regulations of the public utilities commission relating to the transportation of hazardous materials shall apply to both interstate and intrastate transportation. Provides that such rules and regulations may include financial responsibility requirements. Grants to any public entity, political subdivision, or other unit of local government the right to claim reimbursement for the costs resulting from the cleanup of a hazardous materials spill. Makes it a class 4 felony for any person to abandon a vehicle containing hazardous materials or to intentionally spill hazardous materials upon a street, highway, or right-of-way or any other public property or upon any private property without the permission of the owner.

June 10 June 10

- H.B. 1035 Public utilities commission - franchise certificates - power and authority regarding construction certificates. Makes conditions of the issuance of a certificate of public convenience and necessity applicable only to certificates to exercise franchise rights and not to certificates for construction. Provides that the power and authority of the public utilities commission with regard to the issuance of certificates for construction

shall not be limited by the provisions of this act.

June 19

June 19

H.B. 1036 Rates - factors considered by public utilities commission. Provides that, when the public utilities commission makes findings or determinations concerning rates, it may consider past, present, or future test periods and any other factors which may affect the sufficiency or insufficiency of such rates. Also provides that the commission also may consider any factors which influence an adequate supply of energy or which encourage energy conservation.

April 22

July 1

H.B. 1037 Issuance of securities - regulation by public utilities commission - limitations. Limits the power of the public utilities commission to regulate securities issued by public utilities to those utilities which derive more than 5% of their consolidated gross revenue in Colorado or which derive a lesser percentage if said revenues are realized by supplying an amount of energy which equals 5% or more of the state's total consumption.

March 27

March 27

H.B. 1038 Tariffs or schedules - hearing thereon. Provides that the public utilities commission may hold a hearing on any new rate, tariff, or schedule if it believes a hearing is required and that such rate, tariff, or schedule proposed by the utility may be improper. Allows the commission to establish just and reasonable rentals, charges, classifications, contracts, and practices in addition to its existing powers to establish rates, fares, tolls, rules, or regulations.

April 22

July 1

H.B. 1039 Decisions of public utilities commission - not stayed or postponed by application for rehearing, reargument, or reconsideration. Provides that a decision of the public utilities commission shall not be automatically stayed or postponed by an application for rehearing, reargument, or reconsideration unless the commission, upon its own

motion or that of a party, orders such stay or postponement.

March 27 March 27

H.B. 1314 People service transportation - classification - safety and insurance requirements. Recognizes people service transportation and volunteer transportation as distinct classifications for the purposes of regulation and insurance. Defines "people service transportation" as motor vehicle transportation provided by nonprofit agencies (defined as agencies primarily supported by public funds or by charitable organizations) for clients or program beneficiaries. Defines "volunteer transportation" as motor vehicle transportation provided by individuals and others under the supervision of a people service organization. Provides that people service and volunteer transportation are not subject to regulation by the public utilities commission. Specifies that statutory safety regulations are applicable to people service and volunteer transportation. Requires motor vehicle liability insurance in a specified amount for vehicles designed to transport more than 16 passengers, which vehicles are used in people service or volunteer transportation.

May 18 July 1

H.B. 1444 Public utilities commission - hearings on securities issuance and tariff and schedule filings. Provides that the public utilities commission will have discretion as to whether or not to hold a hearing on a public utility's issuance, guarantee, or assumption of securities. Also provides that changes in the rates or practices of a cooperative electric association shall not be subject to suspension pending hearing on the proposed changes but will take effect upon the expiration of the 30 days' notice required when filing tariffs and schedules.

Became law without the Governor's signature
June 9 July 1

H.B. 1547 Railroads - signals at crossings - apportionment of cost. Increases the minimum percentage of the cost of safety signals and devices at railroad crossings which a railroad company must pay.

June 8 July 1

H.B. 1581 Deregulation of nonemergency vehicles for the handicapped and vehicles hauling rock, dirt, stone, houses, or lumber. Provides that the regulatory provisions of the public utilities commission over motor vehicle carriers and contract motor carriers shall not apply to nonemergency vehicles designed to transport the handicapped or to motor vehicles transporting rock, dirt, stone, insulrock, road surfacing materials (except those transported in tank vehicles), houses or other buildings (excluding manufactured housing), timber, or rough lumber. Defines "manufactured housing". Defines "motor vehicle designed and used for the nonemergency transportation of handicapped individuals". Requires all such nonregulated vehicles to have a liability insurance policy or a surety bond in a certain amount.

May 28

July 1

REAPPORTIONMENT

H.B. 1614 Legislative reapportionment - Colorado reapportionment commission - appropriation. Establishes procedures to implement the work of the Colorado reapportionment commission, which is required by the state constitution to draw boundaries for state senatorial and state representative districts. Provides that the commission may file a map of its preliminary reapportionment plan with each county clerk and recorder and with county and state party chairmen. Directs the commission to file the final approved plan, together with necessary maps and descriptions, with the secretary of state. Requires the commission, as part of any reapportionment plan, to designate the years in which each state senatorial district will elect a senator. Requires the secretary of state to furnish maps of legislative districts to candidates and other Colorado citizens.

Requires county commissioners to redraw precinct boundaries so that no precinct is included in more than one congressional, state senatorial, or state representative district. Provides that such changes shall be completed by April 1, 1982, and that notices of precinct caucuses to be held in 1982 shall be posted not less than 5 days before such caucuses are held.

Authorizes the legislative council, on request of the commission, to ask legislative staff officials, the executive director of the department of local affairs, and the state court administrator for assistance in developing a staffing pattern for the commission. Also authorizes such officials to provide necessary nonpartisan staff if the legislative council requests prior to the appointment of the commission. Provides for appointment of an executive officer by the commission and for appointment of other staff by the executive officer. Makes arrangements for office space, equipment, computer services, and census maps which the commission may utilize if it wishes.

Provides that meetings of the commission are subject to the open meetings portion of the "Colorado Sunshine Act of 1972".

Appropriates \$500,000 to the commission to implement the state constitutional provisions on reapportionment.

June 19

June 19

H.B. 1615 Congressional reapportionment. Divides the state into 6

congressional districts, to apply to the general elections held in 1982 and thereafter. The districts are roughly as follows: 1st - the city and county of Denver; 2d - southeast Boulder county, northern Jefferson county, and western Adams county; 3d - the western slope, the San Luis valley, and the remainder of Boulder county; 4th - eastern Colorado, including Weld and Larimer counties and the rural eastern portions of Adams and Arapahoe counties; 5th - south central Colorado, from the southern portion of Jefferson county and Park and Douglas counties in the north through Huerfano county in the south, including El Paso county and the western portion of Pueblo county; and 6th - the remaining portions of Adams and Arapahoe counties, which are generally in the metropolitan Denver area.

VETOED June 12

H.B. 1618 Congressional reapportionment. Divides the state into 6 congressional districts, to apply to the general elections held in 1982 and thereafter. The districts are roughly as follows: 1st - the northern and western portions of the city and county of Denver, together with southwest Adams county; 2d - Jefferson, Park, and Fremont counties, together with northwest Pueblo county; 3d - the western slope, the San Luis valley, and western Boulder county; 4th - eastern Colorado, including Weld and Larimer counties, the remainder of Boulder county, and the territory which is not in the 5th district; 5th - El Paso, Douglas, Elbert, Teller, Custer, and Crowley counties, the western half of Otero county, the remainder of Pueblo county, and the rural eastern portions of Adams and Arapahoe counties; and 6th - the southern and southeastern portions of the city and county of Denver, together with western Arapahoe county.

VETOED July 17

SOCIAL SERVICES

- S.B. 225 "Colorado Medical Assistance Act" - definition of categorically needy - appropriation. Expands the definition of a person who is "categorically needy" and who is, therefore, eligible for assistance under the "Colorado Medical Assistance Act". Provides that persons whose eligibility for old age pension benefits has terminated because of cost of living adjustments based upon the receipt of retirement, survivor's, or disability income shall qualify as "categorically needy", subject to the availability of federal funds.

Makes an appropriation of \$135,290 to cover the costs of the expanded definition for the 1981-82 fiscal year.

June 12 June 12

- S.B. 252 State medical assistance and services advisory council - membership. Changes from 15 to 16 the number of members of the council. Requires that one such member shall have been a provider of home health care services for 3 years.

May 21 May 21

- S.B. 461 "Colorado Medical Assistance Act" - personal needs trust fund - appropriation. Changes the amount available for personal needs to any recipient admitted to a nursing care facility or intermediate care facility to a minimum of \$29 per month, to be held in trust and subject to audit by the department of social services.

Appropriates for the fiscal year beginning July 1, 1981, \$594,000, to be comprised of \$278,110 from the state treasury, \$4,456 from county funds, and \$311,434 from federal funds.

June 10 June 10

- S.B. 503 Social services - county director - merit system. Exempts the county director of social services from the merit system of the state department of social services. Provides that the county director's salary be set by the board of county commissioners and limits state reimbursement to 80% of his actual salary or the salary

established under the department's compensation plan, whichever is less.

June 9 June 9

S.B. 505 Addition of podiatric services to basic services for the categorically needy. Adds medical or remedial care furnished by a licensed podiatric practitioner to the list of programs designated as basic services for the categorically needy.

June 9 June 9

H.B. 1086 Allocation of recovered public assistance funds. Provides that a county recovering public assistance funds involving fraudulently obtained food stamps may retain half of such funds in accordance with federal law.

April 30 July 1

H.B. 1181 Funds paid to recipient of public assistance or medical assistance - recovery. Provides that the department of social services may recover the amount of public assistance or medical assistance paid to or on behalf of a recipient whose trustee has misapplied the trust property or who has given a power of attorney to a person who misused the recipient's funds. Further provides that such recovery shall not be a bar to any action by the recipient or any person representing the recipient against the trustee or person holding the power of attorney.

May 18 May 18

H.B. 1513 Social services payments - fraud in the obtaining. Makes the act of obtaining medical assistance to which one is not entitled or in amounts greater than those to which one is entitled a criminal act. Makes the willful aiding or abetting of a person in the act of obtaining assistance a criminal act. Directs the county department of social services to charge the recipient or his estate interest calculated at the legal rate in addition to the principal of any fraudulently obtained public or medical assistance.

June 5 June 5

STATUTES

S.B. 418 Revisor's bill - revisions to conform, correct, and clarify. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other law; clarifies language and more accurately reflects legislative intent; and conforms certain provisions to the state constitution and to court decisions.

July 14 July 14

H.B. 1161 Statutes - enactment of supplements and replacement volumes as law. Validates and enacts the 1979 and 1980 supplements to Colorado Revised Statutes 1973. Enacts Volume 1B, 1980 Replacement Volume, as the law of the state.

April 22 April 22

H.B. 1458 Statutory construction - use of relative and qualifying words and phrases. Declares that the general assembly has not adopted the rule of statutory construction expressed by the Colorado supreme court which states that "... relative and qualifying words and phrases, where no contrary intention appears, are construed to refer solely to the last antecedent with which they are closely connected ..." and that such rule does not create a presumption of statutory intent.

May 18 May 18

H.B. 1469 Publication of notice of effective date for supplements and replacement volumes to Colorado Revised Statutes 1973. Deletes the requirement that the secretary of state publish notice of the effective date of cumulative supplements and replacement volumes to Colorado Revised Statutes 1973.

May 18 May 18

TAXATION

S.B. 25 Railroad property - property taxation. For property tax years 1982 through 1986, removes railroads from the definition of public utilities for the purposes of property taxation and establishes railroads as a separate class of property. Defines "rail transportation company" and "rail transportation property". Provides that the ratio of valuation for assessment to actual value shall be the same as existed for other commercial and industrial real property as required by federal law, such ratio to be determined from a study to be conducted by the railroads. Follows the procedure set forth for public utilities in the determination of actual value and provides for the allocation thereof. Provides for the apportionment of the valuation for assessment among the several counties. Provides for inspection of records. Sets forth provisions on complaints, hearings, and appeals on the property tax administrator's determination of actual value. Provides that, for the years 1982 through 1986, railroads will not be part of the base year concept.

Provides that, beginning January 1, 1987, railroads will again become public utilities and, after said date, will therefore be subject to the provisions of House Bill No. 1309, enacted in the 1981 session, which will apply an equalization factor to all public utilities to equalize each utility's actual value to its level of value for the appropriate base year which is used in determining the value of those properties which are subject to the base year concept.

June 12 January 1, 1982

S.B. 46 Procedures for collection of state income taxes - withholding tax. Requires an employee to file an income tax withholding certificate with his employer. Authorizes the executive director of the department of revenue to file a withholding certificate with an employer on behalf of an employee when the executive director feels it necessary to cause proper amounts to be withheld by the employer for state income tax purposes. Requires the executive director, before filing such a certificate with an employer, to give to the employee notice that a withholding certificate previously filed by the employee is being examined and to give the employee 10 days to furnish evidence concerning the proper number of exemptions and allowances. If the executive director finds the employee's certificate to be defective, provides that the employer shall accept the certificate filed by the executive director and that such certificate shall be the basis for withholding from the employee's

wages. Provides for a hearing at the request of the employee.

Extends by 3 years the time for bringing charges of fraud related to the collection of taxes or involving willful failure to pay taxes or to evade or defeat a tax.

May 28

July 1

- S.B. 57 Collection of property tax penalties, penalty interest, and costs by county treasurer. Provides that, in the case of property taxes, a county treasurer may refrain from collecting any penalty, penalty interest, or cost if the amount is \$10 or less. Specifies that the taxpayer is not relieved of the duty to pay any such penalty, penalty interest, or cost.

March 20

March 20

- S.B. 73 Alcohol used in motor fuel - valuation for assessment. Makes various amendments in the provision on the valuation for assessment of property used exclusively for the production of alcohol used in motor fuel and derived from agricultural commodities and forest products. Changes the applicability thereof by extending it through 1988. Makes the provisions applicable to improvements, as well as to land and personal property, initially valued for assessment prior to January 1, 1989, but does not apply to land used to produce agricultural commodities or forest products. Applies only to facilities producing 3,000,000 gallons or less, rather than 2,500,000 gallons or less, of such alcohol per year. Requires that the alcohol have at least 90% purity, rather than at least 95% purity.

June 4

June 4

- S.B. 94 Oil and gas leaseholds - valuation based on sales. Provides that the valuation for assessment of oil and gas leaseholds for ad valorem tax purposes shall be based solely upon sales and the selling price of the oil and gas. Applies to taxation in the 1982 calendar year, payable in 1983.

May 22

January 1, 1982

S.B. 109 Income tax - residential energy credit - "principal residence". Provides that, for a taxpayer's purposes of claiming the residential energy credit for expenditures made upon his home, "principal residence" no longer requires habitation for a 6-month period but is defined as the dwelling in which the taxpayer "principally resides".

June 12 June 12

S.B. 167 General property tax - refunded if wrongly levied and collected. Provides that any property taxes illegally levied and collected shall be refunded with interest. Establishes a 6-year statute of limitations on the abatement or refund of such taxes from the time the taxes were received by the county treasurer.

May 8 January 1, 1982

S.B. 182 Sales and use taxes - portion transferred to highway users tax fund. Provides for the transfer of 7% of the net revenue from sales and use taxes to the highway users tax fund and 8% of net revenue from sales and use taxes to the general fund for the fiscal year beginning July 1, 1981, through the fiscal year beginning July 1, 1985. Directs that, if, in fiscal year beginning July 1, 1981, such moneys credited to the highway users tax fund exceed \$36,000,000, the excess shall be credited to the general fund. Provides for the repeal of all the above provisions, effective July 1, 1986.

June 12 June 12

S.B. 243 Appeals to board of assessment appeals - claims for abatements or refunds - time for filing. Provides that an appeal to the board of assessment appeals of a decision by a board of county commissioners denying a property tax refund or rebate must be filed no later than 30 days after entry of such decision.

May 18 May 18

S.B. 260 General property tax - refund or abatement - approval or disapproval thereof by property tax administrator. Allows the property tax administrator to approve or disapprove any part or all of any application for abatement or refund of taxes which is submitted to him by

the board of county commissioners or the county board of equalization based upon a finding that such application or portion thereof is in proper form and recommended in conformity with the law.

April 30 April 30

- S.B. 312 Property tax - prepayment for capital improvements. Allows prepayment of general property taxes by an energy operation, as defined, to a local government for expenditure on capital improvements directly or indirectly related to additional public service demands created by such energy operation. Requires an agreement between the local government and the operation on the total amount of such prepayments and the time for each payment thereof. Limits the total amount of such prepayment to 25% of the estimate of the operation's projected liability over a 20-year period, beginning with the year in which the valuation for assessment is estimated to exceed \$50,000,000. Provides that the credit for prepayment shall not begin until the first year of the operation's functioning or until its valuation for assessment exceeds \$50,000,000, whichever occurs first. Further limits each year's credit to 25% of the taxes due for such year. Provides that prepayment shall not affect the determination of the 7% revenue-raising limitation. Provides that any arrangement for such prepayment shall not be considered a general obligation indebtedness.

Makes such provisions applicable to property tax years commencing on or after January 1, 1981.

May 28 May 28

- S.B. 399 Tax periods under the special fuel tax. Allows the filing of reports and payment of taxes under a special fuel tax on a quarterly rather than monthly basis.

May 13 July 1

- H.B. 1029 Estimated income taxes - required declaration. Requires an individual to file a declaration of estimated tax with the department of revenue if his income tax is expected to exceed his income tax credits by \$1,000 or more instead of the current \$200 or more. In the case of corporations, requires that the figure be anything more

than \$5,000 instead of the current figure of anything more than \$1,000.

June 8

January 1, 1982

- H.B. 1129 Timely payment of property tax. Provides that the actual receipt of property tax payments will be presumed as of the postmark date. Formerly, the actual receipt by the treasurer was presumed on the date following the postmark, if sent by registered mail. Metered mail must also bear a United States postal service postmark to be considered timely paid on the date of the postmark.

March 27

March 27

- H.B. 1152 Valuation for assessment of mineral properties - reduction for federal taxes. Provides that, prior to the application of the percentage figure which is used in determining the valuation for assessment of oil and gas leaseholds and lands, the figure for gross value or selling price of the oil or gas be reduced by the amount of federal taxes imposed on the production, sale, or removal of the oil or gas during the previous calendar year.

VETOED May 1

- H.B. 1169 Department of revenue proceedings - notice to taxpayer. Requires written notice to the taxpayer of third-party subpoenas to obtain information regarding tax records of the taxpayer.

May 13

May 13

- H.B. 1175 Taxation - elimination of reports to taxpayers. Repeals the provision requiring district or probate courts and county clerks to report to taxpayers on matters involving inheritance taxes and estates because the inheritance tax has been eliminated.

April 30

April 30

- H.B. 1183 Property tax sales - redemption - rates of interest. Provides that, in the case of real property tax sale redemptions and in the case of reimbursements to

purchasers of real property wrongfully sold at a tax sale, interest rates shall be 9% above the federal discount rate, rounded to the nearest full percent. The commissioner of banking shall establish the annual rate of interest as of September 1, 1981, to become effective October 1, 1981, and each September 1 thereafter.

May 28

September 1

H.B. 1207 Gasohol purity. Prohibits the sale for retail use of any motor fuel containing alcohol derived from agricultural commodities and forest products unless the alcohol in such motor fuel has a purity of at least 99%.

May 18

May 18

H.B. 1219 Interest rate relating to state taxes. Changes the state interest rate for overpayment, underpayment, nonpayment, or extensions of time for payment of income, gross ton-mile, passenger-mile, gasoline, special fuel, cigarette, sales, use, or severance tax or any charge on oil and gas production to the rate fixed annually, each July 1, beginning July 1, 1981, by the commissioner of banking. Provides that such rate is to be based upon the discount rate a commercial bank pays to the federal reserve bank at Kansas City, using a specified security, and will be effective January 1, 1982, with changes effective each January thereafter. Also requires that the state pay interest on refunds not processed within 45 days, subject to some exceptions.

June 8

June 8

H.B. 1278 Property tax - exemption. Provides a property tax exemption for family service facilities owned and operated by a tax-exempt charitable, educational, or religious organization. Provides that the facility must be able to house 25 or more single-parent families whose incomes are within 150% of the limits prescribed for those persons who are eligible to occupy low income housing and house only single-parent families plus resident managerial personnel. In addition, requires that the facility must provide counseling and be a licensed child care center.

Applies the act to property tax years commencing on

or after January 1, 1981.

June 4

June 4

- H.B. 1309 Assessment of public utilities - equalization factor. Provides that, for property tax years 1982 through 1986, an equalization factor shall be applied to the actual value of each public utility to adjust such value to the utility's 1981 level of value. Also provides that, after 1987, an equalization factor shall be applied to adjust the actual value to the utility's level of value for the appropriate base year which is used in determining the value of those properties which are subject to the base year concept. Subjects the implementing procedures, instructions, and factors utilized by the property tax administrator to legislative review.

June 19

January 1, 1982

- H.B. 1336 Measuring of gasoline and special fuel. States that the method of determining gallonage of gasoline and special fuel sold to distributors shall be on a gross or net gallons basis, at the option of the distributor. Defines "gallons" to take into consideration storage or metered temperature.

May 18

May 18

- H.B. 1395 Severance tax credits for impact assistance. Amends existing law concerning severance tax credits for approved contributions made to impacted local governments. Changes include: Provides that the credit be applied to taxes otherwise allocated to both the local government severance tax fund and the state severance tax trust fund and provides for the payment to the state severance tax trust fund of all moneys which would have gone to such fund had such credit not been claimed; provides an additional credit equal to 9% annual interest on approved contributions for a 2-year period; includes recreational facilities among those public facilities which may constitute approved contributions; includes loss from the purchase and sale of bonds used for the planning, construction, or expansion of public facilities constituting approved contributions and loss from default on loans or paying any guaranty obligation arising out of the issuance of such bonds as additional approved contributions; provides that the total amount of approved contributions for a taxpayer shall not exceed 50% of the

severance tax liability which the taxpayer anticipates will be incurred during the next applicable 10 years of operation; removes the 5-year limit within which such credit had to be claimed; specifies that local governments may accept approved contributions from oil and gas operations and participate in allocations of severance taxes from such operations; and makes other miscellaneous revisions.

June 19 July 1

H.B. 1482 Exemptions of real property from ad valorem taxation - charitable purpose. Exempts real property from ad valorem taxation based upon its being used for a charitable purpose in renting to families headed by aged or disabled persons if the occupants' income does not exceed the specified limit. Provides that the assets of such families no longer have to meet any limits.

June 18 June 18

H.B. 1484 Conforming amendments - termination of inheritance and gift taxes. Eliminates the inheritance and gift tax division and gives any remaining duties relating to those taxes to the executive director of the department of revenue. Conforms various sections under the statutes concerning fiduciaries to the elimination of the inheritance and gift tax division, wherein values fixed by the division were a factor in the fiduciaries' duties under the "Uniform Principal and Income Act" and the "Colorado Fiduciaries' Powers Act".

May 27 May 27

H.B. 1496 Property tax - determination of actual value - 85% limitation - dates involving personal property. Removes the provision that a property's actual value shall not exceed 85% of the average sales price of comparable properties within the same class or subclass.

Changes the date by which a taxpayer must return the personal property schedule to the county assessor from March 15 to April 15. Amends the provisions on extensions of time to file such schedule to allow one extension for either 10 days or 20 days rather than 3 extensions of 15 days each. Changes the extension fee. Provides that the county assessor has until June 20

rather than May 24 to give notice of increased valuation to each person whose personal property he has valued higher than it was valued in the return filed by the owner. Makes other miscellaneous changes in dates with regard to personal property so that such dates are not the same as for real property.

Applies to taxable years commencing on or after January 1, 1982.

June 12 June 12

H.B. 1523 Income tax - deduction for mileage expenses of volunteers. In determining Colorado adjusted gross income, allows a reduction of federal adjusted gross income for unreimbursed motor vehicle mileage expenses incurred by volunteers working for a charitable organization whose sole purpose is the providing of medical, health, or nutritional care. Specifically excludes expenses incurred in lobbying. Sets forth the amount of such reduction.

June 4 June 4

H.B. 1529 Sales and use tax - exemption of poultry. Provides that sales and purchases of poultry are exempt from state sales and use tax. Has a special applicability clause.

May 26 May 26

H.B. 1570 Sales and use tax - nonmotor vehicle lubricating oil - refund. Provides that, in the case of a sale of lubricating oil which is not used in motor vehicles, the purchaser is entitled to a refund in the amount of the state sales tax paid on that portion of the sale price which is attributable to the federal excise tax paid on the sale of such oil. Provides a similar refund if the state use tax rather than the state sales tax is imposed. Requires proof of a refund of such federal excise tax.

May 18 May 18

H.B. 1613 Property tax - mill levy - public disclosure - state-mandated programs - revenue-raising limitation - law enforcement authorities. Establishes a system of

public disclosure in the setting of mill levies by counties and municipalities. (Commonly known as "truth-in-taxation".) Provides that, if in any year any of such entities adopts such system, it will be exempt from the 7% local government revenue-raising limitation for that year. Requires advertising of the intent to adopt the system and of the holding of a public hearing to set the mill levy. Requires a two-thirds vote of the governing body to adopt the system. Also requires a public hearing at which the mill levy will be set if the entity is to exceed the certified mill levy. States that the certified mill levy is that levy which will raise the same property tax revenue as was raised the preceding year, excluding in such calculation increased valuation for assessment due to new construction and personal property connected therewith or due to annexation and improvements thereon and personal property connected therewith. Makes the system of public disclosure applicable to the 1986 and 1987 local government fiscal years and repeals the system, effective December 31, 1987.

Requires the general assembly to provide funding for new programs and the expansion of existing programs which are mandated by the state upon local governments. States that such funding shall be provided from the general fund, from a local source of revenue, or from local property tax revenues.

With regard to the 7% revenue-raising limitation, deletes the general reference to exceptions thereto. Provides that a statute setting a fixed mill levy or maximum mill levy or authorizing an additional mill levy shall not be construed as authorizing a taxing authority to exceed the limitation. Provides that the limitation shall apply to home rule cities for the 1983 property tax year. Allows the limitation to be exceeded to pay for contractual obligations approved by the electorate. Also allows the limitation to be exceeded if the taxing authority did not impose in the prior year the maximum levy it could have imposed by allowing it to impose what it could have imposed if the maximum levy had been imposed in such prior year. Also allows the limitation to be exceeded in any case in which the maximum levy was not imposed for 2 or more consecutive years by allowing the authority to levy the amount raised in the most recent year in which the maximum was levied plus 7% for each intervening year. Applies the 7% limitation to the aggregate of all property tax revenues raised by the authority. However, provides that such amount shall not include revenues raised by or on behalf of a district which is within but is not comprised of the entire authority, which revenues are raised by a tax only upon property within such district. States that revenues raised by or on behalf of such a district are subject to

their own 7% limitation. Provides that increased revenue allowed by the division of local government shall not be included in determining the 7% limitation for the following year if such revenue was allowed as a capital expenditure.

Provides that, effective January 1, 1983, the legislative council rather than the property tax administrator shall conduct the one percent property tax study. Removes the provision that such study shall be conducted annually and provides that it shall be conducted only in those years in which the base year changes. Provides that the study shall not be conducted by the property tax administrator after January 1, 1981.

Increases the mill levy limitation for law enforcement authorities from 3 mills to 5 mills for the 1982 property tax year and increases it to 7 mills for each year thereafter. Requires the adoption of the specific public disclosure procedure set forth for law enforcement authorities whenever the maximum mill levy is to be imposed or whenever the mill levy will exceed the certified mill levy. Establishes such procedure, which is similar to the public disclosure system for counties and municipalities.

June 19

June 19

H.B. 1617 Reduction and elimination of taxes for individuals and businesses - income tax credit - graduated corporate income tax - appropriation. Sets the annual inflation factor for the 1981 income tax year at 108%. Provides that, for the 1981 income tax year, the credit against income taxes shall be 16% of the annual income tax liability. However, states the withholding tax tables shall not reflect this credit before July 1, 1982.

For the 1981 income tax year, amends the investment tax credit to make the credit for certain depreciable property used in Colorado equal to 15% of the credit allowed under federal law against federal income taxes for investment in such property. (For the 1982 income tax year and thereafter, provides that such credit will return to what it was prior to the 1980 amendment, which had set the credit at 25% of the federal.)

Continues the credit for property taxes attributable to pollution control property so that the credit is applicable to income tax years which commence before January 1, 1983, since such credit was due to be repealed effective July 1, 1981.

Provides for a graduated corporate income tax structure which is to be phased in over a 5-year period commencing January 1, 1981, and which provides that the liability on the first \$100,000 of income be reduced by a specified amount. Such structure has the effect of decreasing the rate of tax over the phase-in period.

Appropriates \$10,000,000 to the Colorado water conservation board construction fund for water projects.

VETOED June 25
OVERRIDDEN June 29

June 29

WATER AND IRRIGATION

- S.B. 3 Applications for water rights - exchanges. Provides for applications for approval of a proposed or existing exchange of water and, if such existing exchange is approved, provides for the recognition or preservation of the original priority date or dates.

April 24 April 24

- S.B. 19 Establishing the Colorado water resources and power development authority. Creates a water resources and power development authority as a political subdivision which is not an agency of the state, consisting of 9 members appointed by the governor who are representatives of the drainage basins in this state. The authority is granted extensive powers relating to the financing of water and power development projects and is to coordinate such projects with the state water conservation board. Bonds issued by the authority in financing such projects are to be repaid solely from project revenues and are not to be obligations of the state. The bonds are to be exempt from state income taxes.

June 12 July 1

- S.B. 105 Water conservancy districts - wholesale sales of electric energy. Prohibits a water conservancy district from contracting to sell electric energy except to operate the works and facilities of the district and except for wholesale sales of electric energy which may be made both within and without the boundaries of the district.

May 18 May 18

- S.B. 117 Water conservancy districts - indebtedness - submission to electors. Requires that a water conservancy district adopting a proposition to incur indebtedness submit such proposition to the electors when annual expenditures will exceed estimated annual revenues, unless the indebtedness is expressly stated to be paid only from revenues from contracts entered into according to applicable state law.

May 22 May 22

S.B. 126 Water conservancy districts - levies to cover indebtedness. Provides that a water conservancy district may not make an additional levy to cover defaults and deficiencies with respect to any evidence of indebtedness if such evidence of indebtedness declares on its face that it is payable solely from contract revenues under the water conservancy district law.

May 27

May 27

S.B. 184 Southwestern water conservation district - expense allowance for directors. Specifies that the \$25 allowance provided for directors of the district is for the reimbursement of nontravel expenses.

April 29

April 29

S.B. 259 Reservoirs - limitation of liability for damages. Provides that employees, shareholders, and board members of privately owned reservoirs are not liable for damages caused by leakage or overflow or by floods caused by breakage of embankments if the owner has in effect a policy insuring against such damage in minimum amounts of \$50,000 per claim and \$1,000,000 aggregate losses in one incident. Specifies that the policy need not cover acts or omissions which are fraudulent or criminal and that there is no exemption for liability if such acts, or ultra vires acts, are involved.

May 27

May 27

S.B. 335 County control of reservoirs - expenses. Modifies provisions concerning county control of reservoirs to allow counties to receive moneys from the Colorado water conservation board construction fund and to receive such aid and financial assistance as is available to nonstate-owned reservoirs. Allows the board of county commissioners of Chaffee county to contract with the Upper Arkansas water conservancy district to assume the duty to control and maintain the Boss Lake reservoir and to be held responsible for damages resulting from breakage of the dam or the discharge of water therefrom. Removes the prohibition on the distribution of reservoir water at consumer expense. Declares agriculture to be the purpose for which reservoir water should be released to replenish streams and deletes a reference to irrigation as such purpose is included in the term "agricultural purposes". Provides that expenses occasioned by the release of water for domestic and

municipal purposes from reservoirs owned by the division of wildlife shall be borne by the counties or beneficiaries of such release and, also, that refilled reservoirs shall be restocked at said parties' expense.

June 19

June 19

- S.B. 414 Limitations on appropriation of water to preserve the natural environment. Subjects appropriations of water by the Colorado water conservation board, to preserve the natural environment to a reasonable degree, to limitations as follows: Any such appropriation which involves water imported from one water division to another by another appropriator will not give the board any claim against that appropriator or any successor; all appropriations by the board are subject to all existing uses or exchanges of water by others, regardless of the lack of any court order or decree; the board is not to initiate a filing for a water right until it has determined that there is a natural environment and that it can be preserved with such water right and without injury to any other rights; and the board cannot condemn easements across private lands to reach water decreed to the board.

Became law without the Governor's signature

June 23

June 23

- S.B. 439 Colorado water conservation board - projects - studies. States that the attorney general, state engineer, and director of the Colorado water conservation board shall be nonvoting members of the water conservation board. Requires that service charges by the board be assessed at no less than 5% and that all interest earned from the investment of the Colorado water conservation board construction fund be credited to the fund.

Sets forth criteria for board consideration when making expenditures from the fund, including the following: Two-thirds of expenditures shall provide for an increase in the beneficial consumptive use of Colorado's compact-entitled waters, and one-third shall be for the repair of existing water storage and delivery systems. Provides conditions on board participation in projects, prohibits grants, requires service charges, makes certain projects ineligible in the future, and sets forth new requirements for feasibility studies.

Amends provisions relating to the making and funding of feasibility studies and allows studies of

water projects, whether or not funded by the board.

Approves 20 water resource or flood control projects for financial assistance loans out of the fund, in the total amount of \$17,764,530, and sets forth certain conditions relating to such projects. Cancels prior authorization for 3 projects and directs the board to conduct feasibility studies on 4 projects.

Became law without the Governor's signature
June 16 June 16

S.B. 450 Water conservancy districts - organization by petition for election. Provides for the organization of a water conservancy district upon a petition for an election to be voted upon by the electors within the proposed district. Provides that such procedure is to be an alternative to the existing petition procedures.

June 19 June 19

S.B. 510 Colorado river water conservation district - powers. Expands the authority of the Colorado river water conservation district with respect to the acquisition of water and water rights, authorizes the district to acquire electricity from the state or federal government, and provides for the power to sell such electricity but not to act as a public utility in any sale. Authorizes the issuance of general obligation and revenue bonds for the acquisition of water and water rights for the purposes of hydrogeneration of electricity and other acquisitions of electricity by the district and the sale thereof. Gives the district and its subdistricts additional authority, under their cooperative powers, to contract for water, water rights, and electricity, subject to a prohibition against action as a public utility on the sale of electricity.

June 19 June 19

H.B. 1055 Proceedings before water judge - change of right or augmentation. Requires that the decision of a water judge dealing with a change of water right include a condition that the approval thereof is subject to reconsideration in the same manner as a plan for augmentation. Specifies that, in deciding the length of the period of time to be allowed for such reconsideration, the water judge is to make specific

findings as to the historic use of the water rights and as to the proposed future use, if applicable.

May 28 July 1

- H.B. 1269 Authorizing the use of water from a Colorado decree on Nebraska land. Authorizes Ashton Wilson, a Colorado resident, to use water decreed to him for agricultural purposes on land owned by him in Yuma county, Colorado, on contiguous land owned by him in Dundy county, Nebraska, for agricultural purposes. Recites that the state engineer was consulted as required by the authorizing statute.

June 4 June 4

- H.B. 1377 Conservancy districts - dissolution - amendments. Provides procedures for the dissolution of a conservancy district upon motion by the board of directors or upon petition of the electors within the district and pursuant to court order. Sets forth conditions and requirements for a dissolution.

Makes other miscellaneous amendments relating to custodians of district funds and the transfer of excess funds for other expenses of the district.

May 28 May 28

- H.B. 1504 Proceedings under the "Water Right Determination and Administration Act of 1969". Extends from 24 to 30 months the dates specified for various actions required to be taken with respect to the publication of water rights tabulations which were scheduled to be accomplished by either July 1, 1981, or January 1, 1982. Provides that an application for a water right filed within 60 days after an application filed in the prior year may relate back to the date of the prior application if the later applicant filed a timely statement of opposition to the prior application and if both applications involve the same source of water and the water is derived from the same point of diversion from the same stream.

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H.B. 1611 Ground water management districts - interest rate for bonds. Removes the statutory limitation on the rate of interest paid on bonds issued by ground water management districts.

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