
DIGEST OF BILLS
ENACTED BY THE

FILE COPY

FIFTY-EIGHTH GENERAL ASSEMBLY

1991, FIRST REGULAR SESSION



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

JUNE, 1991



DIGEST

**SENATE AND HOUSE BILLS ENACTED
BY THE
FIFTY-EIGHTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO**

**(1991 - First Regular Session)
(1991 - First Extraordinary Session)**

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PREFACE

Publication of Supplements to the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under 2-3-504 C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Fifty-eighth General Assembly at its First Regular Session ending May 8, 1991, and the bills enacted at the First Extraordinary Session ending June 9, 1991. The summaries include the approval dates and the effective dates of the bills. The Digest also includes an alphabetic subject index and several reference tables. The Digest is not a substitute for the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. Abbreviated summaries of bills and proposed constitutional amendments begin on page 7. To determine the page on which the summary of a particular bill may be found, refer to the Conversion Table, page ix.

2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 187.

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

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

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

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

7. To identify appropriation bills which had portions vetoed, refer to Table C, page xvii.

8. To identify bills which were originally recommended by a 1990 interim committee, refer to Table D, page xviii.

9. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 1991 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

10. Summaries of the bills enacted at the First Extraordinary Session begin on page 184.

Individual copies of enacted bills and concurrent resolutions may be obtained from the Senate Services Office in the State Capitol Building and will also be published in the Session Laws of Colorado 1991.

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LEGISLATIVE STATISTICAL SUMMARY

	1991*		1990		1989**	
	Intro.	Passed	Intro.	Passed	Intro.	Passed
Senate Bills	253	159	212	112	281	184
House Bills	346	181	335	216	372	205
Concurrent Resolutions	12	1	16	1	4	0
Bills signed by the Governor	323		301		262	
Bills becoming law without Governor's signature	4		15		18	
Bills vetoed by the Governor	9***		11		7	
Bills partially vetoed by the Governor	2***		0		2	
Bills becoming law after override of Governor's veto	0		0		0	
Bills referred to the People	0		1		0	
Bills the Governor has not acted on	2****					

* Includes the first regular session and the first extraordinary session of the 58th general assembly

** Includes the first regular session and the first extraordinary session of the 57th general assembly

*** A question has been raised as to the validity of the Governor's vetoes of Senate Bills 91-131, 91-159, and 91-178 and House Bills 91-1028 and 91-1217 and the partial veto of Senate Bill 91-227. While the Governor filed the bills with the Secretary of State, he did not file his objections within the thirty-day period following adjournment of the General Assembly as required by section 11 of article IV of the state constitution. At the time of publication of the Digest, no formal determination of the validity of those bills had been made.

**** As of the date of publication, the governor had not acted on the two bills passed at the first extraordinary session of the 58th general assembly

CONVERSION TABLE

HOUSE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1002	37	16	5/24
91-1004	294	166	7/1
91-1005	87	41	Portions eff. 6/6 7/1/94
91-1006	326	181	4/27
91-1007	154	81	5/16
91-1008	54	26	3/11
91-1009	155	82	4/20
91-1010	156	82	4/20
91-1011	264	148	3/27
91-1012	310	174	7/1
91-1014	157	83	4/17
91-1015	132	69	3/11
91-1017	27	9	7/1
91-1018	28	10	7/1
91-1020	158	83	3/29
91-1021	232	130	4/1
91-1023	239	132	4/27
91-1024	240	133	3/12
91-1026	159	83	7/1
91-1028	VETOED	13	
91-1030	295	167	3/11
91-1032	78	37	3/11
91-1033	118	61	3/11
91-1036	160	84	3/12
91-1039	265	148	3/12
91-1040	62	29	4/19
91-1042	119	61	3/12
91-1044	135	73	3/27
91-1046	311	174	7/1/92
91-1049	38	18	7/1
91-1050	120	62	3/28
91-1051	100	49	3/28
91-1052	312	174	4/19
91-1053	284	161	3/12
91-1056	71	33	3/27
91-1057	72	33	3/28
91-1062	241	133	9/1
91-1065	161	85	Portions eff. 6/5 7/1
91-1066	266	149	7/1
91-1067	201	106	3/27
91-1071	79	37	5/31

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1072	327	181	3/27
91-1073	267	149	Portions eff. 5/1 1/1/93
91-1074	268	150	3/12
91-1076	80	37	5/24
91-1077	221	124	4/19
91-1078	113	59	4/20
91-1080	280	155	7/1
91-1082	296	167	5/24
91-1083	247	137	3/29
91-1086	73	33	6/6
91-1088	74	34	4/19
91-1089	81	38	5/18
91-1092	202	106	7/1
91-1093	63	29	7/1
91-1096	313	174	3/27
91-1100	114	59	4/20
91-1101	124	65	4/20
91-1102	178	94	5/6
91-1103	248	137	5/29
91-1106	242	134	Portions eff. 7/1 5/24
91-1107	269	150	7/1
91-1111	55	26	3/28
91-1112	107	55	5/1
91-1114	39	19	7/1
91-1115	249	137	7/1
91-1116	101	49	5/24
91-1118	222	124	7/1
91-1119	162	85	4/19
91-1121	88	43	6/5
91-1122	250	138	4/17
91-1125	270	150	3/29
91-1127	271	151	5/7
91-1129	223	125	5/29
91-1132	40	19	7/1
91-1133	203	106	7/1
91-1134	VETOED	151	
91-1136	272	152	7/1
91-1137	105	52	5/1
91-1139	115	60	5/1
91-1140	251	138	4/20
91-1141	163	86	3/11
91-1142	204	107	3/12
91-1143	273	153	3/27
91-1145	41	19	7/1
91-1146	89	44	4/19
91-1150	164	86	5/31
91-1151	193	103	4/9

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1153	205	108	4/11
91-1154	328	181	6/4
91-1159	224	125	4/20
91-1162	75	35	7/1
91-1163	225	126	5/29
91-1165	297	167	4/20
91-1167	VETOED	30	
91-1168	206	108	7/1
91-1171	90	44	4/17
91-1173	82	38	5/29
91-1174	165	86	3/11
91-1176	VETOED	11	
91-1177	76	35	5/31
91-1178	179	94	7/1
91-1182	314	175	7/1/92
91-1183	315	175	7/1
91-1187	64	30	7/1
91-1191	316	176	4/20
91-1192	207	109	7/1
91-1193	226	126	9/1
91-1195	243	135	7/1
91-1197	208	109	Portions eff. 5/24 1/1/92
91-1198	188	99	7/1
91-1199	180	95	7/1
91-1200	253	139	7/1
91-1202	209	110	6/5
91-1203	91	44	4/20
91-1209	42	20	Portions eff. 6/5 7/1
91-1210	210	112	3/11
91-1211	302	170	4/1
91-1212	48	23	7/1
91-1213	92	45	3/28
91-1214	317	176	4/1
91-1215	318	176	4/11
91-1217	VETOED	45	
91-1218	274	153	7/1
91-1220	275	154	4/1
91-1222	108	56	3/29
91-1224	276	154	5/16
91-1228	227	127	7/1
91-1229	77	36	5/24
91-1231	319	177	Portions eff. 4/20 1/1/92
91-1233	65	31	5/1
91-1235	56	26	7/1
91-1241	281	156	7/1
91-1242	29	11	3/1/92

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1243	211	112	7/1
91-1245	320	177	6/1
91-1250	277	154	3/27
91-1252	233	130	4/1
91-1253	49	23	5/16
91-1254	109	56	5/31
91-1255	43	21	5/31
91-1257	25	7	5/24
91-1258	321	178	4/11
91-1260	125	65	5/1
91-1262	166	86	6/7
91-1263	167	87	6/1
91-1264	50	24	6/8
91-1270	30	11	6/7
91-1271	228	127	4/20
91-1272	181	96	4/20
91-1274	182	96	6/4
91-1275	194	103	3/29
91-1277	282	157	7/1
91-1279	229	128	5/18
91-1280	93	46	5/1
91-1281	168	87	5/31
91-1282	110	57	6/1
91-1287	298	167	7/1
91-1292	283	157	7/1/92
91-1294	94	46	7/1
91-1297	230	128	5/29
91-1303	212	114	5/20
91-1306	126	66	6/1
91-1307	111	57	5/1
91-1309	213	114	3/12
91-1315	183	96	5/1
91-1317	189	101	7/1
91-1318	184	97	1/1/92
91-1319	322	178	5/1
91-1321	44	21	5/29
91-1322	231	129	6/4
91-1324	234	130	5/18
91-1325	214	114	7/1
91-1326	95	47	6/8
91-1328	323	179	6/6
91-1330	66	31	7/1
91-1331	190	101	7/1
91-1333	106	54	5/29
91-1335	299	168	7/1

SENATE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-1	136	74	7/1
91-2	235	131	Portions eff. 7/1 4/1/92
91-9	254	141	2/25
91-10	236	131	4/11
91-11	255	141	2/25
91-12	256	141	7/1
91-13	121	63	7/1
91-14	133	71	Portions eff. 6/4 1/1/92
91-15	137	74	5/24
91-16	285	162	5/18
91-17	138	74	7/1
91-18	139	75	6/5
91-19	169	89	4/1
91-20	185	99	7/1
91-21	286	162	6/1
91-22	186	99	7/1
91-23	96	48	5/18
91-24	195	104	4/11
91-27	140	75	4/11
91-28	141	76	7/1
91-29	57	28	7/1
91-33	142	76	6/1
91-34	278	155	7/1
91-35	97	48	3/1
91-36	143	76	3/29
91-37	144	77	4/9
91-38	31	14	7/1
91-39	279	155	4/19
91-43	67	32	4/14
91-44	257	142	7/1
91-47	244	136	4/4
91-49	237	132	4/17
91-51	258	143	6/4
91-52	170	89	4/16
91-54	58	28	4/19
91-56	171	89	7/1
91-58	51	25	5/18
91-59	98	48	4/19
91-61	32	14	4/9
91-63	172	90	5/16
91-64	102	51	4/17
91-65	26	9	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-68	116	61	4/19
91-69	127	67	4/4
91-70	59	28	7/1
91-71	259	144	4/11
91-72	196	104	7/1
91-74	145	77	7/1
91-76	68	32	7/1
91-80	287	162	4/20
91-81	33	14	7/1
91-84	288	162	7/1
91-85	289	163	4/11
91-86	83	40	4/11
91-87	245	136	4/19
91-90	215	116	6/8
91-91	34	14	7/1
91-93	191	102	5/18
91-94	35	15	7/1
91-95	260	144	4/27
91-96	69	32	4/17
91-99	261	144	6/6
91-103	192	102	7/1
91-104	36	16	4/20
91-105	290	164	4/11
91-107	117	61	7/1
91-108	197	104	4/11
91-109	303	171	4/17
91-111	128	67	5/20
91-114	146	77	3/29
91-118	238	132	4/17
91-120	324	180	7/1
91-121	198	105	3/29
91-122	216	116	4/14
91-123	147	78	4/9
91-127	45	22	7/1
91-129	46	22	7/1/92
91-131	VETOED	171	
91-132	103	51	7/1
91-136	134	73	4/10
91-137	148	78	3/29
91-138	291	164	7/1
91-139	262	145	7/1
91-140	149	78	1/1/92
91-142	173	90	5/6
91-144	60	28	4/9
91-146	252	139	Portions eff. 5/31 7/1
91-149	263	145	6/4
91-154	304	171	4/9
91-158	292	165	6/4

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-159	VETOED	63	
91-160	174	92	7/1
91-161	61	29	7/1
91-163	199	105	5/18
91-164	84	40	6/1
91-168	175	92	7/1
91-169	176	93	7/1
91-172	85	41	6/6
91-174	177	93	6/5
91-175	112	59	3/29
91-176	122	64	4/11
91-177	246	136	5/6
91-178	VETOED	161	
91-179	325	181	4/1
91-180	150	79	4/17
91-181	47	22	5/24
91-183	1	1	3/18
91-184	2	1	3/18
91-185	3	1	3/27
91-186	4	1	4/2
91-187	5	1	3/27
91-188	6	2	3/27
91-189	7	2	4/11
91-190	8	2	3/18
91-191	9	2	3/18
91-192	10	2	3/18
91-193	11	2	4/10
91-194	12	3	3/18
91-195	13	3	3/18
91-196	14	3	4/4
91-197	15	3	3/18
91-198	16	3	3/29
91-199	17	4	3/18
91-200	18	4	4/4
91-201	19	4	3/15
91-202	20	4	3/18
91-203	21	4	4/10
91-204	22	5	3/18
91-205	104	51	5/1
91-206	23	5	4/11
91-207	305	171	4/11
91-208	306	172	1/1/92
91-209	151	79	4/11
91-210	187	99	5/16
91-211	217	116	5/16
91-213	VETOED	99	
91-214	307	172	1/1/92
91-216	218	116	5/16
91-217	152	79	4/27

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE NO.	EFFECTIVE DATE
91-218	219	117	7/1
91-219	123	64	5/24
91-220	129	68	5/15
91-221	52	25	7/1/92
91-222	130	68	5/18
91-224	300	170	5/24
91-225	99	49	6/1
91-227	329	5	6/7
91-228	308	172	6/7
91-230	86	41	6/7
91-231	309	173	6/5
91-234	70	33	6/5
91-236	53	26	6/1
91-237	131	68	6/5
91-238	220	124	6/5
91-241	24	6	5/24
91-243	301	170	Portions eff. 6/1 7/1/92
91-245	200	105	7/1
91-246	153	80	7/1
91-248	293	166	6/1

CONCURRENT RESOLUTIONS

HCR 91-1003	--	183	--
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**HOUSE BILLS
FIRST EXTRAORDINARY SESSION**

91S-1005	1	184	Signature
91S-1009	2	184	7/1

TABLE A

<u>BILLS VETOED BY THE GOVERNOR</u>		
SB 91-131	SB 91-213	HB 91-1167
SB 91-159	HB 91-1028	HB 91-1176
SB 91-178	HB 91-1134	HB 91-1217

TABLE B

<u>BILLS BECOMING LAW WITHOUT THE GOVERNOR'S SIGNATURE</u>
SB 91-90 HB 91-1212 HB 91-1264 HB 91 1326

TABLE C

<u>BILLS WITH PORTIONS VETOED BY THE GOVERNOR</u>
SB 91 -203 SB 91-227

TABLE D
BILLS RECOMMENDED BY
1990 INTERIM COMMITTEES WHICH BECAME LAW

<u>CAPITOL DEVELOPMENT</u>	
SB 91-1	HB 91-1007
SB 91-17	HB 91-1021
SB 91-27	HB 91-1008
<u>AUDIT</u>	
SB 91-15	HB 91-1010
SB 91-24	HB 91-1009
SB 91-13	
<u>BOARDS AND COMMISSIONS</u>	
SB 91-25	HB 91-1065
SB 91-114	
<u>EDUCATION</u>	
SB 91-23	HB 91-1011
HB 91-1005	
<u>FAMILY ISSUES AND RIGHTS</u>	
SB 91-56	HB 91-1002
SB 91-16	HB 91-1004
<u>HIGHWAY LEGISLATION</u> <u>REVIEW COMMITTEE</u>	
SB 91-20	HB 91-1195
SB 91-22	HB 91-1012
SB 91-28	HB 91-1023
SB 91-2	HB 91-1024
SB 91-10	

<u>JOINT REVIEW COMMITTEE</u> <u>FOR MEDICALLY INDIGENT</u>	
SB 91-21	
<u>LEGISLATIVE COUNCIL</u> <u>SUBCOMMITTEE ON</u> <u>STRUCTURE OF STATE AND</u> <u>LOCAL GOVERNMENT</u>	
SB 91-14	HB 91-1020
<u>SUNRISE AND SUNSET REVIEW</u>	
SB 91-12	HB 91-1017
SB 91-18	HB 91-1018
SB 91-19	HB 91-1136
SB 91-9	HB 91-1014
SB 91-65	HB 91-1100
SB 91-11	HB 91-1100
<u>POLICEMEN'S AND FIREMEN'S</u> <u>PENSION REFORM</u>	
HB 91-1015	
<u>WATER</u>	
HB 91-1006	

APPROPRIATIONS

S.B. 91-183 Supplemental appropriation - department of administration. Amends the 1990 general appropriation act to increase the total appropriations made to the department of administration from the general fund and from cash funds.

Amends a headnote in the 1990 general appropriation act by deleting a prohibition on expending moneys for group health and life insurance costs out of appropriations not made specifically for such purpose.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-184 Supplemental appropriation - department of agriculture. Amends the 1990 general appropriation act to decrease the the total appropriation to the department of agriculture. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-185 Supplemental appropriation - department of corrections. Amends the 1990 general appropriation act to increase the total appropriation made to the department of corrections. Decreases the general fund portion of the appropriation and increases the cash funds portion. Amends specified appropriations made in a 1990 prison construction bill.

APPROVED by Governor March 27

EFFECTIVE March 27

S.B. 91-186 Supplemental appropriation - department of education. Amends the 1990 general appropriation act to decrease the total appropriations made to the department of education from the general fund and from cash funds.

APPROVED by Governor April 2

EFFECTIVE April 2

S.B. 91-187 Supplemental appropriation - office of the governor. Amends the 1990 general appropriation act to decrease the total appropriations made to the office of the governor from the general fund and from cash funds. Amends an appropriation made in a 1990 prison construction bill.

APPROVED by Governor March 27

EFFECTIVE March 27

S.B. 91-188 Supplemental appropriation - department of health. Amends the 1990 general appropriation act to decrease the total appropriations made to the department of health. Decreases the general fund and federal funds portions of the appropriations, and increases the cash funds portion. Adds a footnote relating to hazardous materials and waste management under the office of health and environmental protection, stating the intent of the general assembly that the division accept the toxics release inventory database and the pollution prevention grants.

APPROVED by Governor March 27

EFFECTIVE March 27

S.B. 91-189 Supplemental appropriation - department of higher education. Amends the 1990 general appropriation act to decrease the total appropriation to the department of higher education. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-190 Supplemental appropriation - state department of highways. Amends the 1990 general appropriation act to increase the total cash funds appropriation to the state department of highways for administration.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-191 Supplemental appropriation - department of institutions. Amends the 1990 general appropriation act to increase the total appropriation to the department of institutions. Decreases the general fund portion of the appropriation and increases the cash funds portion. Adds a new footnote relating to community programs under the division for development disabilities, and adds a footnote relating to a new line appropriation for Wheat Ridge regional center deinstitutionalization.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-192 Supplemental appropriation - judicial department. Amends the 1990 general appropriation act to decrease the total general fund appropriation to the judicial department.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-193 Supplemental appropriation - department of labor and employment. Amends the 1990 general appropriation act to increase the total appropriation to the department of labor and

employment. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor April 10

EFFECTIVE April 10

S.B. 91-194 Supplemental appropriation - department of law. Amends the 1990 general appropriation act to increase the total appropriations made to the department of law from the general fund and from cash funds.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-195 Supplemental appropriation - legislative department. Amends the 1990 general appropriation act and the 1990 legislative appropriation act to decrease the total appropriations to the legislative department. Decreases the general fund portion of the appropriations and increases the cash funds portion.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-196 Supplemental appropriation - department of local affairs. Amends the 1990 general appropriation act to decrease the total general fund appropriation to the department of local affairs.

APPROVED by Governor April 4

EFFECTIVE April 4

S.B. 91-197 Supplemental appropriation - department of military affairs. Amends the 1990 general appropriation act to increase the total appropriation to the department of military affairs. Increases the federal funds portion of the appropriation and decreases the general fund portion. Adds a footnote requesting the division of national guard to conduct an energy survey of its headquarters and a water survey of its grounds. Adds a footnote requesting the division of national guard to make a mid-year review of its annual agreement with the federal national guard bureau.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-198 Supplemental appropriation - department of natural resources. Amends the 1990 general appropriation act to increase the total general fund and cash funds appropriations to the department of natural resources.

APPROVED by Governor March 29

EFFECTIVE March 29

S.B. 91-199 Supplemental appropriation - department of personnel. Amends the 1990 general appropriation act to decrease the total general fund appropriation to the department of personnel.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-200 Supplemental appropriation - department of public safety. Amends the 1990 general appropriation act to decrease the total appropriation made to the department of public safety. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor April 4

EFFECTIVE April 4

S.B. 91-201 Supplemental appropriation - department of regulatory agencies. Amends the 1990 general appropriation act to increase the total appropriation made to the department of regulatory agencies. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 15

EFFECTIVE March 15

S.B. 91-202 Supplemental appropriation - department of revenue. Amends the 1990 general appropriation act to increase the total appropriation to the department of revenue. Decreases the general fund portion of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-203 Supplemental appropriation - department of social services. Amends the 1990 general appropriation act to increase the total appropriation to the department of social services. Increases the general fund and federal funds portions of the appropriation and decreases the cash funds portion. Adds a footnote stating the intent of the general assembly that any cost containment savings not achieved in the medical services program must be offset by comparable reductions in departmental administration.

Appropriates \$8,496,706 to the department for the payment of overexpenditures of medicaid appropriations contained in the 1989 general appropriation act.

APPROVED by Governor April 10

EFFECTIVE April 10

PORTION VETOED April 10

S.B. 91-204 Supplemental appropriation - department of the treasury. Amends the 1990 general appropriation act to decrease the total general fund appropriation to the department of the treasury.

APPROVED by Governor March 18

EFFECTIVE March 18

S.B. 91-206 Supplemental appropriation - capital construction. Amends the 1990 general appropriation act to increase the total appropriations for capital construction from the capital construction fund, cash funds, and federal funds. Adds a new line item appropriation for the University of Colorado health sciences center pharmacy building/phase III, and adds a footnote which makes this project contingent upon approval by the Colorado commission on higher education. Amends a 1990 prison construction bill to decrease the total appropriations made to the department of corrections in such bill.

Amends the 1988 general appropriation act to decrease the total appropriations for capital construction. Increases the cash funds portion of the appropriation and decreases the federal funds portion.

Amends the 1989 general appropriation act to increase the total appropriations for capital construction. Decreases the capital construction fund portion of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor April 11

EFFECTIVE April 11

S.B. 91-227 General appropriation act - long bill. Makes appropriations for the expenses of the executive, legislative, and judicial departments of state government for the fiscal year beginning July 1, 1991. Sets the grand total of the operating budget at \$5,467,951,076, of which \$2,678,437,155 is from the general fund, \$1,519,872,774 is from cash funds, and \$1,269,641,147 is from federal funds.

Appropriates \$241,940,569 for capital construction, of which \$68,190,273 is from the capital construction fund, \$57,872,382 is from cash funds, and \$115,877,914 is from federal funds.

Amends the 1990 general appropriation act to increase the cash funds appropriation made to the division of administrative hearings in the department of administration for personal services and to make an appropriation to the division of parks and outdoor recreation for "aspen leaf reimbursement".

Amends the 1989 general appropriation act to decrease the appropriations made to the department of social services for AFDC

basic grants and to decrease the capital construction appropriation made to the university of southern Colorado.

APPROVED by Governor June 7

EFFECTIVE June 7

PORTION VETOED June 7

Note: See page vii for explanation on the validity of this veto.

S.B. 91-241 Legislative department =
reapportionment. Appropriates \$17,683,493, including \$90,000 in cash funds, to the legislative department for its expenses during the 1991-92 fiscal year. Appropriates \$647,808 for the payment of expenses relating to reapportionment. Amends the legislative department budget for the 1990-91 fiscal year in order to provide \$100,000 for capital construction projects.

APPROVED by Governor May 24

EFFECTIVE May 24

ADMINISTRATIVE RULE REVIEW

H.B. 91-1257 Continuation of 1990 rules of executive agencies - exceptions - repeal of rules. Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1990; except that specified rules and regulations are allowed to expire as scheduled on June 1, 1991.

Allows the following 1990 rules to expire as scheduled: 2 rules of the state board of education relating to the administration of teacher certification; a rule of the air quality control commission concerning air pollutant emission permits; a rule of the air quality control commission pertaining to transmittal of certificates and issuance of emissions mechanic's licenses; a rule of the air quality control commission relating to conversion of motor vehicles to alternative fuels; several rules of the state board of health relating to schools; several rules of the state board of health concerning building and fire safety codes for residential care facilities for the developmentally disabled; a rule of the executive director of the department of health pertaining to a ban of hazardous playground equipment; several rules of the state historical society concerning the inclusion of property in the state register of historic places; several rules of the state historical society relating to the income tax credit for the preservation of historic properties; several rules of the state inspector of oils pertaining to the licensing of underground storage tank installers; several rules of the division of property taxation concerning exempt properties; a rule of the state personnel board concerning representation before the state personnel board; a rule of the state personnel director relating to the granting of sick leave; several rules of the division of fire safety concerning the firefighter voluntary certification program; a rule of the commissioner of insurance pertaining to readability standards; a rule of the commissioner of insurance relating to grace periods for benefit contracts and evidence of coverage; a rule of the commissioner of insurance concerning the right to examine contracts; a rule of the commissioner of insurance concerning termination of enrollees by health maintenance organizations; 2 rules of the state board of dental examiners concerning exemption from financial responsibility requirements for medical malpractice insurance for dentists performing exclusively as dental consultants or for nonprofit or charitable organizations; a rule of the state board of nursing concerning body fluid analyses for the nursing peer health assistance diversion program; a rule of the public utilities commission concerning control of drug use in natural gas, liquefied natural gas, and hazardous pipeline operations; a rule of the state board of barbers and cosmetologists relating to the combined manicurist and cosmetician course completion requirements for examination for licensure; several rules of the executive director of the department of revenue pertaining to apportionment of corporate

income; a rule of the Colorado lottery commission concerning mandatory license revocation; a rule of the Colorado lottery commission concerning procedures for license issuance, renewal, denial, revocation, suspension, limitation and modification; a rule of the Colorado lottery commission relating to the payment of prizes for instant lottery games; a rule of the state board of social services concerning sanctions for failure or refusal to participate in the JOBS program; several rules of the state board of social services concerning funeral, burial, and cremation expenses of deceased assistance recipients; a rule of the state board of social services concerning extensions of deadlines for completion of nursing home construction; and several rules of the state board of social services relating to services to the aging.

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

Postpones until June 1, 1992, the expiration of rules of the department of personnel concerning affirmative action which are scheduled to expire on June 1, 1991.

Prohibits several rules of the water quality control commission concerning the control of water pollution from feedlots from being applied, to the extent that the rules are more stringent than federal rules, until a hearing is held and requires that such hearing be held by April 1, 1992.

Repeals several rules of the state board of education concerning standards for the evaluation of teacher preparation programs.

APPROVED by Governor May 24

EFFECTIVE May 24

AGRICULTURE

S.B. 91-65 Nursery stock - "Colorado Nursery Act" - continuation of functions of commissioner of agriculture and nursery advisory committee. Continues the functions of the commissioner of agriculture under the "Colorado Nursery Act" and the nursery advisory committee until July 1, 1996.

Makes changes to the "Colorado Nursery Act". Updates definitions. Allows the commissioner and authorized agents of the department of agriculture to supplement annual inspections with nonscheduled inspections and inspections pursuant to complaints and mandates annual public reporting of the results of such inspections. Prohibits any person from selling nursery stock in this state unless it is from sources available for inspection. Authorizes the commissioner to issue advisory alerts after determining that a specific nursery is selling substandard plant material. Allows the commissioner of agriculture to impose civil penalties for violation of the act. Discontinues licensing requirements and replaces those requirements with a registration system for businesses. Reconfigures the nursery advisory committee and staggers the terms of its members. Redefines the authority of the commissioner of agriculture to search premises and obtain records for purposes of enforcing the act. Redefines the authority of the commissioner to delegate duties to other qualified employees of the department of agriculture. Delineates enforcement authority of the commissioner of agriculture, including the authority to discipline registrants and applicants for such registration, to issue cease and desist orders, and to issue administrative subpoenas and injunctions. Mandates that investigations may be kept confidential until formal disciplinary action begins. Specifies grounds for disciplinary action against registrants.

Specifies that the act applies to registrations issued on and after January 1, 1992, but that the act applies to a "licensee" during the period beginning July 1, 1991, and ending December 31, 1991, and that for this purpose the use of the terms "registrant" and "licensee" shall be synonymous.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 91-1017 Slaughterers of livestock - licensure procedures. Requires the board of stock inspection commissioners to establish the annual license fee for a slaughterer of livestock. Eliminates the various classes of slaughterers' licenses. Deletes all references to the term "butcher" from the statutes requiring licensure of slaughterers. Provides that an applicant who supplies false information in an application is subject to the state's perjury laws. Sets forth the grounds for which the board of agriculture may deny, suspend, or refuse to

renew a license or may place a licensee on probation. Allows evidence of disciplinary action taken by another state against a slaughterer to be used as evidence of violation of Colorado law.

Requires hearings concerning slaughterers' licenses to be conducted pursuant to the "State Administrative Procedure Act". Allows administrative law judges to conduct such hearings. Authorizes the state board of stock inspection commissioners to investigate possible violations of the slaughterers' statutes. Makes most violations of the slaughterers' licensing law class 3 misdemeanors.

Continues the functions of the department of agriculture related to the licensing of slaughterers and provides for the termination of such functions on July 1, 2001.

APPROVED by Governor April 17

EFFECTIVE July 1

H.B. 91-1018 Public livestock markets - licensing requirements. Discontinues the requirement that an application for a public livestock market license be notarized. Allows the state board of stock inspection commissioners to set the application fee for licensure at an amount which covers the administrative costs of the licensing of public livestock markets. Discontinues the requirement that an applicant show economic benefit to the livestock economy as a requisite for licensure. Authorizes the board to deny the issuance of a livestock market license when all prerequisites for licensure are not met. Grants the board the authority to suspend or revoke a license or place on probation a licensee for conduct warranting disciplinary action. Authorizes the board to issue letters of admonition for misconduct warranting action other than a more strict form of discipline. Includes as conduct warranting disciplinary action the following: (1) Fraud or misrepresentation in obtaining a livestock market license; (2) deceptive, false, or misleading advertising by a licensee; (3) violation of an order of the board; (4) violation of the statutes regulating public livestock markets or any rule or regulation promulgated by the board; (5) violation of the federal "Packers and Stockyards Act"; (6) conviction of a felony for an offense involving regulated conduct involving public livestock markets.

Authorizes the board to initiate proceedings against a licensee for conduct warranting discipline and requires the board to employ administrative law judges to conduct such hearings. Conforms the penalties for conduct warranting disciplinary action with the penalties set forth in the criminal code.

Repeals the article regulating the licensure of public livestock markets and the functions of the state board of stock inspection commissioners in connection therewith on July 1, 2001.

APPROVED by Governor March 27

EFFECTIVE July 1

H.B. 91-1176 Disparagement of agricultural food products. Declares that the production of agricultural food products constitutes a large proportion of the Colorado economy and that it benefits the economy to allow producers of perishable agricultural food products to recover damages for the disparagement of such products. Defines the terms "disparagement" and "perishable agricultural food product". Makes statutory the common law civil cause of action of product disparagement for any producer of a perishable agricultural food product who suffers damages as a result of the disparagement of that food product. Specifies a 3 year statute of limitations for such actions.

VETOED by Governor April 29

H.B. 91-1242 Farm products - brokers and dealers - regulation by department of agriculture. Amends the definition of "commodity" to exclude processed items. Excludes commodities from the definition of "farm products" and creates a special class of warehousemen, known as "commodity handlers", which are analogous to "dealers" of farm products. Makes conforming amendments to treat dealers and commodity handlers similarly. Establishes requirements, including standardized contract forms with disclosures to sellers, to govern credit sales of both farm products and commodities. Requires records of credit sales and other records to be kept available for inspection for a period of 2 years. Requires licenses for commodity handlers, with each license valid for only one place of business unless certain conditions are met. Provides for administrative inspection of commodity handlers' places of business, which are required to have their hours of business posted unless they are open continuously from 8 a.m. to 6 p.m. each business day. Requires commodity handlers to meet financial responsibility criteria. Authorizes the commissioner of agriculture to issue subpoenas and exercise related powers pursuant to investigations and license suspension or revocation proceedings. Prohibits commodity handlers from selling below market price to insiders or to retain more than a specified commission which must be reported. Prohibits check fraud in the purchase of commodities.

APPROVED by Governor April 19

EFFECTIVE March 1, 1992

H.B. 91-1270 Aquaculture as agricultural enterprise - permitting of facilities - regulation - appropriation. Defines aquaculture as the controlled propagation of and commerce in fish, mollusks, crustaceans, algae, and other aquatic species. Declares that aquaculture should be encouraged to promote agricultural diversification, augment food supplies, promote economic activity, and provide other benefits.

Creates the aquaculture board in the department of agriculture. Requires the board to recommend to the commissioner of agriculture rules concerning the regulation of the aquaculture

industry and its markets except as they may relate to the health of fish, the spread of aquatic disease, and the management of exotic aquatic species, which subjects are within the jurisdiction of the wildlife commission. Requires the board to develop programs to assist in the promotion of the aquaculture industry and to approve certain disciplinary and enforcement actions of the department of agriculture. Authorizes the board to recommend and the commissioner of agriculture to adopt standards for aquaculture products and private aquaculture facilities and to establish permitting procedures and fees. Authorizes the commissioner to employ specialists in the field of aquatic disease and to contract with government agencies to carry out the purposes of the legislation.

Requires any person operating a fish production facility to obtain for that facility an aquaculture facility permit issued by the commissioner. Contemplates the operation of satellite stations of a fish production facility, which may be operated under a common permit. Establishes civil penalties for violation of permit requirements and other applicable statutes and rules.

Creates the fish health board in the division of wildlife to review or initiate and consider proposed rules relating to fish health, the spread of aquatic disease, and management of exotic aquatic species prior to the adoption of such rules by the wildlife commission. Allows for the assessment of penalties, including costs of eradication or removal of disease agents or aquatic organisms, against persons violating the rules.

Appropriates \$4,776 to the department of agriculture for allocation to the aquaculture board for implementation of the act.

APPROVED by Governor June 7

EFFECTIVE June 7

AIRCRAFT AND AIRPORTS

H.B. 91-1028 Division of aviation - aviation fund - allocation of sales and use tax revenues from aviation fuel - state aviation system grant program - appropriation. In accordance with the constitutional provision which stipulates that any taxes imposed on aviation fuel be used exclusively for aviation purposes, requires the state treasurer to phase in over 3 years a transfer from the general fund to the aviation fund, on a monthly basis, of the sales and use taxes imposed on aviation fuel sold for use in turbo-propeller or jet engine aircraft. Establishes the state aviation system grant program and outlines its operation. Specifies additional aviation-related activities that may be funded from the moneys available in the fund. Alters the amount of the fund which may be used by the division of aviation and the Colorado aeronautical board for the payment of administrative expenses.

Transfers \$2,750,000 from the general fund to the aviation fund. Appropriates the \$2,750,000 and an additional \$1,140,000 in the aviation fund to the department of military affairs for allocation to the division of aviation for implementation of the act. Estimates a transfer from the general fund to the aviation fund of \$5,766,666 in the 1992-93 fiscal year and a transfer of \$8,650,000 for the 1993-94 fiscal year and fiscal years thereafter.

VETOED by Governor June 6

Note: See page vii for explanation on the validity of this veto.

CHILDREN AND DOMESTIC MATTERS

S.B. 91-38 Juvenile justice system - audit. Requires the office of the state auditor to conduct an audit of the statewide juvenile justice system. Prescribes the subjects to be focused upon during such audit. Requires the audit to be presented to the legislative audit committee before January 1, 1993.

APPROVED by Governor April 16

EFFECTIVE July 1

S.B. 91-61 Juvenile parole board - panel members. Specifies that a hearing panel may be composed of any 2 members of the juvenile parole board.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 91-81 Juvenile delinquency - records - confidentiality - expungement. Establishes that court records in juvenile delinquency proceedings concerning a juvenile who is adjudicated a juvenile delinquent for commission of a crime that would constitute a class 1, 2, 3, or 4 felony if such juvenile were an adult shall be open to the public. States that certain information in such records shall not be open to the public unless there is a court order. Provides that records in such cases shall not be subject to expungement. Permits a juvenile who is adjudicated a juvenile delinquent for an offense other than a class 1 felony to petition the court for an expungement of such records after a period of 5 years from such juvenile's release from the jurisdiction of the juvenile court if such juvenile has not been adjudicated or convicted for any further offenses.

APPROVED by Governor April 20

EFFECTIVE July 1

S.B. 91-91 Juvenile delinquency - service of promise to appear. Permits a law enforcement officer, as an alternative to taking a juvenile into temporary custody, to serve a written promise to appear to any alleged juvenile offender for any misdemeanor or petty offense if the chief judge of the judicial district adopts a policy which permits such service. Requires notification to the juvenile's parents that the promise to appear has been served upon the juvenile. Establishes procedures for making such service.

APPROVED by Governor April 16

EFFECTIVE July 1

S.B. 91-94 Allocation of services to juveniles - criteria for placement - funding allocation formula - overcrowding - truancy study - collection of foster care fees. Requires the department of institutions, the department of social services, and the judicial department, in consultation with a working group consisting of the division of criminal justice of the department of public safety, the office of state planning and budgeting, the Colorado district attorneys council, law enforcement representatives, representatives of local and county governments, and the criminal justice commission and any subcommittee of such commission relating to juvenile issues, to develop criteria for determining when juvenile offenders are appropriate for placement in the physical custody of the department of institutions or in the custody of the department of social services. Requires that such criteria be developed and approved on or before July 1, 1992, and submitted to the criminal justice commission for analysis and evaluation. Requires the criminal justice commission to make a written report to the general assembly analyzing and evaluating such criteria by December 31, 1992. Requires the working group to propose a formula for the purpose of allocating funds to each county or city and county for the development of alternative services to placing juveniles in the physical custody of the department of institutions or in the custody of the department of social services.

Creates the juvenile services fund and permits the general assembly to appropriate moneys in such fund to each county or city and county in accordance with the formula created by the working group after July 1, 1993. Provides that after July 1, 1993, if any juvenile is placed in the physical custody of the department of institutions or in the custody of the department of social services without meeting the criteria developed by the working group, the committing county or city and county shall be required to pay to the department of institutions or to the department of social services a per diem amount for such child. Creates a dispute resolution process if there is disagreement as to whether the juvenile meets the criteria. Requires the working group to meet yearly to review and propose revisions to the criteria or the allocation formula. Permits the department of institutions to operate pilot programs to relieve overcrowding of juvenile facilities between July 1, 1991, and July 1, 1993. Requires the department of institutions and the judicial department to develop emergency release guidelines to relieve overcrowding in juvenile facilities. Requires the department of institutions, the department of education, and the judicial department to study and report to the general assembly regarding programs for truants on or before January 1, 1992.

Permits foster care fees to be collected from parents in the same manner as child support obligations. Provides for the distribution of moneys collected in such manner between the state and each county.

APPROVED by Governor June 5

EFFECTIVE July 1

S.B. 91-104 Juvenile delinquency - jurisdiction - venue - detention - sentencing - juvenile records. Permits the juvenile court to retain jurisdiction over persons who commit crimes while under the age of 18 until any pending cases have been completed or the statute of limitations has run instead of jurisdiction being eliminated once the juvenile reaches the age of 21. Permits the court in a juvenile delinquency proceeding to transfer venue to the court of the county of the juvenile's residence after sentencing for the purposes of supervision. Permits a juvenile commissioner to issue a warrant for the arrest of a juvenile upon the report of a juvenile probation officer that there is probable cause that the juvenile has violated probation. Clarifies that any person 18 years of age or older who is arrested on a juvenile warrant shall be detained in the county jail in the same manner as an adult. Removes the necessity that the district attorney consent to a personal recognizance bond for a juvenile charged with a class 1 misdemeanor when such juvenile has previously been found guilty of a felony or a class 1 misdemeanor.

Removes the requirement that the court designate the agency to perform a preliminary investigation when the district attorney requests the preliminary investigation. States that a juvenile who has had a prior deferred adjudication may not be granted an informal adjustment. Adds to the list of persons who may sign the return receipt for service by mail in a juvenile adjudication action the juvenile's physical custodian or spousal equivalent. Clarifies the time after a return receipt is received that service of summons is deemed complete in juvenile cases. Clarifies that, although the juvenile court may retain jurisdiction over a person who commits a crime while under the age of 18, the person may not be placed in the custody of the department of institutions after such person reaches age 21. Allows the court to sentence a violent juvenile offender who is 18 years of age or older at the time of sentencing to a county jail or community correctional facility in the same manner as permitted regarding mandatory juvenile offenders. Clarifies that, in a case where a direct filing is made against a juvenile in district court and the court determines that it should sentence the juvenile pursuant to the children's code, the provisions relating to the sentencing of mandatory sentence offenders, repeat juvenile offenders, violent juvenile offenders, and aggravated juvenile offenders are still applicable. Clarifies that the appropriate prosecuting agency shall be notified upon expungement of juvenile records.

APPROVED by Governor April 20

EFFECTIVE April 20

H.B. 91-1002 Child abuse and neglect - reports - investigations - central registry - appropriation - adjustment to long bill. Authorizes the state and county departments of social services to access child abuse and neglect records for screening said departments' own employees, screening persons who are

responsible for the care of a child pursuant to a contract with the county department for out-of-home placements or private child care, conducting custody evaluations, and screening prospective adoptive parents. Authorizes private adoption agencies to access such records for screening prospective adoptive parents. Authorizes access to persons engaged in bona fide research or audits.

Categorizes abuse into 3 types of cases: Intrafamilial, institutional, and third-party abuse. Permits, rather than requires, that an investigation of a report of child abuse and neglect include a home visit. Requires the state department to adopt rules regarding investigation of institutional abuses. Specifies corrective action to be taken by any facility at which institutional abuse has occurred. Requires temporary suspension of a teacher, employee, volunteer, or staff person who has allegedly committed an act of institutional abuse and states the notice and hearing rights of the suspended person. Expresses the general assembly's intent that agencies responsible for investigating child abuse and neglect develop cooperative agreements to coordinate the agencies' duties in connection with the investigation. Permits audio or video taping of an interview with a child regarding reported sexual abuse. Specifies that, if an allegation of sexual abuse arises during the course of a non-taped interview with a child, such interview may proceed with questions concerning the sexual abuse without being taped. Requires the agency conducting a taped interview to maintain the audiotape or videotape.

Revises the standard for placing a subject on the state child abuse central registry from some credible evidence to a preponderance of the evidence. Requires the director of the registry to provide notice to a subject placed on the central registry and lists the information to be included in such notice. Places a limit on the time period for a subject to make a written request that the record concerning such subject be amended, expunged, or sealed. Directs that reports of sexual abuse not be automatically sealed 10 years after the child victim reaches age 18. Provides for phased-in expungement of records concerning minor offenses of child abuse or neglect, other than sexual abuse, upon a finding of good cause by the registry director.

Requires a subject who seeks a report of central registry information to provide a written notarized request or to make a personal request with proof of identification. Allows any person to obtain a verification that such person is not included on the central registry upon written notarized request or personal request with proof of identification. Changes the responsibility for establishing the burden of proof at hearings to amend, seal, or expunge central registry records from the county department to the state department of social services. Expands the group of persons or agencies required to pay a fee for central registry information.

Appropriates \$38,647 to the department of social services for departmental and welfare administration for implementation of the act. Reduces the appropriation to the department of social services for county administration by \$21,350.

APPROVED by Governor May 24

EFFECTIVE May 24

H.B. 91-1049 Child support guidelines - age of emancipation - termination of support - postsecondary education - underemployment - shared custody adjustment - commission. Changes the age at which child support terminates by virtue of emancipation from 21 to 19 years. Provides the following exceptions from such termination: The parties agree otherwise in a written stipulation after July 1, 1991; the child is mentally or physically disabled; the child is still in high school or an equivalent program in which case support continues until the end of the month following graduation unless there is an order for postsecondary education and if a child quits high school and later reenrolls support continues but not beyond 21. Authorizes the court or delegate child support enforcement unit, if it finds it appropriate, to terminate child support and enter an order providing for postsecondary education up to the 21st birthday. Requires a party to file a motion for postsecondary education support within one year from the child's 19th birthday or graduation from high school, whichever occurs later. Permits the ordering of payments from one parent to the other for the child's room and board. Makes the termination of support at 19 and the awarding of postsecondary education expenses applicable to all child support obligations established or modified on, prior to, or subsequent to July 1, 1991, except that a support order with respect to a child who turns 19 before July 1, 1991, cannot be modified with regard to support but may be modified with regard to postsecondary education. States that if an existing child support order is modified as a result of the change in age, the modification is only as to installments accruing subsequent to the filing of the motion.

Provides that a parent shall not be deemed "underemployed" for purposes of calculating a parent's income due to a voluntary reduction in income if the employment is temporary and intended to result in increased income or if it is a good faith career choice which is not intended to deprive a child of support and does not unreasonably reduce the support available to a child. Amends the shared custody adjustment so that the amount of support paid by a parent with shared custody cannot exceed that amount of support that would otherwise be paid if the parents did not share physical custody.

Authorizes the child support commission to make a report to the governor and the general assembly during 1991. Authorizes the commission to incur expenses related to its work. Eliminates the language requiring the commission to study the possibility of imposing a duty of support upon grandparents for children whose

parents are under 18 years of age. Directs the commission to study the issue of limiting the total child support obligation and education expenses to a certain percentage of the obligor's income.

APPROVED by Governor June 6

EFFECTIVE July 1

H.B. 91-1114 Domestic abuse cases - emergency protection orders - payment of docket fees - ability of plaintiffs to pay costs. Changes, from one day to 3 days, the length of time an emergency protection order in a domestic abuse action is in effect after its issuance. Allows the plaintiff in a domestic abuse action to pay the docket fee at a time set after hearing by the court rather than at the time of filing. Establishes that the court, in determining the ability of a domestic abuse plaintiff to pay costs including the docket fee, shall take into account only those assets to which the plaintiff has direct access.

APPROVED by Governor April 1

EFFECTIVE July 1

H.B. 91-1132 Special advocate services - funding through victims and witnesses assistance and law enforcement fund - surcharge on criminal sexual offenses. Creates a surcharge of \$1000 on conviction or deferred judgment and sentence in connection with crimes involving sexual offenses, including enticement of a child, sexual assault, sexual assault on a child, incest, sexual exploitation and procurement, or the attempt to commit any of these crimes. Requires the surcharge to be transmitted to the victims and witnesses assistance and law enforcement fund. Establishes that such fund may be used for special advocate services offered to victims who are children. Lists examples of the programs offering special advocate services.

APPROVED by Governor June 5

EFFECTIVE July 1

H.B. 91-1145 Juvenile intensive supervision program - creation - judicial department - pilot program - report - appropriation. Creates the juvenile intensive supervision program in the judicial department. Permits sentencing judges to utilize the program in sentencing juvenile delinquents. Defines the elements of the program. States that the judicial department shall implement the program as a 2-year pilot program operated in 7 judicial districts. Requires the judicial department to make a written report to the general assembly regarding the success of the program.

Appropriates \$250,000 out of the general fund and \$97,500 out of the offender services fund to the judicial department for implementation of the act.

APPROVED by Governor May 24

EFFECTIVE July 1

H.B. 91-1209 Child support enforcement - paternity - genetic testing - jurisdiction - voluntary change of physical custody - health insurance coverage. Makes genetic testing or other testing of inherited characteristics, rather than just blood tests, admissible in evidence to establish paternity. States that testimony of another expert can be offered to rebut the presumption of paternity based solely on genetic testing but cannot prohibit the presumption from attaching. Expands long-arm jurisdiction to establish support on the basis of sexual intercourse that has taken place in Colorado. Refers to "obligor" rather than "absent parent" throughout the statutes governing child support.

Makes the following changes to the "Revised Uniform Reciprocal Enforcement of Support Act": Amends filing requirements to reflect the administrative process; relocates and makes changes to the statute on interstate income withholding to conform with the model interstate income withholding act.

Makes modification of support based on a voluntary change of physical custody effective on the date when physical custody was changed. Encourages parties to use the procedure for updating and modifying a support order without a court hearing in such circumstances.

Corrects a reference to a set of court rules in a paternity statute. Requires notification of relinquishment proceedings to be given to the delegate child support enforcement unit in cases where no adoption proceeding is pending if rights to support have been assigned to the unit.

Amends the statutes concerning the state lottery offset for child support enforcement purposes to require the winner to submit the social security number and federal employer identification number prior to receiving payment of any winnings and removes the requirement that the department of revenue obtain the winner's name.

Makes the following changes to the "Colorado Child Support Enforcement Act": Includes as information the state parent locator service or a delegate child support enforcement unit may request from an employer benefits, income, and assets; clarifies that an employer is not liable for complying with a request to disclose an employee's location or other information; provides that, in counties participating in the demonstration project on judicial review of child support orders, the court be allowed to enter an order to modify the amount based on available income

information.

Conforms a time period for requesting a hearing after receipt of a notice of financial responsibility under the administrative process.

Prohibits insurance carriers from refusing to accept claims filed by the custodial parent when medical coverage for the child is provided by the noncustodial parent.

APPROVED by Governor June 5

PORTIONS EFFECTIVE:

June 5

July 1

H.B. 91-1255 Grandparents - rights in maintaining contact with grandchild. Specifies that any order granting or denying visitation to a child's parent will not affect a grandparent's right to visitation. Qualifies the right by specifying that a grandparent does not include the parent of a child's mother or father whose parental rights have been terminated. Establishes a procedure for an aggrieved grandparent granted visitation to seek relief from the court when visitation is denied by a person with custody of the child.

Allows the court in awarding legal custody of a child or in placing a child out of the home and a placement agency in placing a child, to give preference to a grandparent who is appropriate, capable, available, and willing to care for the child. Requires the court, in cases where a grandparent seeks legal custody or placement of his or her grandchild, to consider any credible evidence of the grandparent's past conduct of abuse or neglect. Describes credible evidence.

APPROVED by Governor May 31

EFFECTIVE May 31

H.B. 91-1321 Juvenile detention - information available to court - bail. Removes language permitting the court in a juvenile detention proceeding to receive information in the form of written or oral reports, sworn testimony, affidavits, or other relevant information the court may wish to receive. Requires any juvenile detained without bail, or whose bail or bail bond has been revoked or increased, to be brought to trial within 90 days of the order revoking or increasing the bail or bail bond or detaining the juvenile without bail or within 6 months after entry of a plea, whichever is earlier.

APPROVED by Governor May 29

EFFECTIVE May 29

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 91-127 Uniform commercial code - repeal of bulk transfer act. Repeals all the provisions contained in the "Uniform Commercial Code - Bulk Transfers" act, effective July 1, 1991. Adds a savings clause to the act and makes conforming amendments.

APPROVED by Governor June 6

EFFECTIVE July 1

S.B. 91-129 Uniform commercial code - article 2A - leases. Enacts article 2A of the uniform commercial code as a new article 2.5 to provide for a comprehensive treatment of leases of personal property, including provisions relating to formation and effect of leases, performance under leases, and remedies for default. In addition, provides for an alternative measures of damages by allowing a party to recover the damages necessary to put such party in as good a position as that person would have been in had the other party performed in accordance with the lease.

APPROVED by Governor June 7

EFFECTIVE July 1, 1992

S.B. 91-181 Uniform commercial code - central filing system for financing statements - compliance with federal law - fees - appropriation. Provides that more than one debtor may be covered by an effective financing statement under the central filing system. Repeals provisions for effective financing statements that are inconsistent with provisions of the federal "Food Security Act of 1985". Revises the maximum fees which may be charged for services under the central filing system as follows: For filing a continuation statement, partial release, assignment of or amendment to an effective financing statement pursuant to the central filing system the fee is increased from \$5 to \$15; for filing a termination statement for an effective financing statement, the fee is set at \$15; for issuing an oral and follow-up written confirmation of the existence of an effective financing statement on file, the fee is increased from \$1 to \$15 per debtor; for issuing a written confirmation in response to a written request of the existence of any effective financing statement on file, the fee is increased from \$1 to \$15 per debtor; and for distributing the master list or portions thereof to buyers of farm products, commission merchants, and selling agents, or for providing such master list or portions thereof to other interested parties, the \$25 fee for the first such list per year and \$10 fee for each additional product list per year is deleted and the central filing system board is authorized to develop such fees as will cover the actual cost of providing the lists in the form requested. Extends the date for the state central filing system board to report to the general assembly on

implementation and operation of the central filing system and for the general assembly to take action on any legislation required by such report from January 1, 1992, to January 1, 1994.

Appropriates \$292,675 from the central filing system fund to the department of agriculture for the fiscal year beginning July 1, 1991, for implementation of the act. Authorizes the department of agriculture to borrow moneys not in excess of \$150,000 from the general fund during the fiscal year beginning July 1, 1991, until the central filing system fund has sufficient moneys available for implementation of the act. Specifies that any moneys borrowed from the general fund shall be repaid, with interest, from the central filing system fund.

APPROVED by Governor May 24

EFFECTIVE May 24

H.B. 91-1212 Uniform commercial code - consumer loans - delinquency charges. Allows parties to contract for the imposition of delinquency charges on nonprecomputed consumer loans including revolving accounts which do not include credit cards. Sets the period after which such a delinquency charge may be assessed as 10 days after the instalment is due. Allows a maximum delinquency charge of 5% of the unpaid amount of the instalment. Allows a delinquency charge to be assessed only once on an instalment, regardless of how long that instalment is overdue. Requires that a delinquency charge be assessed within 30 days of the scheduled due date of the instalment or the right to impose such a charge is lost. Requires the lender to notify the borrower in writing that a delinquency charge has been assessed and to specify the amount before the due date of the next scheduled instalment. Specifies that instalments received will be applied first to any instalment that is currently due, and second to any delinquent instalment. Forbids the assessment of finance charges on delinquency charges. Defines an "instalment" as the minimum payment required in any billing cycle, excluding any past due amount from any previous billing cycle.

BECAME LAW without Governor's signature
EFFECTIVE

June 8
July 1

H.B. 91-1253 Health clubs - sales of long-term memberships. States that a health club does not engage in a deceptive trade practice if they meet specified conditions in the sale of memberships that are not in excess of 36 months. Requires that annual renewal options for continued membership in a health club be affirmatively accepted in writing by a member.

Makes it a deceptive trade practice for a health club to represent that a membership contract is perpetual, to use

coercive sales tactics, or to misrepresent the quality, benefits, or nature of the services of the health club.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 91-1264 Deceptive trade practices - academic and honorary degrees - institutions - appropriation. Expands the educational institutions from which persons may claim to possess degrees without such claim constituting a deceptive trade practice to include institutions authorized to grant degrees and certain private colleges and universities reviewed by the Colorado commission on higher education. Authorizes the commission to collect applicant fees in connection with the review process and creates the degree accreditation cash fund for deposit of such fees. Repeals this review process on July 1, 1994.

Appropriates \$38,000 from the degree accreditation cash fund to the Colorado commission on higher education for implementation of the act.

BECAME LAW without Governor's signature
EFFECTIVE

June 8
June 8

CORRECTIONS

S.B. 91-58 Parole - development of objective parole criteria - parole guidelines commission - application of such criteria. Clarifies and more fully describes the duties of the parole guidelines commission in approving objective parole criteria which may be used by the state board of parole in making parole decisions. Clarifies the duties of the division of criminal justice in the department of public safety and the department of corrections in developing such criteria. Repeals duplicative language regarding the parole guidelines commission.

APPROVED by Governor May 18

EFFECTIVE May 18

S.B. 91-221 State prisoners in local jails - reimbursement for associated expenses based on state audited expense - incentives for local governments - appropriation. Requires the department of corrections, beginning on July 1, 1992, and subject to available appropriations, to reimburse any county or city and county for the expenses of confining and maintaining a state prisoner in a local jail in an amount equal to the sum of the number of days of confinement multiplied by the audited expense, and the extraordinary costs incurred in confining such prisoner. Defines "audited expense". Directs the state auditor to conduct an annual audit, for purposes of calculating audited expense, unless the legislative audit committee determines that an audit is unnecessary, and obligates each county or city and county to provide such data as the state auditor, by policies and procedures, may require.

Leaves the department the option, subject to available appropriations, of providing by contract for the reimbursement of any county or city and county for the actual expenses incurred as a result of confining state prisoners in a local jail. Allows the executive director of the department to offer an incentive to any county or city and county to encourage them to so contract. Deletes the requirement that any city and county or county wishing to contract with the state to house state prisoners notify the state of the charge for housing a state prisoner.

Appropriates \$10,000 to the state auditor for implementation of the act and makes an offsetting reduction of \$10,000 in the 1991-92 long bill appropriation to the department of corrections for maintaining state prisoners in a local or out-of-state jail.

APPROVED by Governor May 24

PORTIONS EFFECTIVE:

May 24

July 1, 1992

S.B. 91-236 Community correctional facilities - reconsideration of sentence - eligibility to be placed in intensive supervision programs - appropriation. Permits a community correctional facility or program or the probation department to petition the court for the modification of a sentence of an offender sentenced to a facility or program. Requires the district attorney to be notified of the petition and permits the district attorney to object to the petition.

Changes the date upon which an offender is eligible to be placed in an intensive supervision program from 90 days prior to the offender's established parole release date to 90 days prior to the offender's parole eligibility date, or 120 days prior to the offender's parole eligibility date if the offender has met program objectives of a residential community corrections program.

Appropriates \$33,048 and 1.0 FTE to the judicial department for allocation to the probation division for implementation of the sections of the act which address intensive supervision programs. Reduces the general fund appropriation in the 1991-92 long bill to the department of corrections for personal services for minimum security facilities by \$80,000 and 1.4 FTE.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 91-1008 Prison construction - lottery-funded projects - master leasing program - prohibition on use of interest proceeds for projects not designated by general assembly. Prohibits the use of interest earnings on bond proceeds, which bond proceeds are the result of the financing of lottery-funded correctional facilities pursuant to the state's master leasing program, for projects not designated by the general assembly.

APPROVED by Governor March 11

EFFECTIVE March 11

H.B. 91-1111 Community correctional facilities - establishment of "per diem" amounts in general appropriation bill. Clarifies that "per diem" amounts for community correctional facilities contracted for by the division of criminal justice shall be established annually by the general assembly in the general appropriation bill.

APPROVED by Governor March 28

EFFECTIVE March 28

H.B. 91-1235 Parole - consolidation of parole and probation offices - pilot program - report to criminal justice commission and joint budget committee. Directs the judicial department and the department of corrections to create a pilot program which consolidates the functions of parole offices and probation offices in each of 4 judicial districts. Requires such

departments to submit a report to the criminal justice commission and the joint budget committee regarding such pilot program by January 1, 1993.

APPROVED by Governor May 31

EFFECTIVE July 1

COURTS

S.B. 91-29 District court judges - increase in fourth judicial district - appropriation. Increases the number of district court judges for the fourth judicial district from 11 to 12, effective July 1, 1991.

Appropriates \$172,484 to the judicial department for implementation of the act.

APPROVED by Governor May 18

EFFECTIVE July 1

S.B. 91-54 Ethnic intimidation - civil damages - punitive damages. Allows a victim or the immediate family of a victim of the offense of ethnic intimidation, who has suffered actual damages due to the offense, to bring a civil action against the person, organization, or association who commits or incites others to commit the offense, and to receive payment for such damages and costs in connection with the action. States that a conviction for criminal ethnic intimidation shall not be a condition precedent to maintaining the civil action. Authorizes a jury, upon proof that the perpetrator committed the offense of ethnic intimidation with knowledge that the offense would cause the damages suffered, to award unlimited punitive damages to the victim or the victim's immediate family.

APPROVED by Governor April 19

EFFECTIVE April 19

S.B. 91-70 Civil actions - sexual assault - evidence of victim's sexual history presumed irrelevant - when such evidence admissible. Creates a statutory determination that evidence of specific instances of an alleged victim's prior or subsequent sexual history is irrelevant in a civil action arising out of an alleged sexual assault and is not subject to discovery except under certain limited conditions. Applies such presumption to civil actions brought against psychotherapists, medical professionals, clergy, or persons acting under the color of a religious organization. Applies such presumption to civil actions maintained against a parent or other person in a position of trust over a child or other person. Permits a party to any such action to discover such information or offer it as evidence after a hearing at which the court determines that any such evidence is relevant and the probative value of such evidence outweighs its prejudicial effect.

APPROVED by Governor April 29

EFFECTIVE July 1

S.B. 91-144 Court referees and commissioners - changing title to magistrate. Changes the title of all Colorado court

referees, except water referees, and all court commissioners, from referee or commissioner to magistrate.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 91-161 Mediation services or dispute resolution programs - scope - communications - agreements. Expands the scope of the dispute resolution statutes to apply to all mediation services or dispute resolution programs. Establishes that mediation communications are confidential and inadmissible unless all parties and the mediator consent, or the communication reveals the intent to commit a felony, inflict bodily harm, or threaten the safety of a child, or the statutes require disclosure of the communication, or if necessary and relevant to an action for misconduct of a mediator. Allows for the disclosure of mediation communications without identifying the parties or issues for the purposes of research, education, and program evaluation. Specifies that any agreement in settlement shall be reduced to writing only upon request of the parties and if reduced to writing may be presented to the court by any party as a stipulation. Eliminates the requirement that the mediator provide copies of the written agreement to the parties. Creates the dispute resolution fund.

APPROVED by Governor April 1

EFFECTIVE July 1

H.B. 91-1040 Public records of state agencies - evidence - subpoena - use of official certificate without court appearance. States that when a subpoena is issued to a state agency of an executive department seeking an appearance in court to testify concerning the absence of a public record or entry or the foundation for or the authenticity of documents which are otherwise admissible under the rules of evidence such subpoena may be complied with by the submission of the requested documents under the agency's official certificate without an appearance by the personnel of such agency. Specifies that state employees may be required to appear to testify to matters going beyond the foundation or authenticity of records.

APPROVED by Governor April 19

EFFECTIVE April 19

H.B. 91-1093 Exemplary damages - limitation in medical malpractice actions arising from experimental use of a drug or product. Provides that exemplary damages (punitive damages) shall not be imposed in civil actions arising from an adverse reaction to a medically prescribed drug or product used on an experimental basis when such experimental use is beyond regulatory approvals, is in accordance with standards of prudent health care

professionals, and the patient has given written informed consent.

APPROVED by Governor April 10

EFFECTIVE July 1

H.B. 91-1167 Uncompensated medical care - limitations on civil liability of health care providers. Provides that a licensed physician or surgeon, a licensed hospital, or other health care provider who provides uncompensated medical care to patients shall not be civilly liable for acts or omissions, except for acts or omissions that are grossly negligent or willful and wanton. Provides that such protection from liability shall only apply if the patient is informed in writing that the physician, surgeon, hospital, or other health care provider is providing the care without receiving any compensation and the patient, with informed consent, voluntarily waives in writing his right to bring suit for any professional negligence that may occur, except for acts or omissions that are grossly negligent or willful and wanton. Exempts any organization which sponsors a preventative health screening clinic or service without receiving compensation from civil liability except for acts or omissions that are grossly negligent or willful and wanton. Requires such an organization to post a sign informing the participants about such exemption from civil liability.

Requires the board of medical examiners to report to the general assembly on the effectiveness of the act by January 1, 1994. Includes an automatic termination date for the act on July 1, 1994.

VETOED by Governor April 4

H.B. 91-1187 Judges and justices - increase in salary - court filing fee increases - appropriation. Increases the salaries of the chief justice and associate justices of the supreme court, the chief judge and judges of the court of appeals, the judges of the district courts, the judges of the county courts in Class B counties, and the judges of the juvenile and probate courts of the city and county of Denver, by \$9,000 effective July 1, 1991, and an additional \$3,000 commencing July 1, 1992. Increases the docket fee in county court criminal actions from \$16 to \$18. Effective July 1, 1992, increases the filing fees for county court civil cases as follows: The fee for filing a complaint is increased from \$25 to \$30 and the fee for filing an answer is increased from \$21 to \$26. Increases the docket fee for district court appeals from \$40 to \$50. Creates a \$15 docket fee for modification of a decree in domestic matters. Creates a \$25 docket fee for post-judgment proceedings. Increases court fees as follows: For a writ of execution from \$3 to \$15; for a certificate of dismissal from \$1.50 to \$5; for a certificate of satisfaction of judgment from \$1.50 to \$5; for certifying a copy from \$1 to \$5; for a transcript of judgment from \$5 to \$10; for a