
DIGEST OF BILLS
ENACTED BY THE

**FIFTY-EIGHTH
GENERAL ASSEMBLY**

1992 SECOND REGULAR SESSION



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

JUNE 1992

DIGEST

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

(1992 - Second Regular Session)

TABLE OF CONTENTS

	PAGE
Preface - How to use the Digest.....	v
Legislative Statistical Summary.....	vii
Table A -- Bills Vetoed by the Governor.....	viii
Table B -- Bills Becoming Law without the Governor's Signature.....	viii
Table C -- Bills with Portions Vetoed by the Governor.....	viii
Table D -- Bills Recommended by 1991 Interim Committees which Became Law.....	ix
Conversion Table: Bill Numbers to Session Law Chapters -- Effective Dates.....	xi
Summaries of Bills:	
Administrative Rule Review.....	7
Agriculture.....	9
Appropriations.....	1
Children and Domestic Matters.....	11
Consumer and Commercial Transactions.....	18
Corporations and Associations.....	20
Corrections.....	21
Courts.....	23
Criminal Law.....	28
Criminal Procedure.....	35
Education - Public Schools.....	38
Education - Universities and Colleges.....	46
Elections.....	50

Financial Institutions.....	56
General Assembly.....	59
Government - County.....	60
Government - Municipal.....	62
Government - Special Districts.....	64
Government - State.....	65
Health.....	81
Highways and Roads.....	96
Institutions.....	99
Insurance.....	101
Labor and Industry.....	113
Motor Vehicles and Traffic Regulation.....	120
Natural Resources.....	125
Probate, Trusts, and Fiduciaries.....	130
Professions and Occupations.....	132
Property.....	144
Public Utilities.....	149
Social Services.....	152
Statutes.....	158
Taxation.....	159
Water and Irrigation.....	166
Proposed State Constitutional Amendments.....	169
Index.....	170

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 Second Regular Session ending May 6, 1992. The summaries include the dates bills are approved and the effective dates of the bills. The Digest also includes an alphabetic subject index and several reference tables. The Digest is not a substitute for the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. Abbreviated summaries of bills and proposed state constitutional amendments begin on page 7. To determine the page on which the summary of a particular bill may be found, refer to the Conversion Table, page xi.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 170.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Conversion Table, page xi.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Conversion Table, page xi.
5. To identify bills which were vetoed by the Governor, refer to Table A, page viii.
6. To identify bills which became law without the governor's signature, refer to Table B, page viii.
7. To identify bills which were originally recommended by a 1991 interim committee, refer to Table D, page ix.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 1992 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

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 1992.

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LEGISLATIVE STATISTICAL SUMMARY

	1992		1991*		1990	
	Intro	Passed	Intro	Passed	Intro	Passed
Senate Bills	218	136	274	170	212	112
House Bills	368	217	390	199	335	216
Concurrent Resolutions	14	2	12	1	16	1
Bills signed by Governor	330		350		301	
Bills becoming law without Governor's signature	10		4		15	
Bills vetoed by the Governor	13		13**		11	
Bills referred to the People					1	

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

** A question has been raised concerning the validity of the Governor's vetoes of Senate Bills 91-131, 91-159, 91-178, and 91-227 and House Bills 91-1028 and 91-1217. Although the Governor filed the bills with the Secretary of State, he did not file his objections within the thirty-day period following adjournment of the General Assembly as required by section 11 of article IV of the state constitution. The Governor filed a lawsuit in the Denver District Court. That court has ruled that the vetoes were invalid. The District Court decision has been appealed by the Governor to the Colorado Supreme Court and the case is currently pending.

TABLE A

<u>BILLS VETOED BY THE GOVERNOR</u>		
SB 92-64	HB 92-1036	HB 92-1302
SB 92-65	HB 92-1139	HB 92-1316
SB 92-113	HB 92-1213	HB 92-1340
SB 92-184	HB 92-1218	HB 92-1342
	HB 92-1234	

TABLE B

<u>BILLS BECOMING LAW WITHOUT THE GOVERNOR'S SIGNATURE</u>	
SB 92-32	HB 92-1043
SB 92-75	HB 92-1135
SB 92-117	HB 92-1145
SB 92-148	HB 92-1206
SB 92-156	
SB 92-181	

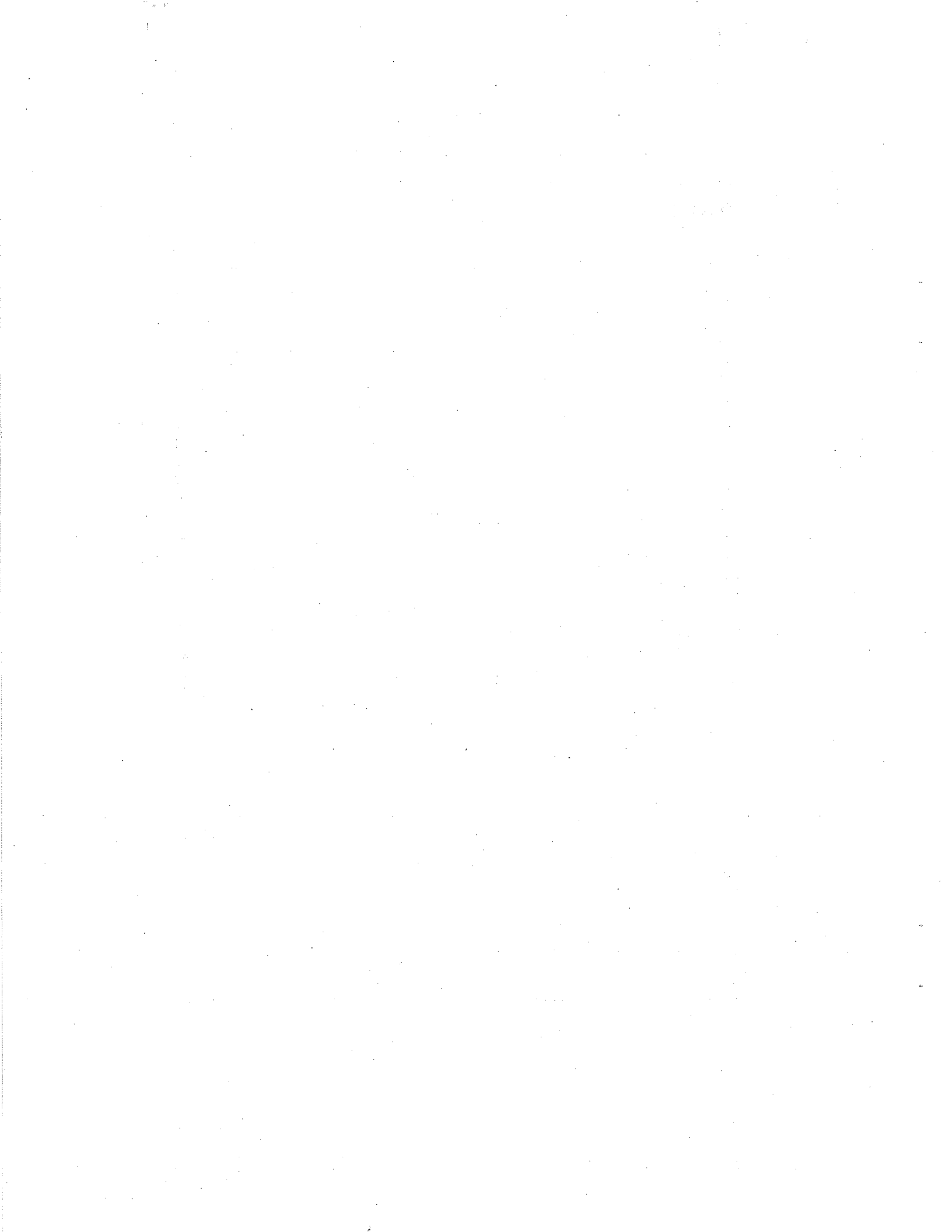
TABLE C

<u>BILLS WITH PORTIONS VETOED BY THE GOVERNOR</u>
HB 92-1345

**TABLE D
BILLS RECOMMENDED BY
1991 INTERIM COMMITTEES WHICH BECAME LAW**

<u>SUNRISE AND SUNSET REVIEW COMMITTEE</u>	
SB 92-3	HB 92-1018
SB 92-6	HB 92-1030
SB 92-11	HB 92-1034
SB 92-83	
SB 92-84	
SB 92-88	
SB 92-90	
SB 92-91	
SB 92-98	
SB 92-99	
SB 92-104	
<u>JOINT AGRICULTURE COMMITTEE</u>	
SB 92-87	HB 92-1003
	HB 92-1008
	HB 92-1131
<u>JOINT BUSINESS AFFAIRS AND LABOR COMMITTEE</u>	
SB 92-12	
<u>JOINT COMMITTEE ON STATE AFFAIRS</u>	
	HB 92-1004
<u>JOINT HEALTH, ENVIRONMENT, WELFARE AND INSTITUTIONS COMMITTEE</u>	
SB 92-4	

<u>CAPITOL DEVELOPMENT COMMITTEE</u>	
SB 92-8	HB 92-1012
SB 92-94	
<u>CRIMINAL JUSTICE COMMISSION</u>	
	HB 92-1021
<u>POLICE AND FIRE PENSION REFORM COMMISSION</u>	
SB 92-5	HB 92-1164
SB 92-9	
SB 92-85	
<u>HIGHWAY LEGISLATION REVIEW COMMITTEE</u>	
SB 92-82	HB 92-1002
SB 92-89	HB 92-1019
SB 92-125	HB 92-1154
	HB 92-1162
<u>LEGISLATIVE AUDIT COMMITTEE</u>	
SB 92-79	HB 92-1011
	HB 92-1017
<u>JOINT TRANSPORTATION COMMITTEE</u>	
SB 92-86	



CONVERSION TABLE

SENATE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
12-2	83	35	7/1
92-3	264	130	6/4
92-4	202	101	4/29
92-5	133	62	4/24
92-6	266	132	7/1
92-7	100	46	3/25
92-8	28	9	6/3
92-9	134	62	3/25
92-11	267	132	7/1
92-12	203	101	Portions eff. 7/1 10/30/93
92-16	300	149	4/16
92-17	240	120	4/29
92-20	265	131	4/16
92-21	69	28	7/1
92-22	204	103	6/3
92-24	101	46	3/25
92-26	141	65	7/1
92-28	29	9	2/25
92-30	142	65	7/1
92-31	143	67	7/1
92-32	306	152	7/1
92-33	119	56	2/25
92-34	241	120	4/1
92-35	314	159	2/25
92-36	144	67	3/12
92-37	199	99	4/10
92-38	307	152	3/25
92-39	315	159	4/16
92-41	88	38	5/29
92-42	205	104	4/16
92-43	291	144	7/1
92-50	316	159	Portions eff. 6/3 1/1/93
92-51	301	149	4/10
92-54	120	56	3/24
92-56	242	119	3/19

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-58	54	23	4/9
92-59	102	46	5/14
92-60	70	28	7/1
92-64	VETOED	11	
92-65	VETOED	152	
92-67	25	1	2/25
92-68	145	68	7/1
92-70	223	113	4/10
92-72	268	132	6/1
92-75	224	113	6/6
92-78	176	81	5/29
92-79	146	68	4/16
92-81	253	125	6/2
92-82	269	133	7/1
92-83	42	18	7/1
92-84	177	82	7/1
92-85	135	62	4/9
92-86	302	149	7/1
92-87	333	166	5/27
92-88	243	119	7/1
92-89	244	122	7/1
92-90	206	104	Portions eff. 5/20 7/1
92-91	270	133	4/3
92-92	334	166	4/16
92-94	103	46	7/1
92-96	271	133	6/2
92-97	178	83	7/1
92-98	272	134	4/9
92-99	273	134	3/24
92-100	292	144	Portions eff. 5/26 7/1/96
92-101	317	160	6/2
92-104	207	106	7/1
92-105	179	83	7/1
92-107	138	64	7/1
92-113	VETOED	68	
92-114	208	107	Portions eff. 6/2 1/1/93
92-115	147	68	7/1
92-116	180	86	Portions eff. 6/1 8/1
92-117	181	87	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-119	139	64	4/24
92-122	182	88	4/9
92-125	193	96	4/9
92-127	104	47	7/1
92-130	183	88	7/1
92-133	200	7	Portions eff. 5/29 7/1
92-138	245	122	7/1
92-140	335	167	4/2
92-141	274	134	4/2
92-143	140	64	7/1
92-144	1	1	3/24
92-145	2	1	3/24
92-146	3	1	3/25
92-148	225	113	4/11
92-149	293	145	7/1
92-150	148	68	4/9
92-151	30	9	4/2
92-153	129	60	3/25
92-154	47	20	3/24
92-155	105	47	4/29
92-156	33	11	8/1
92-157	89	38	4/29
92-159	318	161	5/27
92-160	43	18	4/16
92-163	254	125	5/29
92-164	55	23	4/16
92-165	56	23	7/1
92-167	255	126	7/1
92-170	149	69	7/1
92-171	209	108	4/24
92-173	90	38	4/24
92-175	91	38	6/4
92-177	34	12	4/16
92-179	210	108	Portions eff. 5/29 7/1
92-181	57	23	4/28
92-184	VETOED	134	
92-185	275	134	5/20
92-189	92	39	5/26
92-190	226	114	4/16
92-191	227	114	4/16
92-192	150	69	1/1/93

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-193	308	153	4/29
92-194	112	50	4/10
92-195	106	48	5/27
92-197	48	21	5/26
92-198	113	50	3/24
92-199	121	56	6/1
92-201	256	126	6/1
92-202	107	48	6/1
92-204	85	36	7/1
92-205	130	60	5/20
92-206	151	69	5/21
92-209	211	108	Portions eff. 12/1 1/1/93
92-211	194	96	6/1
92-213	152	69	6/1
92-214	49	21	6/1
92-216	153	70	6/1
92-217	212	109	6/5
92-218	154	70	6/1

CONCURRENT RESOLUTIONS

SCR 92-3	-	169	-
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CONVERSION TABLE

HOUSE BILLS

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1002	195	96	5/29
92-1003	93	40	6/1
92-1004	114	50	3/16
92-1007	108	48	3/19
92-1008	336	167	3/19
92-1009	122	56	4/2
92-1011	155	71	3/16
92-1012	31	10	4/6
92-1013	109	48	3/4
92-1015	71	28	7/1
92-1017	156	71	3/16
92-1018	127	59	3/19
92-1019	246	122	4/10
92-1021	86	36	6/2
92-1022	228	114	4/29
92-1024	110	48	3/6
92-1025	72	29	4/10
92-1026	319	161	5/29
92-1029	50	21	3/16
92-1030	276	135	7/1
92-1031	213	109	3/20
92-1032	294	145	3/16
92-1034	277	137	7/1
92-1035	58	24	2/12
92-1036	VETOED	161	
92-1037	278	139	3/20
92-1038	295	145	3/20
92-1040	229	114	3/19
92-1042	247	122	3/24
92-1043	59	24	4/14
92-1044	32	10	3/16
92-1045	279	139	3/16
92-1046	280	140	7/1
92-1047	60	24	7/1
92-1050	230	115	3/16
92-1053	44	18	6/1
92-1054	123	57	7/1
92-1055	94	41	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1056	157	71	7/1
92-1058	158	72	3/16
92-1059	61	24	7/1
92-1060	87	37	7/1
92-1061	159	72	2/25
92-1062	214	109	2/28
92-1063	95	41	7/1
92-1064	62	25	3/16
92-1065	63	25	7/1
92-1066	160	72	7/1
92-1068	320	161	4/9
92-1070	281	140	5/14
92-1071	303	150	7/1
92-1073	248	122	7/1
92-1075	35	12	7/1
92-1076	215	109	5/29
92-1077	321	161	4/9
92-1078	73	29	6/3
92-1079	231	115	3/19
92-1082	45	19	7/1
92-1083	296	146	4/9
92-1084	161	72	7/1
92-1085	249	123	1/1/93
92-1086	74	31	7/1
92-1087	64	25	4/23
92-1088	162	72	3/4
92-1089	337	167	2/25
92-1090	216	110	3/20
92-1091	282	140	4/23
92-1092	297	147	3/4
92-1093	4	1	3/4
92-1094	5	2	2/25
92-1095	6	2	3/4
92-1096	7	2	3/4
92-1097	8	2	2/25
92-1098	9	2	3/4
92-1099	10	2	2/25
92-1100	11	3	3/6
92-1101	12	3	3/4
92-1102	13	3	3/4
92-1103	14	3	2/25
92-1104	15	3	2/25
92-1105	16	3	2/25

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1106	17	4	3/4
92-1107	18	4	2/25
92-1108	19	4	2/25
92-1109	20	4	3/4
92-1110	21	4	3/6
92-1111	22	4	3/6
92-1112	23	4	2/25
92-1114	36	13	3/20
92-1115	37	13	5/14
92-1117	232	115	3/20
92-1118	233	115	7/1
92-1120	304	150	5/27
92-1121	257	127	6/1
92-1124	51	21	6/3
92-1125	322	162	2/25
92-1126	258	127	3/4
92-1127	283	141	3/6
92-1128	323	162	4/10
92-1129	259	127	7/1
92-1131	338	168	6/3
92-1134	234	116	6/3
92-1135	217	110	5/1
92-1139	VETOED	25	
92-1141	218	110	7/1
92-1142	163	73	7/1
92-1144	65	26	4/23
92-1145	324	162	6/6
92-1146	325	162	3/16
92-1149	136	62	2/25
92-1152	298	147	7/1
92-1153	164	73	3/4
92-1154	250	123	7/1
92-1155	75	31	4/29
92-1156	131	60	6/1
92-1160	165	73	7/1
92-1162	196	97	3/24
92-1164	137	63	4/10
92-1167	132	61	4/23
92-1168	66	26	6/2
92-1169	185	89	7/1
92-1174	124	57	4/23
92-1175	219	111	4/10
92-1176	220	111	5/14

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1177	284	141	4/10
92-1178	186	90	7/1
92-1182	187	91	5/29
92-1185	115	51	1/1/93
92-1186	166	74	7/1
92-1189	76	32	7/1
92-1191	326	162	6/5
92-1192	167	74	3/6
92-1195	168	74	7/1
92-1200	188	91	7/1
92-1204	339	168	3/20
92-1205	169	75	5/14
92-1206	285	142	6/6
92-1207	77	32	-
92-1208	189	92	7/1
92-1209	52	22	7/1
92-1210	327	163	7/1
92-1213	VETOED	75	
92-1214	38	13	8/1
92-1216	235	116	4/10
92-1217	309	154	7/1
92-1218	VETOED	123	
92-1223	260	128	7/1
92-1224	221	111	1/1/93
92-1226	53	22	7/1
92-1230	39	14	8/1
92-1232	40	15	8/1
92-1234	VETOED	52	
92-1237	236	116	4/29
92-1238	237	117	4/29
92-1243	305	151	4/23
92-1244	251	124	6/1
92-1245	125	57	5/29
92-1248	328	163	5/27
92-1249	329	164	7/1
92-1251	78	33	4/29
92-1252	261	128	4/23
92-1256	116	52	1/1/93
92-1259	170	76	7/1
92-1262	310	154	4/16
92-1263	330	164	4/16
92-1266	286	142	4/10
92-1267	67	27	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1270	331	164	7/1
92-1272	111	49	7/1
92-1275	222	112	4/16
92-1276	79	33	4/23
92-1277	171	77	7/1
92-1278	332	165	6/1
92-1280	238	117	5/19
92-1282	96	41	4/24
92-1287	41	16	7/1
92-1288	68	27	4/29
92-1289	97	42	6/5
92-1291	172	77	Portions eff. 7/1 1/1/93
92-1297	80	33	4/10
92-1302	VETOED	155	
92-1305	190	93	7/1
92-1306	311	156	5/21
92-1312	299	147	5/14
92-1314	46	19	6/1
92-1315	173	78	7/1
92-1316	VETOED	52	
92-1317	117	53	7/1
92-1321	191	94	5/27
92-1323	98	42	6/1
92-1325	126	58	4/29
92-1327	192	95	7/1
92-1328	312	158	5/20
92-1333	118	53	1/1/93
92-1334	174	79	4/29
92-1335	175	79	Portions eff. 5/1 7/1
92-1336	128	59	4/29
92-1338	262	129	6/1
92-1340	VETOED	118	
92-1342	VETOED	49	
92-1344	99	43	5/28
92-1345	340	5	6/3
92-1348	24	5	6/1
92-1351	201	100	5/19
92-1352	252	124	Portions eff. 7/1 1/1/93
92-1353	81	34	6/3
92-1354	197	97	7/1

BILL NO.	SESSION LAW CHAPTER	DIGEST PAGE	EFFECTIVE DATE
92-1355	198	97	7/1
92-1356	263	129	7/1
92-1358	287	142	6/1
92-1359	313	158	Portions eff. 6/2 7/1
92-1360	288	142	6/1
92-1363	82	34	6/1
92-1364	289	143	7/1
92-1365	239	118	5/26
92-1366	26	6	6/2
92-1368	290	143	6/1
CONCURRENT RESOLUTIONS			
HCR 92-1003	-	169	-

APPROPRIATIONS

S.B. 92-67 Capital construction fund - transfers from general fund reduced. Reduces the statutory general fund transfer to the capital construction fund required to be made on July 1, 1990, and eliminates the statutory general fund transfer to the capital construction fund required to be made on July 1, 1991. Replaces appropriations of such moneys in the general appropriations acts for fiscal years 1990-91 and 1991-92 and in a 1990 prison construction bill with appropriations of moneys from additional lottery proceeds, interest income, and reversions accruing to the capital construction fund.

APPROVED by Governor February 25

EFFECTIVE February 25

S.B. 92-144 Supplemental appropriation - department of labor and employment. Amends the 1991 general appropriation act to increase the total cash funds and federal funds appropriations to the department of labor and employment. Amends an appropriation made in a 1991 workers' compensation bill.

APPROVED by Governor March 24

EFFECTIVE March 24

S.B. 92-145 Supplemental appropriation - department of transportation. Amends the 1991 general appropriation act to increase the total cash funds appropriation to the department of transportation. To conform to 1991 legislation, changes references to the "state department of highways" to the "department of transportation", and adds an appropriation to the aeronautics division, whose functions were transferred to the department of transportation from the department of military affairs.

APPROVED by Governor March 24

EFFECTIVE March 24

S.B. 92-146 Supplemental appropriation - capital construction. Amends the 1991 general appropriation act to add an appropriation from cash funds to the department of health for laboratory equipment, an appropriation from the capital construction fund to Colorado state university for architectural and engineering work for the natural and environmental sciences building, and an appropriation from the capital construction fund to the council on the arts for the Auraria higher education center art project and for an academic replacement facility at Pueblo community college. Amends the 1989 general appropriation act to reduce the capital construction fund appropriation to Colorado state university for remodeling of the vacated biochemistry and radiation biology building, Phase I.

APPROVED by Governor March 25

EFFECTIVE March 25

H.B. 92-1093 Supplemental appropriation - department of administration. Amends the 1991 general appropriation act to increase the total appropriations made to the department of administration from the general fund and from cash funds.

Appropriates \$264,360 to the department for the payment of overexpenditures of capitol complex utilities appropriations contained in the 1990 general appropriation act.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1094 Supplemental appropriation - department of agriculture. Amends the 1991 general appropriation act to increase the total appropriations made to the department of agriculture from the general fund and from cash funds.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1095 Supplemental appropriation - department of corrections. Amends the 1991 general appropriation act to decrease the total appropriations made to the department of corrections from the general fund and from cash funds. Increases the appropriation for payments to local or out-of-state jails for maintenance of prisoners sentenced to a state correctional facility and adds a new footnote expressing the intent of the general assembly as to how such payments should be prioritized.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1096 Supplemental appropriation - department of education. Amends the 1991 general appropriation act to increase the total appropriation made to the department of education. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1097 Supplemental appropriation - office of the governor. Amends the 1991 general appropriation act to decrease the total appropriations made to the office of the governor from the general fund and from cash funds.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1098 Supplemental appropriation - department of health. Amends the 1991 general appropriation act to decrease the total appropriation to the department of health. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1099 Supplemental appropriation - department of higher education. Amends the 1991 general appropriation act to decrease the total

appropriations made to the department of higher education from the general fund and from cash funds.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1100 Supplemental appropriation - department of institutions. Amends the 1991 general appropriation act to decrease the total appropriation to the department of institutions. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 6

EFFECTIVE March 6

H.B. 92-1101 Supplemental appropriation - judicial department. Amends the 1991 general appropriation act to decrease the total appropriation made to the judicial department. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1102 Supplemental appropriation - department of law. Amends the 1991 general appropriation act to decrease the total appropriation to the department of law. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1103 Supplemental appropriation - legislative department. Amends the 1991 legislative appropriation act to decrease the total general fund appropriation to the legislative department, including amounts appropriated for congressional and state legislative reapportionment.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1104 Supplemental appropriation - department of local affairs. Amends the 1991 general appropriation act to decrease the total appropriations to the department of local affairs from the general fund and from cash funds and federal funds.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1105 Supplemental appropriation - department of military affairs. Amends the 1991 general appropriation act to decrease the total appropriations made to the department of military affairs from the general fund and from cash funds. Deletes the appropriation to the division of aviation,

whose functions were transferred to the aeronautics division in the department of transportation.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1106 Supplemental appropriation - department of natural resources. Amends the 1991 general appropriation act to increase the total appropriation to the department of natural resources. Increases the cash funds portion of the appropriation and decreases the general fund and federal funds portions.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1107 Supplemental appropriation - department of personnel. Amends the 1991 general appropriation act to decrease the total appropriation made to the department of personnel. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1108 Supplemental appropriation - department of public safety. Amends the 1991 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 February 25

EFFECTIVE February 25

H.B. 92-1109 Supplemental appropriation - department of regulatory agencies. Amends the 1991 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Decreases the general fund and cash funds portions of the appropriation and increases the federal funds portion. Amends appropriations made in a 1991 workers' compensation bill and a 1991 racing bill.

APPROVED by Governor March 4

EFFECTIVE March 4

H.B. 92-1110 Supplemental appropriation - department of revenue. Amends the 1991 general appropriation act to decrease the total appropriations made to the department of revenue from the general fund and from cash funds.

APPROVED by Governor March 6

EFFECTIVE March 6

H.B. 92-1111 Supplemental appropriation - department of social services. Amends the 1991 general appropriation act to increase the total appropriations made to

the department of social services from the general fund and from cash funds and federal funds.

Appropriates \$1,048,667 to the department for payment of overexpenditures of appropriations for assistance payments contained in the 1990 general appropriation act.

APPROVED by Governor March 6

EFFECTIVE March 6

H.B. 92-1112 Supplemental appropriation - department of treasury. Amends the 1991 general appropriation act to decrease the total general fund appropriation to the department of the treasury.

APPROVED by Governor February 25

EFFECTIVE February 25

H.B. 92-1345 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, 1992. Sets the grand total of the operating budget at \$6,203,418,377, of which \$2,937,974,538 is from the general fund, \$1,774,184,549 is from cash funds, and \$1,491,259,290 is from federal funds.

Appropriates \$226,026,536 for capital construction, of which \$71,233,789 is from the capital construction fund, \$54,664,738 is from cash funds, and \$100,128,009 is from federal funds.

For the 1992-93 fiscal year, reduces the general fund appropriation made in the annual legislative appropriation act (House Bill 92-1366) to the house of representatives and senate by \$1,000,000. For the 1991-92 fiscal year, decreases the general fund appropriations made to the department of corrections, to the department of education, and to the division of racing events in the department of regulatory agencies, increases the total appropriations made to the departments of administration, corrections, law, and state, and makes other adjustments in the appropriations to the departments of agriculture and revenue. For the 1990-91 fiscal year, reduces capital construction fund appropriations to the department of corrections.

APPROVED by Governor June 3

PORTION VETOED June 3

EFFECTIVE June 3

H.B. 92-1348 Supplemental appropriation - state medical assistance program. Amends the 1991 general appropriation act to increase the total appropriations to the department of social services for the administration of the state medical assistance program. Amends an adjustment to the 1991 general appropriation act and amends an appropriation in the 1991 supplemental appropriation to the department of public safety.

Nullifies supplemental appropriations made in legislation enacted at the

1991 second extraordinary session to implement disproportionate share payments in the event that implementation of such legislation is prevented.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1366 Legislative department. Makes appropriations to the legislative department for the 1992-93 fiscal year. Lists travel expenses as separate line items. Makes separate appropriations for litigation expenses. Amends the 1991-92 appropriation to the Colorado reapportionment commission.

APPROVED by Governor June 2

EFFECTIVE June 2

ADMINISTRATIVE RULE REVIEW

S.B. 92-132 Continuation of 1991 rules of executive agencies - exceptions - repeal of rules. Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1991; except that specified rules and regulations are allowed to expire as scheduled on June 1, 1992.

Allows the following 1991 rules to expire as scheduled: A rule of the department of administration concerning priorities in claims to offset against tax refunds; several rules of the state board of education concerning the alternative teacher program; a rule of the state board of education concerning the reduction of state equalization under the public school finance act where the appropriation is insufficient; a rule of the air quality control commission concerning applicability under the diesel inspection program; several rules of the department of health concerning solid wastes disposal sites and facilities; a rule of the state department of highways on the terms and conditions for issuance of longer vehicle combination permits; several rules of the state housing board pertaining to factory built housing construction certifications, nonresidential construction certifications, and manufactured housing; several rules of the health data commission relating to collection of data and definitions; several rules of the mined land reclamation board concerning the "Colorado Surface Coal Mining Reclamation Act"; 2 rules of the mined land reclamation board pertaining to the mine subsidence protection program; a rule of the board of parks and outdoor recreation on safety equipment for off-highway vehicles; a rule of the board of parks and outdoor recreation on group picnic area permits; several rules of the wildlife commission concerning definitions for damage caused by big game and requests for damage prevention materials; several rules of the executive director of the department of public safety concerning fireworks licenses; several rules of the public utilities commission concerning collection and disclosure of personal information obtained by public utilities under telemarketing services; a rule of the public utilities commission prescribing procedures for administering the low-income telephone assistance fund; 2 rules of the state grievance board relating to disclosure of information by psychotherapists; a rule of the state board of dental examiners on the obligation of dentists to treat persons with HIV disease and acquired immune deficiency syndrome; a rule of the commissioner of insurance on the discounting of loss reserves by captive insurance companies; a rule of the commissioner of insurance on the availability and maintenance of independent auditor workpapers; a rule of the Colorado racing commission on the distribution of funds in the horse breeders and owners awards and supplemental purse fund; several rules of the Colorado limited gaming control commission relating to accounting and financial standards; several rules of the department of social services relating to offsets against taxpayer's state income tax refund; a rule of the state board of social services relating to appeals under the single entry point system for long term care services; several rules of the executive director of the department of social services concerning finance and accounting; a rule of the state board of social services on administration and storage of medications in licensed residential child care facilities; a rule of the state board of social services concerning operation of a statewide foster care review system; and 6 chapters of rules of the department of transportation concerning the emerging

small business program.

Postpones indefinitely the expiration of all 1991 rules and regulations of the public employees' retirement association; except for a rule of the public employees' retirement association concerning membership of students and a rule of the public retirement association concerning ineligibility of policemen and firemen.

Postpones until June 1, 1993, the expiration of rules of the department of personnel concerning affirmative action which are scheduled to expire on June 1, 1992.

Repeals 2 rules of the state board of education concerning completion of an approved teacher education program and waiver of the completion of courses for a Type A certificate.

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

APPROVED by Governor May 29

EFFECTIVE May 29

AGRICULTURE

S.B. 92-8 State fair - state funds for controlled maintenance and capital construction projects - new indoor arena. Authorizes the state fair authority to seek funding for capital construction projects from the state so long as the authority agrees to fund a portion of such projects out of its operating revenues, the proceeds from the issuance of bonds or other obligations of the authority, or donations received by the authority, or from any combination of such sources. Requires that capital improvements made with state funding shall remain the property of the state and shall be leased to the authority. States the intent of the general assembly, in lieu of funding controlled maintenance projects for the state fair authority, to fund the state's share of matching funds for the public-private construction of a new indoor arena at the state fair grounds, subject to legislative appropriation not to exceed \$1,485,500.

APPROVED by Governor June 3

EFFECTIVE June 3

S.B. 92-28 Fees - chemigation permits - agricultural inspections. Removes the cap on the fee charged for a chemigation permit and for the annual renewal of such permit. Removes the cap on the amount of indirect costs which may be recovered in conjunction with the issuance of chemigation permits. Removes the cap on the fee charged for inspections and on the amount of indirect costs which may be recovered in conjunction therewith. Removes the cap on the fee for a chemigation permit if enforcement is contracted by the ground water management district to be carried out through the department of agriculture.

Effective until July 1, 1994, changes the amount which may be appropriated to the state agricultural commission from the general fund for inspections of fruits, vegetables, and other agricultural products from a maximum of \$400,000 to a maximum of \$200,000, on and after which the maximum amount appropriated will return to \$400,000. Effective until July 1, 1994, removes the cap on the fee charged for inspections of said fruits, vegetables, and other agricultural products on and after which the cap on the fee charged for inspections is reimposed.

APPROVED by Governor February 25

EFFECTIVE February 25

S.B. 92-151 Livestock - brand inspection - pre-shipment requirements - exemptions. Eliminates the exemption from the inspection requirements for the transportation of farm work horses for use in farm work, the transportation of saddle horses for use in handling livestock, and the transportation of horses within the state to or from a recognized horse show, gymkhana, or rodeo, for show or competition purposes.

Changes the exemption for cattle, horses, and mules transported within the state between properties under the control of the owner to an exemption from the pre-shipment brand inspection requirements if the animals are transported a distance no more than 75 miles from the point of origin rather than a radius of

75 miles from the point of origin.

Eliminates the exemption provided for the transportation of registered purebred beef and dairy cattle to and from any fair exhibit, stock show, or dispersal sale within the state, and instead grants an exemption for the transportation of such livestock to and from the national western stock show or the Colorado state fair, if the livestock are accompanied by registration papers identifying the owner.

APPROVED by Governor April 2

EFFECTIVE April 2

H.B. 92-1012 Department of agriculture - sale of real property in Mesa county. Authorizes the executive director of the department of agriculture to sell 2 parcels of real property no longer needed for state purposes in Mesa county. Requires that such property be sold to the highest bidder after a sealed bid procedure, at not less than the appraised value, and on such terms as deemed appropriate by the executive director. Requires that the proceeds from the sale be credited to the capital construction fund.

APPROVED by Governor April 6

EFFECTIVE April 6

H.B. 92-1044 Wheat - marketing act of 1939. Establishes that the nominees to serve on the board of control to administer the marketing order affecting wheat must be chosen and submitted to the commissioner of agriculture prior to the beginning of the fiscal year for the industry affected. Authorizes the commissioner to define the fiscal year used for a marketing order affecting wheat.

APPROVED by Governor March 16

EFFECTIVE March 16

CHILDREN AND DOMESTIC MATTERS

S.B. 92-64 Juvenile court records - delinquency proceedings - availability to the public. Makes available to the public the court records of a juvenile who is charged with the commission of a delinquent act which would constitute a class 1, 2, 3, or 4 felony if such juvenile were an adult, and requires such records to contain the names of the parents or legal guardians of the juvenile at the time the offense was committed.

VETOED by Governor May 29

S.B. 92-156 Child support - postsecondary education - orders and wage deductions for health insurance - offset due to retirement or disability benefits - composition of child support commission. Clarifies that child support orders are to be terminated when a postsecondary education order is entered, and prohibits the court from issuing orders providing for both child support and postsecondary education for the same child regardless of the child's age. Provides that orders for postsecondary education support may not extend beyond the earlier of the child's 21st birthday or the completion of an undergraduate degree instead of not extending beyond the 21st birthday. Allows the court to order one parent to pay the other parent room and board if the child resides in the home of the other parent during periods of time in excess of 30 days when school is not in session. Removes references to the delegate child support enforcement unit in the provision authorizing orders for postsecondary education. States that postsecondary education support may be established or modified in the same manner as child support.

Changes the treatment of health insurance under the child support guidelines from a deduction from gross income of the parent paying the premium to an adjustment to the basic child support obligation to be shared by both parents in proportion to their respective incomes. Requires the court to order inclusion of a child under a parent's medical or dental policy. Provides that, if a court orders a parent to provide medical or dental insurance, it is that parent's responsibility to provide separate coverage for children not covered by the parent's insurance due to residence outside the geographic area of the policy if the court determines that such coverage is available at reasonable cost. Creates a mechanism for automatic deduction from the wages due an obligor to pay for premiums for health insurance when the obligor has been ordered to provide health insurance and directs the employer to enroll the obligor's child in the health insurance plan offered through such employer when such insurance is offered by the employer. Specifies the notice provisions to the employer and the procedure for making such deductions. Specifies the obligations of the employer in complying with an employee's order to provide health insurance.

Directs that the noncustodial parent's share of the total child support obligation as determined under the guidelines shall be reduced by any federal disability benefits received by the custodial parent on behalf of dependent children due to the noncustodial parent's disability or federal retirement benefits received by the custodial parent on behalf of dependent children due to

the noncustodial parent's retirement.

Directs the child support commission to review general child support issues. Increases the number of members of the commission from 15 to 17. Requires that the 2 legislative members be appointed by the speaker of the house of representatives and the president of the senate, respectively, rather than by the governor. Specifies that a male custodial parent, female custodial parent, male noncustodial parent, female noncustodial parent, a joint custodial parent, a parent in an intact family, and a public member be appointed by the governor in addition to those gubernatorial representatives already described in statute. Mandates that the parent representatives, bar association representative, public member, and legislative members not be employees of public agencies or courts which deal with child support issues.

BECAME LAW without Governor's signature June 6

EFFECTIVE August 1

S.B. 92-177 Child abuse or neglect proceedings - medical evaluations - spiritual healing. Authorizes the court to order medical evaluations in child abuse or neglect proceedings, and in cases involving spiritual healing, authorizes the court to order a medical evaluation to determine whether the child is in a life-threatening situation or that the child's condition will result in a serious handicap or disability. Allows the court to order that medical treatment be provided if, on the basis of relevant information, including the medical evaluation, the court determines that the child is in a life-threatening situation or that the child's condition will result in a serious handicap or disability.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 92-1075 Domestic abuse - enforcement of restraining orders. Requires a police officer or sheriff who has probable cause to believe that a domestic abuse or domestic relations restraining order has been violated to arrest the alleged violator. Adds the violation of a temporary restraining order in domestic relations cases or an order issued pursuant to a municipal ordinance which restrains and enjoins any person from threatening, beating, striking, or assaulting any other person or requires a person to leave certain premises and refrain from entering or remaining on such premises to the crime of violation of a restraining order. Increases the penalty for the crime of violation of a restraining order from a class 3 misdemeanor to a class 1 misdemeanor if the court finds that the violator has previously been convicted of violation of a restraining order within 7 years.

Applies to offenses committed on or after July 1, 1992.

APPROVED by Governor June 2

EFFECTIVE July 1

NOTE: This bill further amends HB 92-1087 relating to restraining orders preventing emotional abuse of the elderly.

H.B. 92-1114 Adoption - termination proceedings - corporate licensed child placement agencies - representation. Requires any parent who petitions the juvenile court for relinquishment of a child to submit an affidavit, instead of a statement, indicating the nature and extent of the relinquishment counseling received and the recommendations of the counselor.

Defines "corporate licensed child placement agency" and permits such agencies to be represented by an officer or agent of the agency in termination or adoption proceedings.

APPROVED by Governor March 20

EFFECTIVE March 20

H.B. 92-1115 Children's trust fund board - receipt and expenditure of moneys. Authorizes the Colorado children's trust fund board to award grants from the Colorado children's trust fund for pilot programs, home visitation programs, and programs to prevent and reduce the occurrence of prenatal drug exposure. Includes in the make-up of the fund moneys appropriated to the fund by the state.

Specifies that moneys in the fund that are from federal grants and other contributions, grants, gifts, bequests, donations, and any moneys appropriated by the state shall not be subject to the statutory restrictions on the expenditures of moneys in the Colorado children's trust fund. Specifies that only the moneys credited to the trust fund from marriage license fees are subject to the statutory restriction limiting expenditure of moneys in the trust fund to not more than one-half of the moneys in the fund until the total amount of moneys in the fund exceeds \$5 million.

APPROVED by Governor May 14

EFFECTIVE May 14

H.B. 92-1214 Paternity - establishment for child support enforcement purposes. Requires that in any action brought to establish paternity for child support enforcement purposes the parties use the laboratory designated by the delegate child support enforcement unit for genetic tests or other tests of inherited characteristics, with subsequent testing being determined by the court. Specifies that such testing be paid for by the nonprevailing party on the parentage issue. Eliminates the alleged father's right to a jury trial if the test results indicate a 99% or higher probability of paternity. Requires that the court determine who will have legal custody of the child while paternity is being established.

Allows paternity to be established by default orders issued by the delegate child support enforcement unit under the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support", including allowing default orders to be issued when the obligor fails to take or appear for a blood test without good cause or when the blood tests indicate the obligor is the biological father within a 97% or greater probability and the obligor fails to appear at the negotiation conference and fails to reschedule the negotiation conference. Directs the state board to promulgate rules defining what constitutes good cause for failure to appear at a negotiation conference.

Additionally requires that the default order include a statement that the obligor was determined to be the natural parent of the child, and that the obligee's verified affidavit regarding paternity and any blood test results be included in the court filing of the default order. Clarifies that service of process in paternity actions may be made by certified mail.

States that the court may adjudicate parentage without joining the child for whom support is sought to the action.

APPROVED by Governor April 29

EFFECTIVE August 1

H.B. 92-1230 Child support - changes to guidelines and schedule - orders for health insurance - deviations - update of expenses by custodial parent - shared custody - dependency exemptions. Changes the treatment of health insurance under the guidelines from a deduction from gross income of the parent paying the premium to an adjustment to the basic child support obligation to be shared by both parents in proportion to their respective adjusted gross incomes. Requires the court to order inclusion of a child under a parent's medical insurance policy.

Defines gross income to account for overtime if overtime is required by the employer as a condition of employment and excludes child support received by a parent in calculating the gross income for that parent. Allows a court to deviate from child support guidelines where their application would be unjust or inappropriate, and requires the court to specify in its findings the presumed amount under the guidelines without a deviation. Lists specific circumstances for deviation from the guidelines.

Permits the court, at the noncustodial parent's request, to require the custodial parent to submit an annual update of financial information, including information on actual expenses relating to the child for whom support has been ordered, except that such orders may not occur in circumstances where the noncustodial parent has failed to exercise visitation rights, when child support payments are in arrears, or there is documented evidence of domestic violence, child abuse, or violation of restraining orders on the part of the noncustodial parent. Authorizes the court to order costs for preparing a financial information update, and to refer the parties to mediation if the noncustodial parent claims, based upon the financial information, that the custodial parent is not spending the support for the children's benefit. Requires the party requesting mediation to pay mediation costs.

Revises the schedule of basic child support obligations in the following ways: Adjusts the schedule for combined gross income of \$1700 and above to reflect changes in the consumer price index and to reflect changes in federal and state income tax rates and FICA rates since the schedule was created; and increases the upper limit for combined gross income from \$10,000 to \$15,000.

Directs that separate computations be made for each child rather than a joint computation in split physical custody cases. Makes no change in the formula for shared physical custody other than to express the formula in terms

of overnights rather than a percentage of the year. Requires the court to allocate the right to claim an exemption for dependent children for income tax purposes between the parties where the parties have not otherwise agreed on such right. Prohibits a parent from claiming a child as a dependent if he or she has not paid all court ordered child support for that tax year or if no tax benefit would result.

Requires that the child support commission consider economic data on the cost of raising children and analyze case data on applications of and deviations from the guidelines in its review. Repeals language relating to issues about which the commission has already studied and reported.

APPROVED by Governor June 1

EFFECTIVE August 1

H.B. 92-1232 Child support - URESA - criminal nonsupport - postsecondary education - modifications - procedures - review of support and maintenance orders - family support registry - appropriation. Makes the following changes to the "Revised Uniform Reciprocal Enforcement of Support Act": Makes venue proper in any county where a child support order exists; allows an obligor to testify and be cross-examined by telephone at hearings; states that registration of a foreign support order in this state does not confer personal jurisdiction over the person nor subject matter jurisdiction over any issues other than child support and arrearages; provides that a wage assignment may be automatically activated in a RURESAs action once the support order is confirmed; and allows for enforcement of orders from jurisdictions within Colorado.

Increases the age for criminal nonsupport of children from 16 to 18 years of age. Requires parties filing for dissolution of marriage or legal separation who have joint legal responsibility for a child for whom support is being sought to indicate whether they or any dependent children have received public assistance within the last 5 years and, if so, requires the court to notify the appropriate delegate child support enforcement unit. States that there shall be no penalty for failure to so notify.

Clarifies that child support orders are to be terminated when a postsecondary education order is entered, and prohibits the court from issuing orders providing for both child support and postsecondary education for the same child regardless of the child's age. Provides that orders for postsecondary education support may not extend beyond the earlier of the child's 21st birthday or the completion of an undergraduate degree instead of not extending beyond the child's 21st birthday. Allows the court to order one parent to pay the other parent room and board if the child resides in the home of the other parent during periods of time in excess of 30 days when school is not in session.

Makes modification of maintenance or child support effective as of the date of the filing of the motion unless it would cause undue hardship or substantial injustice.

Changes the priority of payments of amounts withheld under wage assignments and immediate deductions for family support to the following order: Current

monthly child support and maintenance when included in child support orders; medical support; child support debt and arrears; and maintenance only. Requires an employer withholding wages to indicate whether dependent health insurance is available to the obligor and whether the obligor has elected to enroll the dependents in such coverage. Allows wage assignments to be activated at the request of the obligee in IV-D cases pursuant to state procedures.

Allows for electronic service to be used when the state department of social services is acting as the trustee for purposes of an unemployment benefit intercept. Makes a mistake of fact the only defense that an obligor may make in an objection to a wage assignment. Allows the court to stay activation of a wage assignment as to arrears pending a hearing, but allows activation to proceed as to current support obligations.

Extends the date for implementation of immediate income deductions for family support to non-IV-D cases from July 1, 1992, to January 1, 1994. Amends the definition of "good cause" for the purposes of an immediate deduction.

Allows the courts to impose as a condition of probation or parole the requirement to make and fulfill a payment plan for support obligations.

Continues and extends statewide the procedure for review and modification of child support orders. Changes the method of notice to regular mail.

Eliminates the ability of an obligor to request a court hearing when served with a notice of financial responsibility under the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support". Changes the procedure to require that all parents attend a negotiation conference and, if no stipulation is agreed upon and paternity is not an issue, directs the delegate child support enforcement unit to issue a temporary order of financial responsibility pending a court hearing. Clarifies that the unit may use the order of financial responsibility to enter judgment rather than file a separate verified entry of judgment.

Amends the workers' compensation statute to clarify that permanent total disability benefits are subject to wage assignment or garnishment for purposes of enforcement of child support orders. States that, if the underlying judgment for a lien is a judgment for a support obligation, the lien remains in effect for the life of the judgment and does not have to be renewed every 6 years.

Clarifies that the \$30 fee for setting up a court registry account to pay support applies to all types of support orders. Authorizes a roll-forward of \$272,168 which had been authorized in statute to be appropriated in fiscal year 1991-92 but had not actually been appropriated for the purpose of implementing and operating the family support registry for fiscal year 1992-93.

Appropriates \$2,721,680 and 2.0 FTE to the department of social services to implement the family support registry, of which \$272,168 is the roll-forward of a previously authorized appropriation and \$2,449,512 is from federal funds.

APPROVED by Governor June 3

EFFECTIVE August 1

H.B. 92-1287 Children's code - administrative review of placement - court order and court petition requirements - juvenile parole board hearings - confidentiality of delinquency records. Allows the court to require the 6-month review of the placement of a child out of the home to be conducted as an administrative review if there is no objection by any party to the action. Defines administrative review. Requires counsel of record to be notified and allowed to appear at such administrative review. Requires a juvenile court magistrate to advise the parties that they have the right to object to an order allowing a review of placement of a child to be conducted by the department of social services as an administrative review, and that if a party objects the review will be conducted by the court.

Requires any court order removing a child from the home or continuing a child in a placement out of the home to contain specific findings that the continuation of the child in the home is contrary to the child's best interest, that reasonable efforts have been made to prevent or eliminate the need for removal of the child or that an emergency situation exists, and that reasonable efforts have been made or will be made to reunite the child and the family or that such efforts have failed.

Requires that petitions for dependency and neglect and review of out-of-home placement contain a statement that the court will hold a permanency planning hearing if the out-of-home placement is for a period of 18 months or longer, and that the hearing may result in a change of custody of the child. Requires the court to order the county department of social services to develop a permanency plan for a child and to submit the plan at least 3 working days in advance of the permanency planning hearing.

Requires the department of institutions to conduct an administrative review every 6 months after a juvenile has been placed in foster care by the department. Clarifies that the court may authorize the juvenile parole board to conduct a parole hearing prior to the release of a juvenile from the custody of the department of institutions. Establishes that all juvenile records in the custody of the department of institutions are confidential and may be disclosed only for certain purposes and to certain individuals.

Requires the court to appoint a guardian ad litem in all cases of alleged child abuse or neglect.

Clarifies that if a child is placed out of the state, the requirements of the "Interstate Compact on Placement of Children" shall be followed, if appropriate.

Clarifies that the court may consider reports and other materials relating to the child in determining whether to terminate the parent-child legal relationship. Clarifies that if the court determines that a child will not be returned to the physical custody of a parent within 6 months, the court shall enter an order determining the future status or placement of the child.

APPROVED by Governor June 2

EFFECTIVE July 1

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 92-83 Hearing aid dealers - deceptive trade practices - refunds - returns. Amends the "Colorado Consumer Protection Act" with respect to hearing aid dealers. Requires that the receipt from the purchase of a hearing aid bear information for the resolution of consumer complaints including a statement that if the consumer is not satisfied such consumer may contact the district attorney or the attorney general. Mandates that the receipt include the provisions of the warranty or that the dealer provide an exact copy of the warranty to the purchaser. Requires that any sale of a hearing aid to a child 18 or under shall be conditioned upon such child's having been examined within the previous 6 months by a licensed physician and an audiologist. Allows only an audiologist or a licensed physician to adjust a cochlear implant. Requires a trial period for all hearing aid purchases within which the buyer has a right to cancel the purchase. Specifies how a refund may be obtained and under what circumstances the dealer may retain any portion of the purchase price. Prohibits any attempt to delay or forestall a purchaser's attempt to return a hearing aid to the dealer. Prohibits keeping any portion of a purchase price for services or goods represented as being free of charge to the purchaser. Makes the violation of any of these provisions deceptive trade practices and violations of the "Colorado Consumer Protection Act". Defines "audiologist", "cochlear implant", "dispense", and "trial period" for purposes of the "Colorado Consumer Protection Act".

APPROVED by Governor June 1

EFFECTIVE July 1

S.B. 92-160 Uniform consumer credit code - disclosure - limited liability. Limits liability under the uniform consumer credit code for acts done in conformity with a written response by the administrator (the designated assistant attorney general) or the board of governors of the federal reserve system to a person pursuant to a written request on behalf of such identified person, even if such written response is amended, rescinded, or determined to be invalid. Liability is limited under current law for acts done in conformity with rules, regulations, or interpretations of the administrator or the board.

Amends the notice and fee provision that applies to persons who collect payments from consumer credit sales, consumer leases, or consumer loans by eliminating the requirement that such persons have an office or place of business in this state.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 92-1053 Charitable organizations - reporting requirements - appropriation. Requires all charitable organizations which qualify as 501 (c) (3) tax-exempt organizations under the federal internal revenue code and which are required to file a form 990 or a form 990EZ to annually file a copy of such form, with an attached schedule A, with the secretary of state of Colorado. Repeals said provision on December 31, 1994.

Appropriates \$14,401 and 0.5 FTE to the department of state for the implementation of the act.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1082 Antitrust - enforcement - penalties. Repeals and reenacts antitrust provisions as the "Colorado Antitrust Act of 1992". Defines terms. Makes illegal certain acts in restraint of trade or commerce, certain acts to monopolize trade or commerce, and certain acts relating to bid-rigging. Makes unlawful certain acts relating to mergers and acquisitions. Establishes jurisdiction and venue and statutes of limitation for actions brought pursuant to the act. Establishes powers of the attorney general related to the enforcement of the act. Provides for enforcement of the act through criminal or civil penalties. Authorizes civil damages, treble damages, and injunctive relief for violations of the act. Renders void all contracts arising from a violation of this act.

APPROVED by Governor May 26

EFFECTIVE July 1

H.B. 92-1314 Repossession of personal property - bond - disclosure of bond status. Requires a person acting as a reposessor to make an initial disclosure to the party retaining such person as to whether the person acting as a reposessor is bonded. Makes the failure to disclose and the misrepresentation of bond status or failure to file such bond with the attorney general violations of the "Colorado Consumer Protection Act" and deceptive trade practices. Makes knowingly falsifying or misrepresenting information on a bond application a class 1 misdemeanor. Requires that fees collected by the attorney general pursuant to this act be credited to the general fund by the treasurer.

APPROVED by Governor June 1

EFFECTIVE June 1

CORPORATIONS AND ASSOCIATIONS

S.B. 92-154 Ditch and reservoir companies - directors - qualifications - stock ownership. Allows a municipal corporation which owns stock in a ditch or reservoir company to designate an officer, agent, or employee to serve as a director of such company irrespective of the fact that such officer, agent, or employee is not a member or stockholder of the corporation.

APPROVED by Governor March 24

EFFECTIVE March 24

CORRECTIONS

S.B. 92-197 American Indian religious practices - freedom of worship in correctional facilities. Grants persons confined to a correctional facility freedom to worship without fear of retaliation or discrimination, unless such practice of religion threatens the reasonable security interests of the correctional facility. Requires the department of corrections to permit access to religious facilities, sacred objects, and spiritual leaders upon the request of any inmate. Makes attendance at religious services voluntary. Specifies that inspection of sacred objects be done visually. Provides that the department of corrections is not required to construct additional facilities, remodel existing structures, or hire additional employees to accommodate such freedom of worship. Defines American Indian, Indian tribe, Native Hawaiian, and American Indian religion. Requires that access to American Indian spiritual leaders, religious items, and religious facilities be comparable to similar access afforded to inmates who practice Judeo-Christian religions. States that this statute shall not be construed as requiring prison authorities to permit or prohibit access to peyote or American Indian religious sites.

APPROVED by Governor May 26

EFFECTIVE May 26

S.B. 92-214 Preparole facilities - statutory authority for utilization of preparole facilities - continuation. Repeals the statute which terminates the authority of the department of corrections to utilize preparole facilities as of July 1, 1992, thereby continuing such utilization authority of the department.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 92-1029 Regimented inmate training program - eligibility. Expands the age of eligibility for participation in the regimented inmate training program from 25 to 30 years of age.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1124 Parole and probation - pilot program to consolidate offices - recommendations - offender-based tracking system - statutory authority for utilization of preparole facilities - continuation. Requires that the joint report by the judicial department and the department of corrections concerning the pilot program to consolidate parole and probation offices include a recommendation as to whether the 2 programs should be consolidated and, if so, in which governmental department. Creates an offender-based tracking system which is uniform throughout the criminal justice system and requires the Colorado Bureau of Investigation to maintain the system.

Repeals the statute which terminates the authority of the department of corrections to utilize preparole facilities as of July 1, 1992, thereby

continuing such utilization authority of the department.

APPROVED by Governor June 3

EFFECTIVE June 3

H.B. 92-1209 Community corrections - transition program for substance-abusing offenders - creation - components. Creates a transition program for substance-abusing offenders and establishes the criteria for such program. Permits the department of corrections to place offenders in such program who meet certain eligibility requirements. Authorizes the division of criminal justice in the department of public safety to contract with public and private facilities to provide services pursuant to the program.

APPROVED by Governor June 2

EFFECTIVE July 1

H.B. 92-1226 Alternative sentencing - specialized restitution and community service programs authorized - cash fund - appropriation. Permits a sentencing judge to sentence eligible persons convicted of non-violent crimes, other than offenses against children, to specialized restitution and community service programs under specified conditions. Describes the offenders who are eligible for participation in such a program. Provides for the creation, administration, establishment of standards for, and evaluation of such programs. Requires the division of criminal justice to report to the general assembly by January 1, 1996, on the effectiveness of specialized restitution and community service programs.

Authorizes the executive director of the department of public safety to accept on behalf of the state any grants or donations from public or private sources for the purpose of administering specialized restitution and community service programs. Creates a cash fund for such moneys.

Appropriates \$466,420 from the specialized restitution and community service cash fund to the department of public safety for the implementation of this act.

APPROVED by Governor June 1

EFFECTIVE July 1

COURTS

S.B. 92-58 Liability - limitation of civil liability - veterinarians. Exempts veterinarians engaged in equine activities from civil liability for injuries to or the death of participants in such activities.

APPROVED by Governor April 9

EFFECTIVE April 9

S.B. 92-164 Medical malpractice - collateral source evidence - notice requirements. Requires the plaintiff in a medical malpractice action against a health care provider to serve written notice of such suit to a third party payor or health benefit provider in the manner set forth in the Colorado rules of civil procedure or pursuant to the statute requiring a foreign insurance company to appoint the commissioner as agent for service of process.

States that failure to file written notice of a subrogated claim with the court or arbitrator constitutes waiver of the right to subrogation as to such action.

States that the notice of suit and notice of subrogated claim requirements are inapplicable to actions to establish third party liability brought on behalf of persons who receive medicaid under the "Colorado Medical Assistance Act".

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 92-165 Court of appeals - expansion of jurisdiction. Expands the initial jurisdiction of the court of appeals by permitting them to hear cases in which the constitutionality of a statute, municipal charter provision or an ordinance is in question, but excludes from the jurisdiction of the court of appeals cases in which a statute, a municipal charter provision or an ordinance has been declared unconstitutional.

APPROVED by Governor April 9

EFFECTIVE July 1

S.B. 92-181 Attorney fees - class action litigation brought against public entities - limitation. Limits the amount of attorney fees that an attorney is entitled to receive out of an award to plaintiffs who prevail in class action litigation brought against any public entity, including actions under the "Colorado Governmental Immunity Act". States that the attorney fees shall be determined by the court and shall not exceed \$250,000. Provides that such limitation applies where the public entity is required to pay attorney fees directly or indirectly.

Applies to awards for attorney fees entered on or after April 28, 1992.

BECAME LAW without Governor's signature April 28

EFFECTIVE April 28

H.B. 92-1035 County courts - organizational structure - reclassification. Reclassifies Eagle county from a class D county to a class B county. Changes the designation of Clear Creek county from a class B county to a class D county effective January 12, 1993, or upon the occurrence of a vacancy in the Clear Creek county judgeship, whichever occurs first. Requires the judge of Eagle county court to conduct court business in the Roaring Fork river drainage area of Eagle county in a manner sufficient to deal with court business. Repeals the statute requiring that, in Eagle county, there shall be an assistant county judge who shall maintain his official residence and court chambers in the Roaring Fork river drainage area of Eagle county.

APPROVED by Governor February 12

EFFECTIVE February 12

H.B. 92-1043 Workers' compensation - representation by corporate employees. Authorizes any corporate employee who is authorized by the president or secretary of the corporation to represent such corporation in workers' compensation proceedings. Eliminates the requirement that such form of representation be limited to closely held corporations and to disputes where the amount at issue does not exceed \$10,000.

BECAME LAW without Governor's signature April 14

EFFECTIVE April 14

H.B. 92-1047 Liability - limitation of civil liability - volunteers. Enacts the "Volunteer Service Act" which establishes immunity for volunteers from civil liability in instances in which they are acting in good faith and within the scope of their volunteer functions. Makes an exception to immunity when damage or injury is caused by willful and wanton misconduct by a volunteer. Defines volunteer as a person performing services without compensation for a nonprofit organization, nonprofit corporation, or hospital. Excludes licensed physicians providing medical services or medical care from the definition of volunteer. Defines nonprofit corporation and nonprofit organization. Limits such immunity protection by providing that an individual volunteer may be sued for a negligent act or omission involving the operation of a motor vehicle to the extent that the volunteer possesses insurance coverage.

APPROVED by Governor April 29

EFFECTIVE July 1

H.B. 92-1059 Criminal actions - protection of individuals who provide information - sealing of records - video tape depositions. Authorizes the court to seal information contained in correspondence which is a part of a criminal justice record in order to protect the author.

Establishes that, upon application of the prosecution and a preliminary finding by the court that there is a substantial risk of physical harm or intimidation of a criminal witness, the court may order that the witness' deposition be recorded on video tape. Defines "intimidation".

APPROVED by Governor April 10

EFFECTIVE July 1

H.B. 92-1064 Liability - limitation of civil liability - llama activities. Exempts a llama activity sponsor, a llama professional, or any other person from civil liability to persons engaging in llama activities for injury or death to a participant resulting from the inherent risks of llama activities. States the circumstances in which such exemption from liability is not applicable and requires llama professionals to post warning notices about the exemption from liability.

APPROVED by Governor March 16

EFFECTIVE March 16

H.B. 92-1065 Small claims court - limitation on number of claims filed. Applies the limitation on the number of claims a plaintiff may file in small claims court in any month or year to claims filed in each county rather than to claims filed statewide.

APPROVED by Governor March 16

EFFECTIVE July 1

H.B. 92-1087 Emotional abuse of the elderly - restraining orders. Empowers county courts to issue temporary and permanent restraining orders to prevent emotional abuse of the elderly where there exists imminent danger to the emotional health and welfare of the elderly person.

Permits a restraining order to be issued against any person who commits repeated acts which constitute a verbal threat or assault or verbal harassment to a person age 60 or over, repeated acts which result in the inappropriate use or the threat of inappropriate use of physical or chemical restraints or medications upon a person age 60 or over, or repeated acts which result in the misuse of power or authority granted to a person through a power of attorney or by a court in a guardianship or conservatorship proceeding which results in unreasonable confinement or restriction of an elderly person's liberty.

Establishes the procedures governing the issuance of a temporary or permanent restraining order for emotional abuse of the elderly and outlines the duties of peace officers in enforcing such orders.

Requires a person failing to comply with the court's order for emotional abuse of the elderly to be found in contempt of court or permits prosecution for violation of a restraining order.

APPROVED by Governor April 23

EFFECTIVE April 23

NOTE: This bill is further amended by HB 92-1075 relating to enforcement of restraining orders.

H.B. 92-1139 Garnishment - recovery fee for garnishee's costs. Permits a garnishee to withhold and retain a cost recovery fee to defray the garnishee's costs connected with processing the garnished earnings of an employee of the

garnishee. Establishes the amount of such cost recovery fee in an amount of up to \$10 per month and provides that such fee may be withheld in addition to the amount of earnings which are garnished.

VETOED by Governor April 10

H.B. 92-1144 Liability - limitation of civil liability - not-for-profit organizations - operation. Defines the terms "nonprofit corporation" and "nonprofit organization" as those entities which are exempt from federal income taxation and includes "not-for-profit corporation" in the definition of a nonprofit corporation. Provides that any person who serves as a director, officer, or trustee of a nonprofit corporation or nonprofit organization and who is not compensated by a salary or prorated equivalent basis shall be immune from civil liability for any act or omission which results in damage or injury if such person was acting within the scope of such person's official functions and duties as a director, officer, or trustee unless the damage or injury was caused by some willful or wanton conduct or omission. Provides exceptions for damages caused by the operation of a motor vehicle, airplane, or boat. Specifies that someone shall not be considered compensated solely by reason of the payment of expenses, the receipt of meals at meetings, or the receipt of up to \$1,000 in gifts in any 12-month period.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 92-1168 Alternative dispute resolution. Empowers any court of record, in its discretion, to refer a case, other than a civil action where injunctive or equitable relief is the only remedy sought, to any ancillary form of alternative dispute resolution which the court deems to be an effective method for resolving the dispute in question. Enables judges to provide guidance or suggest an appropriate forum of alternative dispute resolution. Defines and includes as forms of alternative dispute resolution: "Arbitration", "early neutral evaluation", "med-arb", "mini-trial", "multi-door courthouse concepts", "settlement conference", "special master", and "summary jury trial".

Prohibits a court from referring a case to any ancillary form of alternative dispute resolution or mediation services where one of the parties claims that it has been the victim of physical or psychological abuse by the other party and is thereby unwilling to enter into ancillary forms of alternative dispute resolution or mediation services. Prohibits a court from referring a case to any ancillary form of alternative dispute resolution or to mediation services where a party files with the court, within 5 days of the referral order, a motion objecting to ancillary forms of alternative dispute resolution or mediation services and demonstrating compelling reasons why such ancillary forms of alternative dispute resolution or mediation services should not be ordered.

Gives the chief judge of any judicial district authority to establish, make available, and promote ancillary programs of alternative dispute resolution within the affected district or within a combination of districts. Requires the director of the office of dispute resolution to promulgate rules and regulations

which are subject to the approval of the chief justice of the Colorado supreme court. Provides that referrals be made subject to the availability of alternative dispute resolution programs. Gives parties referred to ancillary forms of alternative dispute resolution the option of selecting services offered by the office of dispute resolution or by other individuals or organizations. Prescribes the contents of the director's annual report to the chief justice.

Requires parties who use ancillary forms of alternative dispute resolution of the office of dispute resolution to pay a fee set to cover the reasonable and necessary expenses of operating the program.

APPROVED by Governor June 2

EFFECTIVE June 2

H.B. 92-1267 Power of attorney - statutory form - creation. Adopts the "Uniform Statutory Form Power of Attorney Act" which establishes a statutory form to be used to create a power of attorney. States that the form does not authorize anyone to make medical or other health-care decisions on behalf of another. Sets forth the general powers of the agent of a statutory power of attorney. Specifies the construction of power relating to each power enumerated on the statutory form power of attorney, including the powers with regard to real property transactions (when properly recorded); tangible personal property transactions; stock and bond transactions; commodity and option transactions; banking and other financial institution transactions; business operating transactions; insurance and annuity transactions; estate, trust, and other beneficiary transactions; claims and litigation; personal and family maintenance; benefits from social security, medicare, medicaid, or other governmental programs, or military service; retirement plan transactions; and tax matters. States that the powers are exercisable whether or not the principal's interest is existing at the time of execution of the power of attorney or is acquired after the execution, whether or not the property is located in this state, and whether or not the power of attorney is executed in this state or any other state. Specifies that the act shall be construed to make the law uniform among the states enacting the act.

APPROVED by Governor April 23

EFFECTIVE July 1

H.B. 92-1288 Interactive audiovisual devices - use in certain types of court proceedings. Authorizes a person who is required to appear in any Colorado court for any proceeding except a trial to appear via the use of an interactive audiovisual device. Requires that the device operate so that the judge or magistrate and such person can view and converse with each other simultaneously. Permits a judge or magistrate to require that a person appear in court. Mandates the making of a record for any proceeding conducted through the use of an interactive audiovisual device. Allows the Colorado supreme court to prescribe rules of procedure to implement this statute.

APPROVED by Governor April 29

EFFECTIVE April 29

CRIMINAL LAW

S.B. 92-21 Animals - unauthorized release of an animal - penalty - restitution. Creates the crime of unauthorized release of an animal. Makes such crime a class 1 misdemeanor. Requires that any person convicted of such crime be ordered to pay restitution.

APPROVED by Governor June 1

EFFECTIVE July 1

S.B. 92-60 Criminal sexual assault proceedings - rights of victims - sequestration orders - definition of consent - jury instructions. Provides safeguards for victims in criminal sexual assault proceedings. Authorizes the court to exclude any member of the general public from a preliminary hearing at the request of any party to the proceeding. Permits the court to exempt a victim's advocate from any sequestration order entered which excludes members of the general public from a trial or preliminary hearing. Defines "consent" for purposes of sexual assault offenses to mean cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. Makes clear that the victim's current or previous relationship with the defendant is not sufficient to constitute consent. States that submission under the influence of fear shall not constitute consent. Requires the jury to be instructed on the definition of consent in a criminal proceeding concerning sexual assault.

APPROVED by Governor May 27

EFFECTIVE July 1

H.B. 92-1015 Controlled substances - uniform controlled substances act - repeal of existing controlled substances laws - location of act in criminal code - appropriation. Enacts, in part, the "Uniform Controlled Substances Act of 1991" which has been adopted by the uniform law commissioners and locates such act in the criminal code. Relocates the five schedules of known narcotic and dangerous drugs and revises them to conform with the uniform act.

Adopts the uniform provisions which require every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state to periodically register with the licensee's respective licensing board or agency. Registration applies to physicians, podiatrists, dentists, optometrists, veterinarians, researchers, pharmacists, pharmacies, in-state manufacturers, in-state and out-state distributors, and humane societies. Makes clear that separate licensure is not required for registration pursuant to this act.

Uses existing Colorado penalties in lieu of penalties recommended by the uniform law commissioners and consolidates all of the existing criminal penalties involving controlled substances, including provisions relating to: Violations by persons licensed to handle controlled substances, imitation controlled substances, and drug paraphernalia; inducing consumption by fraud; and the