

DIGEST OF BILLS ENACTED BY THE SIXTY-FIRST GENERAL ASSEMBLY

1998 SECOND REGULAR SESSION
JUNE 1998

Publication of 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 section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Sixty-first General Assembly at its Second Regular Session ending May 6, 1998. The summaries include the dates bills are approved and the effective dates of the bills. The Digest is not a substitute for the text of the bills or for provisions of Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

ADMINISTRATIVE RULE REVIEW

S.B. 98-109 Continuation of 1997 rules of executive agencies - exceptions - pilot project. Provides for the continuation of the rules and regulations of state agencies that were adopted or amended on or after November 1, 1996, and before November 1, 1997; except that certain rules and regulations shall expire as scheduled on May 15, 1998.

Postpones indefinitely the expiration of the rules and regulations of the public employees' retirement association scheduled to expire on May 15, 1998.

Repeals rules of the state board of veterinary medicine and of the department of human services adopted after November 1, 1997, that replace similar rules adopted on or after November 1, 1996, and before November 1, 1997. Repeals a rule of the department of health care policy and financing adopted after November, 1, 1997.

Postpones the expiration of specified rules of the department of personnel relating to affirmative action until May 15, 2000, and allows specified affirmative action rules to expire as scheduled on May 15, 1998. Directs the department of personnel to submit to the committee on legal services no later than September 1, 2000, employment utilization figures of the state personnel system and the department of personnel's annual affirmative action reports.

Repeals specified instructions of the division of property taxation to assessors relating to the classification of ranch land.

Provides that the recommendations of the committee on legal services as reflected in the act apply to the specified rules in the form in which the rules were considered and acted upon by the committee and that any subsequent amendments or other changes to the rules are not affected by the act.

Extends the pilot project on the prioritization of the review of rules for one more year.

APPROVED by Governor May 15, 1998

EFFECTIVE May 15, 1998

AGRICULTURE

S.B. 98-153 Pet animals - breeder facilities - bird leg bands. Redefines "small animal hobby breeder facility" as a facility that transfers a number of small mammals that is less than the maximum established by the commissioner for each species, and defines a "small animal breeder facility" in the same manner. Replaces language defining such a facility as one that transfers no more than 200 rodents and lagomorphs per year.

States that 2 or more animal facilities that have a similar purpose and operate from one place or premises shall be considered a single facility.

Authorizes the commissioner to establish fees for the issuance and renewal of psittacine bird leg bands. Makes it unlawful to possess certain species of birds for the purpose of selling or trading if such birds have not been legally banded with a leg band appropriate to their size and species and applied during the prefeathered stage of development. Repeals exemptions for zoos and research institutions from the requirement that birds over the age of 10 days must be leg banded.

APPROVED by Governor March 24, 1998

EFFECTIVE March 24, 1998

S.B. 98-188 Colorado horse development authority - creation - assessment on horse brand inspections. Creates the Colorado horse development authority (authority) and vests the power of the authority in the board of directors. Imposes an assessment on horse brand inspections in an amount to be determined by the authority to fund the board's activities and establishes collection procedures. Limits the assessment to no more than \$3 per inspection and prohibits any person from being assessed more than \$100 in a calendar year. Allows for refunds of such assessment. Authorizes the state brand commissioner to retain up to 10% of such assessment for administration.

Allows a person to purchase a Colorado horse development authority assessment card from the authority for \$100 to show, at the time of the horse brand inspection, that the assessment has been prepaid.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1101 Livestock industry - board of stock inspection commissioners - inspection fees - certification of feedlots - sale of abandoned brands. Redesignates the existing per-head brand inspection tax on livestock as a fee and divides livestock subject to the fee into 2 categories, bovine and equine. Sets the inspection fee at 40¢ for bovine livestock (the current level) and \$1 for equine livestock. Redesignates the existing service charge, payable by each person or entity requesting an inspection of livestock, as a "minimum fee" and raises it from the current maximum of \$7.50 to \$10 for both bovine and equine livestock.

Raises the assessment for the recordation of brands from the current level of \$18 per year or \$90 per 5-year assessment period to \$30 per year or \$150 per 5-year assessment period. Requires payment in a lump sum of all applicable assessments for a given period. Creates a presumption of abandonment of any brand that has been cancelled for nonpayment of assessments and that remains unclaimed for 5 years. Provides for public sale of abandoned brands. States that the purchaser of an abandoned brand takes all rights to the brand, free and clear of all liens and encumbrances.

Allows the state board of stock inspection commissioners (board) to issue an annual transportation permit for cattle and "alternative livestock", i.e., elk or fallow deer, comparable to the existing permit for rodeo horses. Limits the fee for such permit to \$20. Raises the fee limit for the existing rodeo horse permit from \$10 to \$20.

Enacts the "Feedlot Certification Act" establishing a program of voluntary certification for feedlot owners under the authority of the board. Provides for cash funding of the program through fees set by the board in accordance with the "State Administrative Procedure Act". Allows the board to inspect and audit feedlot operations; issue, deny, suspend, and revoke certificates; conduct hearings and issue subpoenas; and assess civil penalties for specific violations.

Grants to certified feedlots certain exemptions from stock inspection requirements and discounts on per-head inspection fees. Requires separation of incoming cattle by source and of outgoing cattle by destination. Prohibits the unauthorized use or forgery of a certification and requires the owner of a feedlot whose certification has been revoked to have animals inspected before moving them.

APPROVED by Governor April 13, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1362 Colorado state fair authority - exemptions from procurement and contract negotiation requirements. Extends by one year, until March 1, 1999, the period for which the Colorado state fair authority is not subject to the provisions of the "Procurement Code". Requires the manager of the Colorado state fair authority to submit, on or before November 1, 1998, a list to the joint budget committee of any provisions related to negotiation of consultants' contracts and any provisions of the "Procurement Code" that the Colorado state fair authority desires to remain exempt from on or after March 1, 1999. Requires the manager of the Colorado state fair authority to consult with the board of commissioners of the Colorado state fair authority before submitting the list.

APPROVED by Governor February 27, 1998

EFFECTIVE February 27, 1998

APPROPRIATIONS

S.B. 98-161 Legislative appropriation. Appropriates \$21,927,631 to the general assembly and the legislative service agencies for the 1998-99 fiscal year. Specifies that \$100,000 of this sum is from cash funds and the remainder is from the general fund. Projects that the statutory tax levy on civil actions in 1998-99 will return \$200,000 to the general fund to offset the expenses of the revision of statutes by the office of legislative legal services.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

H.B. 98-1246 Supplier database cash fund - appropriation to the department of personnel. Appropriates \$225,000 out of moneys in the supplier database cash fund to the department of personnel for the 1998-99 fiscal year.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

H.B. 98-1339 Supplemental appropriation - department of agriculture. Amends the 1997 general appropriation act to increase the total appropriation to the department of agriculture. Increases the cash funds portion of the appropriation.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1340 Supplemental appropriation - department of corrections. Amends the 1997 general appropriation act to increase the total appropriation to the department of corrections. Increases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1341 Supplemental appropriation - department of education. Amends the 1997 general appropriation act to decrease the total appropriation to the department of education. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1342 Supplemental appropriation - department of health care policy and financing. Amends the 1997 general appropriation act to decrease the total appropriation to the department of health care policy and financing. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds and cash funds exempt portions. Adds a new footnote to the 1997 general appropriation act. Amends sections of 1997 acts to adjust the appropriations made to the department of health care policy and financing to decrease the appropriation to medical programs, medical services and to increase the appropriation to medical programs, administration.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1343 Supplemental appropriation - department of higher education. Amends the 1997 general appropriation act to increase the total appropriation to the department of higher education. Increases the general fund, cash funds, and the cash funds exempt portions of the appropriation.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1344 Supplemental appropriation - department of human services. Amends the 1997 general appropriation act to increase the appropriation to the department of human services. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and the federal funds portions. Adds 2 new footnotes to the 1997 general appropriation act. Amends sections of 1997 acts to adjust the appropriation made to the department of human services in the 1997 general appropriations act.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1345 Supplemental appropriation - judicial department. Amends the 1997 general appropriation act to increase the total appropriation to the judicial department. Increases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1346 Supplemental appropriation - department of labor and employment. Amends the 1997 general appropriation act to redistribute the total appropriation to the department of labor and employment. Increases the cash funds portion of the appropriation and decreases the federal funds portion.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1347 Supplemental appropriation - department of law. Amends the 1997 general appropriation act to increase the total appropriation to the department of law. Increases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1348 Supplemental appropriation - department of local affairs. Amends the 1997 general appropriation act to decrease the total appropriation to the department of local affairs. Increases the general fund portion of the appropriation and decreases the cash funds exempt and federal funds portions.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1349 Supplemental appropriation - department of military affairs. Amends the 1997 general appropriation act to increase the total appropriation to the department of

military affairs. Increases the general fund portion of the appropriation.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1350 Supplemental appropriation - department of natural resources. Amends the 1997 general appropriation act to increase the total appropriation to the department of natural resources. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and federal funds portions. Adds two new footnotes to the 1997 general appropriation act.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1351 Supplemental appropriation - department of personnel. Amends the 1997 general appropriation act to increase the total appropriation to the department of personnel. Decreases the general fund portion of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1352 Supplemental appropriation - department of public health and environment. Amends the 1997 general appropriation act to increase the total appropriation to the department of public health and environment. Increases the cash funds and cash funds exempt portions of the appropriation.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1353 Supplemental appropriation - department of public safety. Amends the 1997 general appropriation act to increase the total appropriation to the department of public safety. Decreases the general fund and cash funds exempt portions of the appropriation and increases the cash funds and federal funds portions.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1354 Supplemental appropriation - department of regulatory agencies. Amends the 1997 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Decreases the cash funds portion of the appropriation.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1355 Supplemental appropriation - department of revenue. Amends the 1997 general appropriation act to increase the total appropriation to the department of revenue. Increases the general fund and cash funds exempt portions of the appropriation and decreases the cash funds portion.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1356 Supplemental appropriation - department of transportation. Amends the 1997 general appropriation act to increase the total appropriation to the department of transportation. Increases the cash funds and cash funds exempt portions of the appropriation. Adds two new footnotes to the 1997 general appropriations act.

APPROVED by Governor March 27, 1998

EFFECTIVE March 27, 1998

H.B. 98-1357 Supplemental appropriation - department of the treasury. Amends the 1997 general appropriation act to increase the total appropriation to the department of the treasury. Increases the general fund and cash funds exempt portions of the appropriation.

APPROVED by Governor March 12, 1998

EFFECTIVE March 12, 1998

H.B. 98-1358 Supplemental appropriation - capital construction. Amends the 1997-98 general appropriations act to increase the total appropriation to capital construction. Increases the capital construction fund exempt, cash funds exempt, and federal funds portions of the appropriation and decreases the cash funds portion.

Allows a 1994-95 appropriation made in HB 95-1352 for a correctional facility project to be available until the project is completed.

Increases a 1995-96 capital construction appropriation made in HB 95-1352 to the department of corrections for health and life safety projects and the Rifle correctional center.

Allows a 1994-95 appropriation for the removal of the hazardous waste pile made in HB 95-1364 to be available until fully expended by the Colorado school of mines.

For the 1995-96 fiscal year, increases the total capital construction appropriation for the department of public health and environment by increasing the cash funds exempt and federal funds appropriations for Umtrap site cleanup. Also increases the total capital construction appropriation for the department of military affairs by increasing the capital construction fund exempt and decreasing the cash funds exempt appropriations for the Denver armory.

For the 1996-97 fiscal year, amends the total capital construction appropriation as follows: Increases the capital construction fund exempt appropriation to the department of human services for the Colorado mental health institute at Pueblo; decreases the cash funds exempt appropriation to the department of personnel for the telecommunications equipment, phase 1; and decreases the cash funds appropriation to the department of personnel for the capitol complex telephone system.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

H.B. 98-1401 General appropriations act - long bill. Makes appropriations for the payment of the expenses of the executive, legislative, and judicial departments of state government for the fiscal year beginning July 1, 1998. Sets the grand total for the operating budget at \$10,272,869,421, of which \$4,725,262,410 is from the general fund, \$3,306,932,824 is from cash funds, and \$2,240,674,187 is from federal funds.

Appropriates \$607,894,859 for capital construction, of which \$402,001,669 is from the capital construction fund exempt, \$193,198,871 is from cash funds, and \$12,694,319 is from federal funds.

For the 1997-98 fiscal year: Increases the total general fund appropriation to the department of corrections for the jail backlog subprogram under management due to a decrease in the federal funds appropriation; increases the total general fund appropriation to the department of education by decreasing the total program under public school finance in the cash funds exempt appropriation; increases the cash funds exempt appropriation to the governor - lieutenant governor - state planning and budgeting for justice information system implementation under the office of state planning and budgeting; decreases the cash funds exempt appropriation and increases the general fund appropriation to the department of human services for child welfare under children, youth and families; increases the federal funds appropriation to the department of labor and employment by creating a line item for welfare-to-work block grant programs for employment and training programs under the division of employment and training and decreases the cash funds appropriation for workers' compensation under the division of workers' compensation; and decreases the cash funds exempt appropriation for administrative hearings under the department of personnel.

For the 1992-93 fiscal year: Adds a new footnote to extend the capital construction appropriation for superfund site clean-up under the department of health until June 30, 2001.

For the 1995-96 fiscal year: Adds a new footnote to extend the capital construction appropriation for superfund site clean-up under the department of public health and environment until June 30, 2001.

APPROVED by Governor May 4, 1998
PORTIONS VETOED May 4, 1998

EFFECTIVE May 4, 1998

CHILDREN AND DOMESTIC MATTERS

S.B. 98-114 Dissolution of marriage - disposition of property - division of public employee retirement benefits. Allows parties to a domestic relations action who agree in writing to a direct division of public employee retirement benefits in a defined benefit plan to select the single method or formula by which to divide such benefits. Specifies the methods and formulae that the parties may select, including a fixed monetary amount, a fixed percentage of the payment to the participant, a time-rule formula based on the participant's years of service at the time of the decree, regardless of when the participant is expected to retire, or any other method or formula mutually agreed upon by the parties that specifies a dollar amount or percentage payable to the alternate payee.

Instructs the parties to submit the written agreement to the plan administrator at the time of the dissolution of marriage, legal separation, or declaration of invalidity of marriage.

APPROVED by Governor April 20, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-139 Child support - establishment and enforcement - appropriation. Makes the following changes to the "Uniform Interstate Family Support Act":

- Directs employers to treat authenticated copies of an administrative income-withholding order issued in another state as if it had been issued by a delegate child support enforcement unit of this state.
- Repeals the venue provisions.
- Repeals the jurisdiction by arrest provision that had previously been a part of the "Uniform Reciprocal Enforcement of Support Act".
- Repeals the provision specifying the duty of Colorado officials where Colorado is the responding state.
- Repeals provisions related to the enforcement of interstate income withholding that had previously been part of the "Uniform Reciprocal Enforcement of Support Act" and that are inconsistent with the "Uniform Interstate Family Support Act".

Requires that the notice of the deduction for health insurance be sent in all circumstances and not just upon the discovery of current or changed employment.

Makes the following changes to the state parent locator service:

- Clarifies that departments and agencies of the state and local governments are to cooperate in the location of parents or children who qualify to receive child support

enforcement services.

- Specifies that location information includes the individual's social security number, most recent address, and the name, address, and employer identification number of the individual's employer.
- Adds that the equivalent of a state child support enforcement agency or delegate child support enforcement unit of any other state may initiate a request for an employer, trustee, payor of funds, or other employer located or doing business in the state to provide information on the employment, compensation, and benefits of any individual for whom information is known.
- Prohibits the state department from using the state parent locator service for the information-gathering purposes of the financial institution datamatch system.
- Authorizes the equivalent of a state child support enforcement agency or delegate child support enforcement unit of any other state to issue an administrative subpoena directly to gather financial or other information, including information held by a public utility. Removes the limited liability provision for public utilities.

Repeals provisions for maintenance payments to be made through the court registry. Directs the child support enforcement agency and the state court administrator to jointly begin implementing the family support registry for the receipt of support payments in non-Title IV-D cases. Provides for implementation to be phased in over time. Directs the executive director of the state department to notify the state court administrator as each county or judicial district is able to participate in the family support registry system for non-Title IV-D cases. Specifies that the family support registry shall be available for use by all counties and judicial districts by October 1, 1999. Directs the court to send notices in non-Title IV-D cases to redirect payments from the court registry to the family support registry.

Specifies that investment earnings on moneys deposited with the state treasurer and accruing from collections for child support shall remain in the family support registry fund. Directs that such moneys be used to reimburse the family support registry for unfunded payments by noncustodial parents or other incidental expenditures associated with the operation of the family support registry.

Specifies that only federal income tax intercepts shall be allocated to arrears owed to the state, and not state income tax refund offsets.

Adds the following information to the list of information that the judicial department must collect and transfer to the department of human services in all child support orders for child support collection purposes:

- The children's names;
- The date of birth of each child for whom the order requires the payment of support; and
- The amount of monthly or other periodic support owed under the order.

Restores law that allows a court to modify the child support payable by the obligor,

retroactive to the date of a mutually agreed upon change of physical custody.

For any Colorado works participant receiving a diversion grant, establishes an exception to the requirement that Colorado works participants assign child support to the county and cooperate with county efforts to collect child support.

Adds extraordinary costs associated with parenting time to the list of examples for which a court may deviate from the child support guidelines. Makes the expenses of transporting an adult accompanying a child who is less than 12 years of age an extraordinary adjustment in the calculation of child support. Restricts the credit allowed for the support of other children who are not the subject of the child support order to only those children who are born prior to the children who are the subject of the child support order.

Appropriates \$723,024 to the department of human services for the implementation of the act.

Makes the act effective July 1, 1998; except that the provisions relating to the family support registry fund are effective upon passage, and the provisions repealing the fees associated with the court registries are effective October 1, 1999.

APPROVED by Governor May 22, 1998

PORTIONS EFFECTIVE July 1, 1998
October 1, 1999

H.B. 98-1183 Parental responsibilities - parenting time and decision-making responsibility. Eliminates traditional references to "child custody" by changing such terminology to "parental responsibilities". Specifies that by changing the terminology, the general assembly does not intend to alter the legal rights of a custodial parent. Declares that the general assembly recognizes that, in most, cases, it is in the best interests of the children of a marriage to have a relationship with both parents and that, in most cases, it is the parent's right to have a relationship with their children. Allows any party allocated parental responsibilities to access information pertaining to a minor child, including medical, dental, and school records, unless otherwise ordered by the court for good cause shown.

Specifies that the court shall determine the allocation of parental responsibilities, including parenting time and decision-making responsibilities, in accordance with the best interests of the child. Redefines those relevant factors that the court shall consider in determining what parenting time plan would serve the best interests of the child. Lists those factors that the court shall consider in allocating decision-making responsibility between the parties in the best interests of the child. Specifies that the court may allocate the decision-making responsibility with respect to each issue affecting the child mutually between both parties or individually to one or the other party or any combination thereof.

In order to implement an order allocating parental responsibilities, authorizes both parties to submit a parenting plan or plans for the court's approval that shall address parenting time and the allocation of decision-making responsibility. Directs the court to formulate a parenting plan if no parenting plan is submitted by the parties or if the court does not approve a parenting plan that has been submitted. Permits the court to order mediation to assist the parties in formulating or modifying a parenting plan or in implementing a parenting plan.

Repeals prior law authorizing the award of joint custody. Maintains prior law requiring the parties to a proceeding concerning the allocation of parental responsibilities

to disclose to the court the existence of any prior restraining orders. Maintains the prior law authorizing the court to order the parents to participate in parental education classes. Preserves existing law allowing for court interviews of the child. Specifies that the written reports resulting from mandatory evaluations concerning parental responsibilities, formerly referred to as custody evaluations, must address the disputed issues relating to the allocation of parental responsibilities.

Specifies that no subsequent motion for the modification of parenting time may be filed within 2 years after the disposition of a prior motion for a substantial modification of parenting time that also changes the party with whom the child resides a majority of the time, unless there is endangerment. Prohibits a court from modifying a prior parenting time order, which modification is substantial and changes the party with whom the child resides a majority of the time, unless a change has occurred in the circumstances of the child or the party with whom the child resides the majority of the time and a modification is necessary to serve the best interests of the child. Lists agreement, integration into the new home with consent, and endangerment as the 3 circumstances under which the court may so modify the decree.

Maintains the 2-year restriction on motions for modification of custody or decision-making responsibility. Prohibits a court from modifying a custody order or order allocating decision-making responsibility unless a change has occurred in the circumstances of the child or the party with custody or decision-making responsibility and a modification is necessary to serve the best interests of the child. Lists agreement, integration into the new home with consent, modification of parenting time that warrants a modification of decision-making responsibility, acquiescence, and endangerment as the 5 circumstances under which the court may so modify the custody order or order allocating decision-making responsibility.

For purposes of federal law and other state laws, provides that the responsibilities and rights of each party shall be identified in the parenting plan set forth in the court order. Specifies that the enactment of the act does not constitute substantially changed circumstances for the purposes of modifying decrees involving child custody, parenting time, or grandparent visitation.

Specifies that the act applies to causes of action filed on or after February 1, 1999, and to motions filed on or after February 1, 1999, for modifications of previously entered court orders.

APPROVED by Governor June 2, 1998

EFFECTIVE February 1, 1999

NOTE: This act shall take effect February 1, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect February 1, 1999.

H.B. 98-1307 Dependency and neglect - adoption - safe placement of children - appropriation. Makes the following changes to the "Colorado Children's Code" in order to comply with the federal "Adoption and Safe Families Act of 1997":

- Recognizes that one of the goals of all child placement decisions is the safety of the child;
- Defines the term "foster care" as the placement of a child into the legal custody or legal authority of a county department of social services for physical placement of the child in a certified or licensed facility;
- Amends the definition of "reasonable efforts" to specify that in determining whether reasonable efforts are appropriate, the child's health and safety is to be the paramount concern;
- In determining reasonable efforts with respect to a child, requires a guardian ad litem to make the child's health and safety the paramount concern;
- Requires the court to provide notice of hearings and reviews concerning a child to the following parties with whom a child is placed: Foster parents, preadoptive parents, and relatives providing care to a child. Specifies that the notices shall not reveal addresses, last names, or other identifying information;
- Directs the court to proceed with a permanency planning hearing when it finds that an appropriate treatment plan cannot be devised, unless a motion for termination of parental rights has been filed within 30 days after the court's finding;
- Specifies that efforts to place a child for adoption or with a legal guardian or custodian may be made concurrently with reasonable efforts to reunify the family;
- With regard to the criteria for terminating the parent-child relationship, changes the phrase "gravely disabling injury" to "serious bodily injury" and adds the existence of an identifiable pattern of sexual abuse of the child as a criterion;
- Makes the fact that a child has been in foster care for 15 of the most recent 22 months a basis for finding that a parent is unfit in relation to the termination of parental rights unless certain factors exist;
- Makes the murder or the voluntary manslaughter of a child's sibling and related inchoate crimes the basis for termination of parental rights;
- Makes felony assault that results in serious bodily injury to the child or another child of the parent a basis for termination of parental rights;
- Requires a permanency planning hearing to be held no later than 12, rather than 18, months after the child has entered foster care;
- States that a child is deemed to have entered foster care on the date the court approves transfer of custody or approves out-of-home placement of the child or the date that is 60 days after the date on which the child was removed from the home, whichever is earlier;
- Directs the permanency planning hearing to occur no later than 30 days after a determination that an appropriate treatment plan cannot be devised, unless a motion for termination of parental rights has been filed within 30 days after the court's hearing;

- Specifies what the court findings shall include with respect to placement goals for the child;
- Changes focus of periodic reviews to the safety of the child;
- Requires the county department of social services or child placement agency to conduct a criminal background check of the prospective adoptive parent and directs the court to deny the final adoption decree if it determines that the prospective adoptive parent has been convicted of certain felony offenses.

Appropriates \$1,381,489 and 28.0 FTE to the judicial department for the implementation of the act.

APPROVED by Governor June 2, 1998

EFFECTIVE July 1, 1998

H.B. 98-1385 Juveniles - detention facilities - catchment areas. Instructs the executive director of the department of human services and the state court administrator to establish geographical catchment areas for juvenile detention facilities. To the extent practicable, requires the catchment areas to ensure that each juvenile is held in a juvenile detention facility located in the judicial district in which the offense was committed. Specifies criteria to consider in establishing catchment areas for judicial districts in which no juvenile detention facility is located. Requires the working group for juvenile placement criteria to annually submit to the executive director and the state court administrator recommendations concerning the catchment areas and placement of detained juveniles.

Instructs the executive director and the state court administrator to submit a description of the juvenile detention catchment areas to the joint budget committee and to the judiciary committees of the senate and house of representatives on or before December 1, 1998. Instructs the executive director and the state court administrator to reexamine the catchment area boundaries annually and submit any changes to said committees by December 1.

APPROVED by Governor June 1, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

CONSUMER AND COMMERCIAL TRANSACTIONS

H.B. 98-1131 Self-sufficiency for persons with disabilities - express warranties for facilitative devices. Requires manufacturers of facilitative devices to furnish consumers of new facilitative devices with an express warranty that extends for at least one year. Defines "facilitative devices" and "facilitative technology". States that a facilitative device shall be covered by a warranty having the same features as an express warranty if the manufacturer

or dealer of the device fails to furnish the express warranty.

Requires any entity that sells or leases facilitative devices in Colorado to designate an authorized servicer for such product. In the event the selling dealer goes out of business, moves, or ceases to be an authorized dealer, if the consumer is dissatisfied with the selling dealer, provides that the consumer may contract the manufacturer or another authorized dealer to facilitate the warranty service required with an alternative warranty service provider agreed upon by the consumer.

States that any reported nonconformity of a facilitative device that is made available for repair by the consumer shall be repaired by the manufacturer, lessor, selling dealer, or alternative warranty service provider at no charge to the consumer. Requires that such repairs be warranted for a period not less than the original warranty period.

For purchased facilitative devices, if the nonconformity is not repaired after a reasonable attempt, requires the manufacturer or dealer who originally supplied or modified the facilitative device either to replace the device with one of equal or greater value and refund any collateral costs to the consumer, or to refund the full purchase price plus any finance charge, sales tax, shipping costs, and collateral costs to the consumer. For leased facilitative devices, requires the manufacturer or dealer to accept a return of the facilitative device and to refund the current value of the written lease and the amount paid under the lease to the consumer. States that such remedies are not exclusive.

Sets forth the procedures a consumer must follow in order to receive a refund or replacement facilitative device, and provides the manufacturer or dealer 30 business days within which to supply the consumer with a replacement or refund. Requires a consumer, upon receipt of a replacement facilitative device or refund, to return the nonconforming facilitative device.

Prohibits the sale or lease of a returned facilitative device unless full disclosure is made to the prospective consumer concerning the reasons for the return. Specifies that the remedies of the express warranty established by the act are to be in addition to, and not in limitation of, the rights or remedies available to a consumer under any manufacturer's warranty.

Provides that the conduct of a manufacturer, dealer, or lessor constitutes the crime of theft if he or she delays final repairs with the intention of requiring payment of the cost of such repairs to be made by a publicly funded program of public assistance, medical assistance, or rehabilitation assistance. Requires disputes concerning consumers' rights to be subject to binding arbitration.

States that a manufacturer must mail written notification to the consumer of any known or discovered inherent defects in a facilitative device that affect the safety, usability, or reliability of that device within 14 days after learning of such defect. Requires a seller to disclose to the consumer, prior to the sale of a facilitative device, whether the facilitative device is new or used and whether any warranty applies. Upon delivery, directs the seller to advise the buyer of any warranty rights and the proper maintenance of the facilitative device.

APPROVED by Governor April 10, 1998

EFFECTIVE July 1, 1998

H.B. 98-1203 Deceptive trade practices - sale of manufactured homes. Makes certain

practices in connection with the sale of manufactured homes deceptive trade practices under the "Colorado Consumer Protection Act".

Requires contracts for the sale of manufactured homes to disclose clearly and conspicuously the date on which the manufactured home will be delivered subject to the possibility of unavoidable delay. Specifies that such date may be subject to preconditions that must occur before the date of home delivery can be determined. Provides that, unless delay in delivery is unavoidable or caused by the buyer, the contract for the manufactured home shall allow the seller to elect to either refund home sale deposits or pay a reasonable buyer living-expense per diem that relates back to the contract delivery date, if the date of delivery is more than 60 days after the contract date of delivery, or the completion of delivery preconditions set forth in the contract, if no delivery date has been set.

Requires that all home sale deposits be escrowed for the benefit of home purchasers in a separate fiduciary account in a bank or trust company doing business in the state of Colorado or that sellers provide a letter of credit, certificate of deposit issued by a licensed financial institution, or a surety bond issued by an authorized insurer in a form approved by the attorney general and conditioned upon the refund of any home sale deposit received under agreements for the sale of manufactured homes. Specifies that no financial institution or corporate surety shall be required to make any payment to any person claiming under such deposit or bond until a final determination of fraud, defalcation of funds, or conversion has been made by a court of competent jurisdiction or upon a bankruptcy filing by the seller, or upon the failure to refund or pay a reasonable per diem living expense as required in this act.

Specifies that any such letter of credit, certificate of deposit, surety bond, or other similar surety shall be filed with, and drawn in favor of, the attorney general of the state of Colorado for use of the people of the state of Colorado who are purchasers of manufactured homes and shall be revocable only with the written consent of the attorney general. Specifies that any contract for the sale of a manufactured home shall disclose that the buyer may have no legal right to rescind the contract unless specifically provided by the terms of the contract or for delinquent delivery. Requires sellers to disclose in contracts that the seller has used one of the methods required by this act to ensure that home sale deposits may be refunded.

Requires contracts to disclose that escrow deposit complaints may be filed with the office of the attorney general or the district attorney for the judicial district where the sale occurs. Also requires contracts to disclose that aggrieved persons may bring a civil action under the "Colorado Consumer Protection Act" to remedy violations of this act.

Specifies that damages for violations of this act, in addition to interest, costs of the action, and reasonable attorney fees as determined by the court shall be limited to an amount sufficient to refund moneys actually paid for a manufactured home not delivered in accordance with the requirements of this act.

APPROVED by Governor May 22, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1221 Hospitals - transactions effecting the transfer of 50% or more of the assets or control - attorney general review. Declares that hospitals provide a service to the public by making health care services available to communities they serve and further recognizes the need for appropriate regulatory treatment when hospitals propose to sell or otherwise dispose of or transfer assets or control of the hospital.

Requires parties to a transaction that would result in the sale, transfer, lease, exchange, or other disposition of 50% or more of the assets of a licensed hospital (covered transaction) to provide notice to the attorney general of the state of Colorado in writing no later than 60 days before the covered transaction.

Mandates the attorney general to review and approve covered transactions that occur between nonprofit hospitals that will result in a material change in the charitable purposes to which the assets have been dedicated to determine if hospital assets continue to be dedicated to charitable purposes and that the directors or trustees of the hospitals have not acted unreasonably or breached their fiduciary duties. Requires the attorney general to hold a public hearing in the service area of the hospital involved in the covered transaction.

Requires parties to covered transactions that occur between for-profit entities to provide notice to the attorney general.

Compels the attorney general to review and approve covered transactions that occur between a nonprofit hospital and for-profit entity to ensure that the transaction is in the public interest and results in continuing access to health care for the affected community, that the proceeds are set aside in an amount equal to the fair market value of the hospital assets being transferred, and that no officer of the nonprofit entity benefits from the covered transaction. Requires the attorney general to hold a public hearing in the service area of the hospital involved in the covered transaction. Mandates the nonprofit organization that receives the proceeds of the covered transaction to provide the attorney general an annual report of its use of the proceeds for a period of not less than 5 years after the covered transaction.

Authorizes the attorney general to challenge any proposed transaction between a nonprofit hospital and for-profit entity through injunction, declaratory order, or otherwise in the district court of the jurisdiction where the nonprofit entity has its principal place of business.

APPROVED by Governor April 30, 1998

EFFECTIVE April 30, 1998

CORPORATIONS AND ASSOCIATIONS

S.B. 98-102 Miscellaneous provisions. Unincorporated nonprofit associations. Corrects a reference to the federal "Internal Revenue Code" in the "Uniform Unincorporated Nonprofit Association Act".

Cooperatives. Specifies that, if the directors of a cooperative are not listed in the articles of incorporation, the incorporator designates the initial board of directors. Clarifies that cooperatives have the authority to adopt a trade name. Specifies that members of the parent cooperative are not required to vote on a merger unless otherwise required by the articles, bylaws, or the board, unless such a merger results in an alteration in the rights of members. Clarifies that members of a parent cooperative vote on the question of the merger of a subsidiary with a parent cooperative.

Corporations and associations. Includes special purpose corporations in the definitions of "domestic nonprofit corporations" and "articles of incorporation" for purposes of the "Colorado Corporations and Associations Act". Unless prohibited by the foreign entity's organic law, allows conversion to proceed without a vote of certain nonvoting ownership interests. Specifies procedures for restating constituent filed documents.

Nonprofit corporations. Clarifies that, in order for a person to be a member of a nonprofit corporation, there must be a procedure used to identify such member as a member. Corrects a reference to the federal "Internal Revenue Code" in the "Colorado Revised Nonprofit Corporation Act". Eliminates references to publication by public broadcast. Specifies that the bylaws may specify lesser or greater quorum or greater voting requirements. Allows a former director to file a statement with the secretary of state of the state of Colorado that he or she no longer serves as a director. Clarifies that a single director cannot demand that a meeting be held and provides that, if a director signs the action by written consent, the director waives the right to demand that an action not be taken without a meeting.

Specifies that a nonprofit corporation may not limit a director's liability for damages relating to conflicting interest transactions. Specifies that the bylaws do not create any vested property interests for members of nonprofit corporations. Conforms the notice requirements for amendments by the board to the notice requirements imposed on incorporators. Repeals the directors' ability to amend quorum requirements in bylaws.

APPROVED by Governor May 4, 1998

EFFECTIVE July 1, 1998

CORRECTIONS

S.B. 98-54 Nonstate-owned prison facilities - accreditation - hearing - appropriate security level for inmates. Requires all private prisons located in Colorado to be accredited by the American Correctional Association within 2 years of the date that it accepts its first inmate. Authorizes the executive director of the department of corrections to extend the period within which to obtain such accreditation upon a showing of good cause.

Requires any company proposing to build a private prison to conduct at least one public hearing in the county where the prison is to be built prior to submitting building plans to any local governmental agency.

Prohibits any out-of state inmate from being housed within the state in a private contract prison or a prison operated by a political subdivision of the state unless the prison meets or exceeds the appropriate security level for the inmate.

APPROVED by Governor June 1, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1054 Inmate disaster relief program. Establishes a program in the division of correctional industries in the department of corrections to create disaster relief crews composed of inmates from minimum restrictive or minimum security facilities. Directs that inmate disaster relief crews be made available to the state and other governmental agencies to protect life and property from natural or man-made disasters.

Directs the executive director of the department of corrections to promulgate rules governing the program, including inmate eligibility, procedures for requesting assistance, fees to be charged, and compensation payable to inmates. Authorizes the division of correctional industries to purchase equipment and provide training and to solicit donations to pay for the same. Specifies that the program will not be implemented until sufficient moneys are available to equip and train at least one inmate disaster relief crew. Specifies the general assembly's intent that no general fund moneys be spent on the program.

APPROVED by Governor March 16, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1079 Prisoner litigation - successive claims - attorney fees - filing fees. Requires state prisoners to exhaust administrative remedies prior to bringing any lawsuit based upon prison conditions under any state statute or constitutional provision. Permits a court to dismiss a prisoner's lawsuit without exhaustion of administrative remedies if it is frivolous, malicious, fails to state a claim, or seeks monetary relief against an immune defendant.

Prohibits a prisoner from filing another lawsuit based on prison conditions if the prisoner has on 3 or more occasions filed a frivolous lawsuit. Permits the prisoner to file an action if approved by a judge or if the prisoner is in imminent danger of serious physical injury.

Requires that any monetary award to a prisoner must be used to satisfy any pending court-ordered payment before payment to the prisoner.

Limits attorney fees that may be awarded against a defendant in a prisoner lawsuit to an amount:

- Actually incurred in proving a violation of the prisoner's rights;
- Proportionately related to the relief ordered or incurred in enforcing the award; and
- Based upon an hourly rate of not more than 150% of the amount paid to court-appointed counsel.

Requires that an amount not to exceed 25% of any monetary judgment awarded in a prisoner lawsuit be used to satisfy any award of attorney fees entered in the lawsuit.

If a state prisoner is to file an action or appeal without prepaying the filing fee, requires the prisoner:

- To file verified statements of the prisoner's trust fund account for the preceding 6 months;
- If the prisoner has \$10 or more in his or her trust fund account, to make an initial payment in accordance with the court's order; and
- To make continuing monthly payments equal to 20% of the previous month's deposits in the prisoner's trust fund account until the filing fee is paid in full.

APPROVED by Governor April 13, 1998

EFFECTIVE April 13, 1998

H.B. 98-1103 Copayments for medical services to inmates. Eliminates the existing requirement that the department of corrections charge \$3 against an inmate's account for certain visits by the inmate to an institutional or noninstitutional physician, dentist, or optometrist. Directs the department to assess a consistent copayment against an inmate's account for every medical, dental, or optometric service provided to such inmate. Specifies that the medical service copayment rate need not be the same as the dental and optometric copayment rate. Requires the department to communicate the new mandatory copayment policy to every correctional facility that provides medical, dental, or optometric services to inmates.

Directs the executive director of the department of corrections to promulgate rules concerning copayments, which rules are to address the following:

- The amount of the consistent copayment for medical services;
- The amount of the consistent copayment for dental and optometric services;
- The procedures that department personnel are to follow in assessing copayments;
- The exclusive bases for waiving copayments;
- The information that department personnel are to obtain at the time that services are rendered; and
- The disciplinary action to be taken against department personnel who fail to assess the copayment.

Directs the department of corrections to monitor the information collected about copayments to ensure that the copayments are being assessed consistently. Requires the department to report to the legislative audit committee by September 1, 1999, concerning the medical, dental, and optometric services rendered before and after the enactment of the act and the copayments collected before and after. Directs the department to analyze the effectiveness of the revised copayment schedule in improving consistency of practice and reducing the provision of unnecessary medical services to inmates.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

H.B. 98-1178 Correctional industries - approval of programs at nonstate-owned facilities. Requires any business program utilizing inmate labor at a private prison or a detention facility operated by a political subdivision of the state to be approved by the division of correctional industries in the department of corrections. Exempts from the approval requirement any labor program at a community corrections facility, any labor program at a county facility that only houses state prisoners due to a backlog of prisoners in state-operated facilities, and any program operated by a local government or combination of local governments that has been approved by the local governments. Authorizes the division to promulgate rules concerning requirements for approval. Requires a nonstate-owned prison facility to distribute a Colorado inmate's pay in the same manner that the department of corrections distributes an inmate's pay from the division of correctional industries. Directs a nonstate-owned facility to distribute wages of an inmate from another state pursuant to the contract between the facility and the other state.

Expands the corrections industry advisory board to include a county sheriff appointed by the governor. Directs the advisory board to review the feasibility and effect of any business program at a nonstate-owned prison facility and to make recommendations on the programs to the director of the division.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

H.B. 98-1236 Regimented inmate discipline program - completion. Provides that an offender who completes a regimented inmate discipline program within 28 months prior to

the offender's parole eligibility date is eligible for placement in a community corrections program.

Provides that an offender who completes a regimented discipline program is eligible for placement in an intensive supervision program even if the offender has more than 180 days remaining before the offender's parole eligibility date.

APPROVED by Governor April 17, 1998

EFFECTIVE July 1, 1998

COURTS

S.B. 98-23 Cribs - used - standards - civil actions. Prohibits a commercial dealer from placing a used infant crib that is unsafe at the time of sale or lease into the stream of commerce. Requires the consumer protection division of the department of public health and environment to make available to the public a copy of the federal crib regulations and the voluntary standards of the American society for testing materials. Directs that copies of said regulations and standards also be available in the state publications depository and distribution center and for interlibrary loan. Specifies standards for determining whether a used crib is unsafe. Exempts a used crib from the safety requirements if the crib is not intended for use by an infant and bears a written notice at the time of sale stating that it is not intended to be used for an infant and is unsafe. Allows a parent or guardian who purchases an unsafe used crib on or after July 1, 1998, to bring an action against the commercial dealer for an injunction to prevent the further sale of unsafe used cribs and for return of the purchase price, reasonable attorney fees and costs, and, if the infant is injured or dies as a result of using the unsafe crib, such additional damages as are provided by law.

APPROVED by Governor June 2, 1998

EFFECTIVE July 1, 1998

S.B. 98-66 Service of persons with disabilities as jurors. Provides that a person with a disability shall serve as a juror, except where the court finds that such person's disability prevents the person from performing the duties of a juror. Requires a court to interview the person to determine the reasonable accommodations, if any, that the court shall make available to permit the person to perform the duties of a juror before dismissing the person on the basis of his or her disability.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

S.B. 98-73 Writ of restitution - immunity from liability for removal of personal property - no duty to store or maintain. Provides that an officer and the law enforcement agency employing such officer shall be immune from civil liability for damage to a tenant's personal property removed from a premises during the execution of a writ of restitution. Provides civil and criminal immunity for a landlord who complies with the lawful directions of an officer executing a writ of restitution for any act or omission related to a tenant's personal property removed from a premises during or after execution of such writ.

States that a landlord has no duty to store, maintain, or inventory a tenant's personal property removed from a premises during a writ of execution. Specifies that a landlord who elects to store or maintain a tenant's personal property so removed from the premises has no duty to inventory or to determine ownership or the condition of such personal property and shall be immune from liability for any loss or damage to such personal property.

Allows a landlord who elects to store a tenant's personal property that was removed during or after the execution of a writ of restitution to charge the tenant reasonable storage costs. Authorizes a landlord to recover such storage costs by disposing of the personal property under any lien rights the landlord may have or by allowing the tenant to pay the reasonable storage costs to recover such property.

Allows an employer to contact the county sheriff rather than a local law enforcement officer to have an employee removed from a premises when the employee fails to vacate a

premises within 3 days of receiving a notice of termination of a license to occupy such premises.

APPROVED by Governor May 4, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-124 Civil immunity - "Good Samaritan" law - architects and professional engineers. Limits the potential civil liability of licensed architects and engineers who voluntarily and gratuitously offer their services to ensure the safety of civilians and the structural integrity of buildings and other architectural or engineering systems during a declared emergency or disaster, so long as the injury does not result from gross negligence or willful misconduct.

APPROVED by Governor April 10, 1998

EFFECTIVE July 1, 1998

S.B. 98-136 Juror service - eligibility. Creates exemptions from jury service for persons who have served within the previous one or 2 years under certain circumstances. Allows the supreme court to promulgate rules to exclude from a criminal trial a juror who is employed by a law enforcement agency or a public defender's office. Removes the statutory exclusion from jury service for lawyers. Allows a judge to restrict access to jurors' names by parties, counsel, or their agents. Allows a judge to restrict access to jurors' names and addresses by counsel or pro se parties. Restricts the jury commissioner from providing jurors' addresses to members of the public.

APPROVED by Governor April 21, 1998

EFFECTIVE January 1, 1999

H.B. 98-1132 County judges - appointment pursuant to parties' agreement. Adds county judges to the types of retired or resigned judges who may serve as the presiding judge in an action if the parties to the action agree to such appointment.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1141 Tenancy - grounds for termination - public nuisances. Expands the grounds for which a landlord may terminate a tenancy to include one or more acts of a tenant or the tenant's guest or invitee that:

- Occur on the tenant's leased premises or the common areas located within the tenant's complex or building;
- Constitute a criminal act with a potential sentence of incarceration of 180 days or more; and

- Constitute a public nuisance under state or local law.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

H.B. 98-1168 Social security number - unauthorized use - civil damages. Prohibits any person from fraudulently obtaining or using another person's social security number. Allows any person whose social security number is fraudulently obtained or used to sue the offender for either actual damages or \$10,000, whichever is greater, plus attorney fees and costs. Specifies that such a civil action would be in addition to any criminal action that may be filed.

APPROVED by Governor March 27, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1179 Civil restraining orders - standardized set of forms. Instructs the state court administrator, on or before March 1, 1999, to design and make available a standardized set of forms to be used in the issuance of civil restraining orders. Requires the forms to be easy to understand and use and be designed to facilitate the procedure for requesting, issuing, and enforcing civil restraining orders. Specifies the groups the state court administrator shall work with in developing the forms. Requires any civil restraining order issued after March 1, 1999, to be issued using the standardized set of forms.

APPROVED by Governor April 13, 1998

EFFECTIVE April 13, 1998

H.B. 98-1238 Judicial compensation - increases in annual general appropriations bill. Provides that for the fiscal year commencing July 1, 1999, and for each fiscal year thereafter, the increase, if any, in compensation for justices and judges shall be determined by the general assembly as set forth in the annual general appropriations bill. Specifies that any increase reflected in the annual general appropriations bill shall be only for that year and shall not constitute an increase for any other fiscal year. Indicates that any such increase shall not represent a statutory change in judicial compensation.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1311 Representation of closely held business entities. Expands the number of types of closely held business entities that may be represented in court by an officer or employee of the closely held business entity from only corporations to include corporations, general and limited partnerships, cooperatives, limited liability companies, limited partnership associations, and nonprofit associations and corporations.

APPROVED by Governor April 22, 1998

EFFECTIVE February 1, 1999

NOTE: This act shall take effect February 1, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, shall take effect on the specified date only if approved by the people.

H.B. 98-1364 Supreme court fees - supreme court library fund - appropriation. Repeals the provision that requires that 1/3 of the court of appeals docket fees collected by the clerk of the supreme court go to the general fund, thereby resulting in those fees being deposited in the supreme court library fund.

Appropriates \$73,000 to the judicial department for allocation to the supreme court, law library, for the implementation of this act.

This act applies to fees collected on or after July 1, 1998.

APPROVED by Governor May 18, 1998

EFFECTIVE July 1, 1998

H.B. 98-1372 Professional negligence actions - certificate of review. Requires a certificate of review to be filed in every professional negligence action against a company or firm that employed an acupuncturist or licensed professional at the time of the alleged negligence, even if such person is not named as a party in the action.

APPROVED by Governor April 22, 1998

EFFECTIVE February 1, 1999

NOTE: This act shall take effect February 1, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, shall take effect on the specified date only if approved by the people.

H.B. 98-1376 Civil actions - protection of crime victims. Amends the statute that states a person, estate, or personal representative does not have a right to recover damages in a civil action for injuries or death sustained while committing a felony or fleeing from a felony. Requires the court to dismiss the civil action and award attorney fees and costs to the crime victim in circumstances where the crime victim is found not guilty of criminal charges arising out of resisting the criminal conduct. States that a finding that a crime victim is not guilty of criminal charges for purposes of dismissing a civil action does not include a finding of not guilty by reason of insanity or a finding of not guilty by reason of impaired mental condition.

APPROVED by Governor April 21, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall

take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

CRIMINAL LAW AND PROCEDURE

S.B. 98-8 Preliminary hearings - dispositional hearings. Eliminates the ability of an adult accused of a class 4, 5, or 6 felony, or a juvenile accused of a delinquent act that constitutes a class 4, 5, or 6 felony if committed by an adult, to demand and receive a preliminary hearing, unless the felony is one that requires mandatory sentencing, is a crime of violence, or is a sexual offense. Requires such persons to participate in a dispositional hearing for the purposes of case evaluation and potential resolution. Allows such persons to demand and receive a preliminary hearing if they are in custody; however, directs the court to vacate the preliminary hearing upon the motion of either party if the person has been released from custody prior to the hearing.

Encourages the chief justice of the Colorado supreme court to promulgate rules defining the term "dispositional hearing".

Applies to offenses committed on or after July 1, 1998.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

S.B. 98-21 Vehicular homicide - fleeing from commission of another felony - increased penalty - appropriation. Requires the judge to sentence a defendant convicted of vehicular homicide to a minimum of the midpoint of the presumptive sentencing range but not more than twice the maximum term if the defendant was fleeing from the commission of another felony at the time the vehicular homicide occurred.

For fiscal year 1999-2000, transfers \$3,840 from the general fund to the capital construction fund and appropriates said amount to the corrections expansion reserve fund. For fiscal year 2000-01, transfers \$12,217 from the general fund to the capital construction fund, appropriates said amount to the corrections expansion reserve fund, and appropriates an additional \$1,284 from the general fund to the department of corrections. For fiscal year 2001-02, transfers \$9,890 from the general fund to the capital construction fund, appropriates said amount to the corrections expansion reserve fund, and appropriates an additional \$5,371 from the general fund to the department of corrections. For fiscal year 2002-03, transfers \$13,962 from the general fund to the capital construction fund, appropriates said amount to the corrections expansion reserve fund, and appropriates an additional \$8,679 from the general fund to the department of corrections.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

S.B. 98-137 Crimes involving sexual behavior - HIV testing information. Specifies that the provisions of the act are procedural and therefore may apply to offenses committed prior to, on, or after the effective date of the act.

Requires a person who is convicted under a municipal ordinance that is comparable to the offense of prostitution or patronizing a prostitute to submit to human immunodeficiency virus (HIV) testing. Specifies that the results of said test shall be reported to either the district or municipal attorney. Authorizes the district or municipal attorney to release the test results to a district or municipal attorney in another jurisdiction if the person is charged in the other jurisdiction with prostitution or patronizing a prostitute. Directs that the test be performed by a facility that provides ongoing health care. Requires an employee

of the testing facility to provide oral and documentary evidence regarding whether the person tested had notice prior to the date of the subsequent offense that he or she had tested positive for HIV.

Requires the court to order any person who has been bound over for trial on a sex offense consisting of sexual penetration that involved sexual intercourse or anal intercourse to submit to HIV testing. Specifies that the test results shall be reported to the district attorney. Requires the district attorney to maintain the confidentiality of the test results except under specified circumstances. If the person tests positive, allows the district attorney to seek information from the state department of public health and environment and the local health department concerning whether the person had been notified prior to the date of the offense that he or she tested positive. Requires the state or local health department employee who first notified and can identify the person to provide such oral and written information. If such employee is no longer employed by the state or local health department, requires the state or local health department to provide the former employee's name and address, if available, the documentary evidence, and, if the former employee is unavailable, any current employee with knowledge of the notice and its date.

Specifies that the disclosure provisions shall not be construed to abridge the statutory confidentiality requirements imposed on the state department of public health and environment and the local health departments other than as specified.

VETOED by Governor June 4, 1998

S.B. 98-180 Colorado integrated criminal justice information system - implementation - appropriation. Declares that the Colorado integrated criminal justice information system is in the beginning stages of implementation and that there is a need for ongoing support and leadership to maintain the system. Expands the role of the chief officer of the system to include maintenance of the system.

Repeals statutes relating to the design phase of the system and the local criminal justice agencies pilot program, which have been accomplished.

Appropriates \$245,281 and 1.5 FTE to the department of public safety for allocation to the office of the executive director for the implementation of the act.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1004 Domestic violence - treatment providers - continuation of regulation under sunset law. Continues the regulation and certification of domestic violence treatment programs by local certification boards and the commission on domestic violence until July 1, 2000.

APPROVED by Governor May 22, 1998

EFFECTIVE May 22, 1998

H.B. 98-1026 Theft of public transportation services - fare evasion. Makes it a class 2 petty offense to use a public transportation vehicle without paying the applicable fare, carrying proof that the fare has been paid, or showing proof, upon demand, that the fare has been paid. Makes such offense punishable by a fine not to exceed \$100.

APPROVED by Governor April 2, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1041 Theft of cable services - civil and criminal - penalties. Revises provisions on criminal theft of cable services to provide that a person commits theft of cable services if the person knowingly engages in one of the following acts without authorization from or payment to the cable operator:

- Obtains cable service by trick or deception with intent to deprive a cable operator of compensation;
- Makes connections for the distribution of cable services;
- Modifies a device installed with the authorization of a cable operator for the purpose of intercepting unauthorized cable services carried by such operator;
- Possesses a device or printed circuit board designed to facilitate the reception of cable services;
- Manufactures, imports, distributes, or sells any device designed to receive cable services; or
- Fails to return equipment provided by a cable operator after cable service has been terminated for any reason.

Authorizes cable operators to sue for theft of cable services for the above-described violations. Authorizes cable operators to recover the greater of \$4,000 or 3 times the amount of actual damages sustained for civil theft of cable service. States that a court may increase an award of damages by up to \$50,000 upon finding that an act of civil theft was committed willfully and for commercial advantage. Provides that cable operators do not have to prove that the final purchaser used the device without authorization from or payment to a cable operator. States that the successful party shall be awarded reasonable attorney fees and direct costs incurred as a result of the theft.

Prohibits attempts to limit liability by requiring purchasers to sign a disclaimer acknowledging their responsibility to report the use of a device to a cable operator. Eliminates a provision describing what constitutes prima facie evidence of intent to commit and the commission of civil theft of cable television service. Authorizes cable operators to seek injunctions enjoining violations and damages arising therefrom in the same action.

APPROVED by Governor April 21, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for

submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1088 Criminal laws - procedural changes. Specifies that service of a subpoena on the parent or legal guardian who has physical care of an unemancipated minor, commanding appearance of the unemancipated minor, is sufficient to compel the parent or legal guardian to make all necessary arrangements to ensure that the unemancipated minor appears as a witness at any proceeding before the court or to compel the parent or legal guardian to appear and show good cause for the unemancipated minor's failure to appear.

Repeals the section allowing a county court clerk to issue a summons based on a sworn complaint filed by any person. Prohibits payment of witness fees and witness mileage fees to any person who at the time of testifying is in the legal custody of a state, federal, or local government and whose transportation is provided at government expense. States that criminal restraining orders shall be entered into the central registry of restraining orders only at the discretion of the court or upon motion of the district attorney. Specifies that the clerk of the court issuing a restraining order is responsible for maintaining the information entered into the central registry for restraining orders.

Expands the definition of "basic identification information" for purposes of the adult criminal record expungement statute to conform to the juvenile expungement statute by including place of birth, social security number, occupation and address of employment, photograph, handwritten signature, and any known aliases. Specifies that a defendant or juvenile may be required to pay the costs of participation in a diversion program if he or she unsuccessfully participated in the diversion program prior to conviction or adjudication. Authorizes a court to issue a warrant for the arrest of any person who violates the conditions of a deferred sentence.

Identifies an order of the trial court that dismisses one or more counts of a charging document prior to trial as a final order that the prosecution may immediately appeal. Provides that an appellate court may deny a collateral attack on a criminal judgment when it is clear on the face of the pleadings and on the record that the attack is untimely, regardless of whether timeliness was raised as an issue at the trial court level. Requires application for a rehearing prior to filing for a writ of certiorari only if such application is required by supreme court rule, and specifies that procedures for rehearings on writs of certiorari are subject to supreme court rule.

Clarifies that, for purposes of conducting background checks on persons applying for concealed weapon permits, the Colorado bureau of investigation shall use the applicant's fingerprints in accessing criminal history records maintained by the federal bureau of investigation.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1117 Execution of prisoners - procedures. Eliminates the provision that prohibits the executive director of the department of corrections or such person's designee from publicizing the day and time of a prisoner's execution. Authorizes the executive director or

such person's designee to allow up to 18 witnesses to attend an execution, in addition to those persons whose presence is necessary to conduct the execution.

APPROVED by Governor April 22, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1124 Theft of trade secrets - statutory limitation period - extension. Extends the limitation period to 3 years for the commencement of criminal proceedings in cases of theft of trade secrets.

Tolls the beginning of the limitation period until discovery of the theft, as is currently done with certain other offenses involving fraud or concealment.

Applies to offenses committed on or after July 1, 1998.

APPROVED by Governor April 6, 1998

EFFECTIVE July 1, 1998.

H.B. 98-1156 Sex offenders - lifetime supervision - incarceration - parole - probation - appropriation. Enacts the "Colorado Sex Offender Lifetime Supervision Act of 1998". Defines "sex offense" to include all class 2, 3, or 4 felony sex offenses except specified sex offenses involving exploitation of children. Defines "sex offender" as anyone who is convicted of or pleads guilty or nolo contendere to a sex offense or who is otherwise sentenced as a sex offender.

Requires the court to sentence sex offenders to incarceration for an indeterminate term of at least the minimum of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life or to probation for an indeterminate term of at least 10 years for a class 4 felony or 20 years for a class 2 or 3 felony up to a maximum of the sex offender's natural life. If the sex offense committed was a crime of violence, sets the minimum of the indeterminate sentence at the midpoint in the presumptive range for the level of offense committed, and prohibits the court from sentencing a sex offender who commits a crime of violence to probation. If the sex offense committed renders a sex offender eligible for sentencing as a habitual sex offender against children, sets the minimum of the indeterminate sentence at the upper limit of the presumptive range for the level of offense committed, and prohibits the court from sentencing said sex offender to probation.

Allows the court to sentence as a sex offender a person convicted of one of the specified sex offenses involving exploitation of children if an evaluation indicates that the person is a sexually violent predator.

Requires all sex offenders, as part of their sentence, to undergo sex offender evaluation and treatment. Specifies that, if a sex offender is sentenced for another crime arising out of the same incident as the sex offense, the sentences shall be served

consecutively, not concurrently. Specifies that the sentencing provisions of the act shall take precedence over any sentence imposed for a non-sex offense, unless the non-sex offense is a class 1 felony.

For sex offenders sentenced to the department of corrections:

- After completion of the minimum term of incarceration, minus any earned time, instructs the state board of parole to schedule a hearing to determine whether the sex offender should be released on parole and to grant subsequent reviews if necessary;
- Requires a paroled sex offender to participate in the intensive supervision parole program for sex offenders;
- Allows the sex offender's parole officer to petition the state board of parole for a reduction in the level of parole supervision, and allows the parole officer to return the sex offender to intensive supervision if necessary to protect the public safety;
- After 20 years on parole for a sex offender convicted of a class 2 or 3 felony or 10 years on parole for a sex offender convicted of a class 4 felony, grants the sex offender an automatic hearing, and subsequent reviews if necessary, to determine whether he or she may be released from parole;
- Instructs the department of corrections to make recommendations to the state board of parole regarding whether a sex offender should be released from incarceration and the level of treatment and monitoring the offender should receive. Instructs the sex offender's parole officer and treatment provider to make recommendations regarding whether the level of parole supervision should be reduced and whether the sex offender should be discharged from parole.
- Requires the state board of parole to consider the recommendations of the department, the parole officer, and the treatment provider and to make findings on the record if it chooses not to follow them;
- Provides that the sex offender may be subject to arrest and revocation of parole on the same grounds as parolees who are not sex offenders;
- Instructs the sex offender's parole officer and treatment provider to make recommendations at the revocation hearing, and requires the state board of parole to consider the recommendations and to make findings on the record if it chooses not to follow them.

For sex offenders sentenced to probation:

- Requires the sex offender to participate in an intensive probation supervision program for sex offenders;
- After completion of 20 years on probation for a sex offender convicted of a class 2 or 3 felony, or 10 years on probation for a sex offender convicted of a class 4 felony, requires the court to schedule a hearing to consider whether the sex offender should be discharged from probation and to grant subsequent reviews, if necessary;
- Requires the sex offender's probation officer and treatment provider to make

recommendations to the court concerning whether the sex offender should be discharged from probation;

- Requires the court to consider the recommendations and make findings on the record if it chooses not to follow them;
- Provides that the sex offender may be subject to arrest and revocation of probation on the same grounds as probationers who are not sex offenders;
- Instructs the sex offender's probation officer and treatment provider to make recommendations to the court at the revocation hearing, and requires the court to consider the recommendations and make findings on the record if it chooses not to follow them.

Instructs the department of corrections to create an intensive supervision parole program for sex offenders and the judicial department to create an intensive supervision probation program for sex offenders. Specifies the minimum requirements for both programs. Allows any person who is convicted of indecent exposure, class 5 felony criminal attempt, conspiracy, or solicitation to commit a sex offense, or any of the specified sex offenses involving exploitation of children to be required to participate in the programs.

Provides that a sex offender should be released from incarceration, receive a reduced level of supervision, or be discharged from parole or probation if the sex offender has successfully progressed in treatment and would not pose an undue threat to the community. In the case of release on parole, requires the state board of parole to determine whether there is a reasonable possibility that the sex offender will not commit a crime while on parole.

Beginning November 1, 2000, requires the department of corrections, the department of public safety, and the judicial department to submit an annual report to the judiciary committees of the senate and the house of representatives concerning implementation of the act.

Instructs the sex offender management board, in collaboration with the department of corrections, the judicial department, and the state board of parole, to establish criteria concerning whether the sex offender has met the standard for release or reduction in supervision and standards for entities providing treatment services for sex offenders with developmental disabilities. Requires the recommendations of the department of corrections, parole officers, probation officers, and treatment providers to be based on the criteria established by the sex offender management board.

Specifies that the "Colorado Sex Offender Lifetime Supervision Act of 1998" applies to persons convicted of sex offenses committed on or after November 1, 1998.

Allows the state board of parole to defer reconsideration of a request for release on parole for periods of up to 3 years for any person convicted of a sexual offense prior to November 1, 1998.

For fiscal year 2002-03, transfers \$8,307,509 from the general fund to the capital construction fund and appropriates said amount to the corrections expansion reserve fund.

For fiscal year 1998-99, makes the following appropriations from the general fund:

- \$81,119 and 1.0 FTE to the department of public safety;
- \$947,890 and 15.9 FTE to the judicial department;
- \$103,796 and 2.2 FTE to the department of corrections.

APPROVED by Governor June 1, 1998

EFFECTIVE November 1, 1998

H.B. 98-1160 Criminal laws - substantive changes - appropriations. Prohibits issuance of a bench warrant for any person who fails to appear for a hearing on a minor traffic infraction. Clarifies that the witness protection board may authorize funds to protect a witness who is threatened after completion of an official proceeding or investigation.

Requires revocation of a minor's or provisional driver's license for any person convicted of or adjudicated for a misdemeanor offense or comparable municipal charter or ordinance offense involving controlled substances or marijuana. Specifies that a person whose license is revoked based on said conviction or adjudication is not required to file proof of financial responsibility prior to being relicensed.

For the following crimes, increases the dollar amount that distinguishes between a misdemeanor and a felony and between levels of felony from \$400 to \$500:

- Theft;
- Theft of rental property;
- Theft by receiving;
- Criminal mischief;
- Fraud by check;
- Defrauding a secured creditor or debtor;
- Unauthorized use of a financial transaction device;
- Computer crime;
- Theft against an at-risk adult or an at-risk juvenile;
- Trafficking in food stamps;
- Unlawful use of personal needs funds;
- Tampering with a motor vehicle; and
- Theft of motor vehicle parts.

Allows multiple incidents of theft by receiving that are committed over a period of 6 months to be aggregated to constitute a class 3 felony if the aggregate value of the things involved is \$500 or more.

Specifies that commission of crimes against at-risk adults and at-risk juveniles includes the attempt, solicitation, and conspiracy to commit such crimes. Adds assault in the first degree under circumstances in which the defendant intends to disfigure or disable another person to the crimes specified as crimes of violence. Clarifies that a defendant convicted of assault in the second degree, where the injury occurred during commission or flight from commission of sexual assault in the first degree, is subject to enhanced sentencing provisions, but not those applicable to crimes of violence. Makes it a class 4 felony if a person commits violation of custody by removing the child from the United States.

Extends the term of the automatic restraining order until the case is dismissed or until the defendant is acquitted or completes his or her sentence. Specifies that the court may

appoint a designee to perform the court's duties with regard to the automatic restraining order. Expands criminal solicitation to include offering one's services or the services of another to commit a felony. Lowers the aggregate amount of cocaine required to subject a person to mandatory sentencing if that person unlawfully manufactures, dispenses, sells, or distributes twice or more in 6 months. Deletes the redundant phrase "with intent to steal anything of value" from the elements describing first degree criminal trespass. Increases the level of offense for a hit-and-run accident that results in serious bodily injury from a class 1 misdemeanor to a class 5 felony.

Makes sexual assault on a child by one in a position of trust a class 3 felony where the act is part of a pattern of sexual abuse. Specifies that a defendant convicted of sexual assault on a child by one in a position of trust under such circumstances is subject to enhanced sentencing under the crime of violence provisions.

Makes it an aggravating factor in considering a death penalty sentence if the defendant chose the victim because of the victim's race, color, ancestry, religion, or national origin.

Increases the level of offense for intentionally blocking access to a public highway extending to public lands from a class 3 to a class 1 misdemeanor. For purposes of the "Uniform Controlled Substances Act of 1992", places the drug butorphanol onto schedule IV.

Requires any offender convicted of a class 2, 3, 4, or 5 felony offense committed on or after July 1, 1998, or a class 6 felony that constitutes the offender's second or subsequent felony conviction committed on or after July 1, 1998, whose parole is revoked, and who serves the majority of his or her remaining mandatory period of parole in reincarceration, to complete 12 months of supervision before the offender's sentence is fully discharged. Allows the state board of parole to revoke an offender's supervision and impose intermediate sanctions or return the offender to incarceration for a period of up to 12 months. Allows the state board of parole to discharge an offender prior to completion of the 12-month period of supervision if the board determines that the offender is sufficiently reintegrated into society.

Caps the total period of time that an offender may spend in incarceration at the length of the original sentence to incarceration plus the length of the mandatory parole sentence plus 12 months. Requires the state board of parole to impose intermediate sanctions if revocation of mandatory parole is for less than 12 months or revocation of supervision is based on a technical violation.

Clarifies that an offender's sentence for a class 2, 3, 4, or 5 felony offense committed on or after July 1, 1998, or a class 6 felony that is the offender's second or subsequent felony offense committed on or after July 1, 1998, is not fully discharged until the offender either completes or is discharged from the mandatory period of parole or completes or is discharged from the 12-month period of supervision, whichever occurs first.

Makes an exception to the 5-year appropriation requirement for the provisions concerning parole. For fiscal year 2000-01, transfers \$71,207 from the general fund to the capital construction fund and appropriates said amount to the corrections expansion reserve fund. For fiscal year 2001-02, transfers \$349,055 from the general fund to the capital construction fund, appropriates said amount to the corrections expansion reserve fund, and appropriates an additional \$23,916 from the general fund to the department of corrections. For fiscal year 2002-03, transfers \$397,923 from the general fund to the capital construction fund, appropriates said amount to the corrections expansion reserve fund, and appropriates an additional \$140,676 from the general fund to the department of corrections.

H.B. 98-1177 Sex offenders - registration - sexual exploitation of children - length of parole - witness' prior history - sex offender treatment board - sex offender identification fund. Requires registration by those persons who were required to register as sex offenders against children prior to the 1994 repeal and reenactment of the sex offender registration statute. Clarifies that the sex offender registration provisions apply to persons who plead guilty or nolo contendere to a sex offense. Clarifies that the duty to register applies to any juvenile who receives a deferred adjudication.

Specifies that department of human services personnel shall notify appropriate persons committed to the department of their duty to register as a sex offender. Instructs department of corrections and department of human services personnel to obtain from a sex offender, at least 5 days prior to the date he or she is released from either department, the address at which the sex offender intends to reside upon release.

Specifies that a sex offender must annually reregister with the local law enforcement agency on the sex offender's birth date or the first business day thereafter. Requires sex offender registrants to specify all names including aliases used by the registrant and to reregister if at any time the registrant legally changes his or her name. When a person who is required to register moves to a new jurisdiction, requires the person to notify the law enforcement agency of the jurisdiction from which the person moved. Expands the crime of failure to register as a sex offender to include failure to provide an address prior to release from the department of corrections or department of human services and failure to provide all names and reregister within 7 days after a name change.

Specifies that the interactive data base system shall include all known names used by a registrant and shall cross check names and addresses with the department of revenue data base. Specifies those persons responsible for entering and maintaining information concerning registered sex offenders after the interactive criminal data base is in place.

Specifies that a person who is required to register due to a deferred judgment and sentence or a deferred adjudication may petition the court for an order discontinuing the registration requirement after the person successfully completes the deferred sentence or deferred adjudication. Specifies that any person who was less than 16 years of age at the time of adjudication for a sex offense may petition the court after completion or discharge from the sentence for an order discontinuing the registration requirement and removing his or her name from the sex offender registry. Requires the judge to consider whether said person is likely to commit a subsequent sex offense and to base his or her decision on recommendations from said person's parole or probation officer and treatment provider and from the prosecuting attorney. Instructs the court to notify the law enforcement agency and the district attorney when a person who is required to register files a petition for an order discontinuing registration. If the court grants the order, instructs the petitioner to send a copy of the order to the law enforcement agency and the Colorado bureau of investigation.

Clarifies that the provisions concerning sexually violent predators apply only to adult offenders or juvenile offenders who are tried as adults. Expands the definition of "sexually exploitative material" to include any digitally reproduced visual material. Specifies that sexual exploitation of a child includes distributing sexually exploitative material through electronic or digital means. Clarifies that a juvenile who is adjudicated for an offense that involves unlawful sexual behavior cannot request expungement of his or her record.

Makes an amendment to conform with a statutory section previously adopted by the general assembly specifying that the period of parole for persons convicted of certain sex offenses is not limited to 5 years, and that the state board of parole has discretion to set the length of parole for persons convicted of certain sex offenses, so long as the parole period does not exceed the maximum sentence imposed on the inmate by the court. Expands the rape shield statute to restrict introduction of evidence concerning a witness' sexual conduct or reputation and to apply to the crimes of sexual assault on a child by one in a position of trust and sexual assault on a client by a psychotherapist.

Adds a judge to serve as a member of the sex offender management board. Changes the name of the sex offender treatment board to the sex offender management board. Clarifies that the sex offender identification fund, in addition to payments for genetic testing received from sex offenders, shall include any additional moneys that may be appropriated thereto by the general assembly to fund the costs incurred in genetic testing of sex offenders.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

H.B. 98-1207 Prisoners - transportation by private company - notifications - log book - conditions. Requires all private companies transporting prisoners in Colorado to:

- Notify the Colorado bureau of investigation whenever a vehicle transporting prisoners enters the state;
- Notify the local law enforcement agency whenever a vehicle transporting prisoners stops for more than 2 hours and, unless impracticable, house any prisoners in a local jail;
- Maintain a log book available for inspection by law enforcement officials with specified information on each prisoner;
- Have available in the vehicle appropriate attire for weather conditions;
- Notify the head law enforcement officer of the facility in which the prisoners are to be housed of each prisoner's name, date of birth, criminal history, and special medical needs; and
- Reimburse the local jail or prison facility for the actual costs of housing any prisoner.

Requires prisoners being transported in Colorado by a private company to:

- Be shackled and under the observation of at least one, awake supervising individual;
- Wear seat belts, but not be shackled to another prisoner; and
- Be housed in a local jail or nonstate-owned prison facility for not less than 6 hours once every 24 hours.

Establishes that a person supervising or an entity transporting a prisoner through Colorado who violates the law may be found guilty of a misdemeanor and sentenced to a fine.

If a prisoner being transported through the state escapes due to negligence of the entity transporting or the person supervising the prisoner, requires the entity transporting the prisoner to be held liable for all actual costs incurred in apprehending the escaped prisoner and actual damages caused by the prisoner.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

H.B. 98-1245 Controlled substances - dispensing of prescriptions via facsimile. Conforms the statute concerning pharmacists' authority to fill prescriptions for schedule II controlled substances to the federal law requirements on facsimile transmissions of prescriptions.

Allows practitioners to transmit a prescription for a schedule II controlled substance to the dispensing pharmacist by facsimile transmission so long as the original written, signed prescription is presented to the pharmacist for review prior to the actual dispensing of the controlled substance.

Allows practitioners to transmit a prescription for a schedule II controlled substance for a hospice patient or for a resident of a long-term care facility or for a patient receiving infusion drug therapy to the dispensing pharmacist by facsimile transmission. Requires that the practitioner or the practitioner's agent note on the prescription that the patient is a hospice patient or a resident in a long-term care facility or a patient receiving infusion drug therapy. States that the facsimile serves as the original written prescription.

Applies to all qualifying prescriptions dispensed on or after July 1, 1998.

APPROVED by Governor April 21, 1998

EFFECTIVE July 1, 1998

H.B. 98-1255 Financial crimes - standardized amounts - place of trial for multiple offenses. Establishes standard dollar amounts for crimes whose levels of offense depend upon the dollar amount involved in the crime. Clarifies that for these crimes the commission of more than one offense within 6 months may be joined as a single criminal episode and tried in any county in which one of the offenses could have been tried.

Applies to offenses committed on or after July 1, 1998.

APPROVED by Governor May 22, 1998

EFFECTIVE July 1, 1998

H.B. 98-1264 Class 1 felonies - discovery procedures. For class 1 felony cases in which the prosecuting attorney has filed a statement of intent to seek the death penalty, specifies the information and materials that both the prosecuting attorney and the defendant must exchange and the time frame in which it shall be exchanged. If the defendant intends to call a witness at the sentencing hearing who will testify as to the defendant's mental condition, requires the court, at the prosecutor's request, to order the defendant to undergo a mental examination, unless the defendant has already undergone such examination and the examination report addresses the defendant's mental condition with regard to mitigating factors.

Specifies that the statute allowing lay witnesses to testify as to their observations of the defendant's mental condition applies in a death penalty sentencing hearing where the

defendant intends to produce witnesses who will provide evidence of the defendant's mental condition.

Creates a continuing duty on the part of both the prosecuting attorney and the defendant to disclose the specified information and materials. Requires any party that discovers additional information and materials that are subject to disclosure to promptly provide the information and materials to the other party.

Allows the court, on a showing of extraordinary circumstances, to grant an extension of time for disclosure of information and materials. Authorizes the court to impose orders and sanctions for violation of the disclosure requirements.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

H.B. 98-1272 Domestic violence - duties of officers - violations of restraining orders - enforcement of foreign orders. Adds to the list of misdemeanors that present an extraordinary risk of harm to society, for purposes of sentencing enhancement, second and subsequent violations of a restraining order to prevent domestic violence.

Clarifies that a peace officer is not required to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence. Clarifies that a peace officer is not required to arrest either party if the officer determines there is no probable cause to believe that a crime of domestic violence has been committed.

Provides that protection and restraining orders issued by another state, an Indian tribe, or a United States territory or commonwealth shall be enforced in this state.

Requires restraining orders to include a statement that the order is enforceable in every court in the United States, that the issuing court had jurisdiction over the parties, and that the defendant received notice and an opportunity to be heard.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

EDUCATION - PUBLIC SCHOOLS

S.B. 98-1 School discipline - services for expelled students - expulsion policies. Clarifies that school districts are required to provide educational services to expelled students upon request of the student or the student's parent or guardian. Specifies the types of educational services that a school district shall provide. Instructs the school district to determine the amount of credit toward graduation that the expelled student shall receive for the educational services provided. Specifies that a student who is receiving educational services may be suspended or expelled in accordance with school district policy and state statute and that, except as required in federal law, any student so suspended or expelled is not entitled to educational services during the period of suspension or expulsion.

Clarifies that an expelling school district need not provide educational services on school property. Clarifies that a student who is at risk of suspension or expulsion or is suspended or expelled, or the student's parent or guardian, may also request other types of services that the school district may provide.

In making awards through the expelled services grant program, instructs the state board of education to consider the costs incurred by the school district in providing educational services to expelled students, rather than the number of students expelled by the school district. Deletes consideration of the number of students anticipated to be at risk of suspension or expulsion during the school year for which the grant is requested.

Expands the definition of "pupil enrollment" for school finance purposes to include pupils who are expelled prior to October 1, but are receiving educational services as of October 1.

Directs each school district, in adopting a written conduct and discipline code, to specify the general policies and procedures for determining the circumstances under and the manner in which suspensions and expulsions shall be imposed. Requires a school district to develop a remedial discipline plan for a student after the second suspension for a material and substantial disruption, rather than after the first suspension.

APPROVED by Governor April 30, 1998

EFFECTIVE April 30, 1998

S.B. 98-11 School district board of education - candidates - qualifications. Requires any candidate for the office of school district director to be a resident of the school district for at least 12 consecutive months prior to the election. Makes any person who has been convicted of commission of a sexual offense against a child ineligible for election to a school district board of education. Directs that any board member who is convicted of commission of a sexual offense against a child while serving on a board of education becomes ineligible to serve and a vacancy is thereby created. Specifies that the act applies to persons elected on or after July 1, 1998.

APPROVED by Governor April 17, 1998

EFFECTIVE July 1, 1998

S.B. 98-63 Charter schools - repeal of repealer. Repeals the provision contained within the "Charter Schools Act" that would repeal the act on July 1, 1998, thereby extending the "Charter Schools Act" indefinitely.

Repeals a provision in the "Charter Schools Act" meant to give effect to those charters existing as of July 1, 1998, for the duration of those respective charters, so that those charters existing on that date would not be extinguished automatically by the repeal of the act.

APPROVED by Governor April 6, 1998

EFFECTIVE April 6, 1998

H.B. 98-1071 Substitute teacher - definition. Clarifies the definition of "substitute teacher" by eliminating the current cumulative limit of 110 regular school days worked and the requirement of working 4 or more hours per school day. Adds that a substitute teacher is one who works as a replacement for a regular teacher, a probationary teacher, or a part-time teacher on a short-term basis while the teacher is absent or unavailable. Specifically excludes from the definition of "substitute teacher" a nonprobationary teacher or a probationary teacher assigned as a permanent substitute teacher within a school district.

APPROVED by Governor March 16, 1998

EFFECTIVE March 16, 1998

H.B. 98-1089 Licensed educators - evaluator training - performance evaluation systems. Establishes requirements for principal and administrator preparation and other evaluator training programs to ensure that training in evaluation skills is consistent statewide. Requires institutions of higher education that provide principal and administrator preparation programs and school districts and boards of cooperative services that provide evaluator training to comply with the program requirements. Identifies the areas that evaluator training shall include, and requires a principal or administrator to demonstrate competencies in the specified areas in order to successfully complete evaluator training.

Requires each school district's performance evaluation system to include two documented observations and one evaluation that results in a written report per year for probationary teachers and one observation each year and one evaluation that results in a written report every 3 years for nonprobationary teachers.

Specifies that one of the standards set by a school district for measuring teacher performance shall be directly related to classroom instruction and shall include multiple measures of student performance. Requires the performance evaluation system to ensure that teacher performance standards and criteria are available in writing to all certificated personnel and that the standards and criteria are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.

Allows the evaluation report to include peer, parent, or student input obtained from standardized surveys. If the person being evaluated disagrees with the evaluation, allows the person to attach any written explanation or other documentation that the person deems necessary.

Requires evaluators to keep records regarding each evaluation. Specifies that each principal or administrator who is responsible for evaluating personnel shall be evaluated on how well he or she carries out the evaluation responsibilities.

APPROVED by Governor April 17, 1998

EFFECTIVE July 1, 1998

H.B. 98-1090 Teachers - dismissal. Shortens the time for notifying the teacher of a

dismissal recommendation from 7 days to 3 days. Shortens the time for the teacher to request a hearing from 7 days to 5 working days. Shortens the maximum period for which a suspended teacher may receive pay from 120 days to 100 days. Changes the time for selecting a hearing officer from 5 days to 5 working days after the notice of objection. If the teacher and chief administrative officer cannot agree on a hearing officer within 5 working days, instructs them to request assignment of an administrative law judge by the department of personnel. Requires the hearing officer to set the hearing date and the date of a prehearing conference within 3 working days after selection, rather than 5 days. Requires the conference and the hearing to be held within 30 days after the hearing date is set, rather than 30 days after selection of the hearing officer. Explains that one purpose of the prehearing conference is to limit the amount of evidence to be presented at the hearing, and requires the parties and their counsel to attend the prehearing conference.

Requires the teacher to provide the school district with copies of any documents he or she plans to introduce at the hearing. Allows both the teacher and the chief administrative officer of the district to supplement their document and witness lists within 7 days after the teacher submits his or her documents. Prohibits the addition of witnesses or documents after expiration of the 7-day period, except on a showing of good cause.

Allows the hearing officer to conduct an informal hearing, but requires that the Colorado rules of evidence concerning hearsay testimony be followed. Reduces the length of the hearing from 10 days to 6 days unless extended by a showing of good cause, and specifies that each party has 3 days to present its case in chief. Limits each party to no more than 10 witnesses, except on a showing of good cause.

Limits the hearing officer to recommending only dismissal or retention. Prevents the hearing officer from placing any conditions on a recommendation for retention. Allows the hearing officer to issue his or her decision, rather than requiring adoption of the decision in open session.

Deletes language establishing a different standard of review on appeal if the board did not follow the hearing officer's recommendation. Allows, rather than requires, the court of appeals to remand a case for further hearing if the court finds a substantial irregularity or error. On request of the prevailing party, requires the court of appeals or the supreme court, depending on the level of appeal, to enter a judgment for costs, including attorney fees, against the nonprevailing party if the nonprevailing party's appeal or defense on appeal lacked substantial justification.

APPROVED by Governor April 17, 1998

EFFECTIVE July 1, 1998

H.B. 98-1095 Retirement funds - school districts - investment. Specifies that, where a school district maintains a benefit or retirement system that utilizes the trust form for managing and investing the funds and assets of that system, the trustee or trustees of such trust shall manage and invest any property or investments held by the trust pursuant to the standard set forth in the "Uniform Prudent Investor Act", as made applicable to any such trust on July 1, 1995.

APPROVED by Governor March 6, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect on August 5, 1998; except that, if a referendum petition is filed against this act or an item, section, or part of this act within the ninety-day period after

final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1139 Tobacco-free schools - repeal of exception. Effective July 1, 1999, eliminates a school district board of education's authority to adopt exemptions from the prohibition against the use of tobacco on school property, and invalidates any exemption adopted prior to said date.

APPROVED by Governor March 23, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1157 Teachers - retirees receiving benefits through school district's retirement fund - post-retirement employment. Conforms the amount of time that a person receiving benefits through a school district retirement fund may be reemployed to provide services to the school district to the amount of time that a person receiving benefits through the public employees retirement association may be reemployed by a school district: 110 full days per year if employment is for full or half days; 720 hours per year if employment is hourly; and 110 full days per year if employment is a combination of full days, half days, and hourly. Specifies the amount of reduction in benefits if a person works more than the specified amount of hours.

APPROVED by Governor April 17, 1998

EFFECTIVE July 1, 1998

H.B. 98-1162 Postsecondary enrollment options - payment of tuition - reimbursement. Requires any high school pupil who enrolls in courses at an institution of higher education under the "Postsecondary Enrollment Options Act", or the pupil's parent or guardian, to pay the amount of tuition required to enroll in such courses. Requires the school district to provide reimbursement for the amount of tuition paid, upon presentment by the pupil of evidence of passage of the courses.

Requires the school district to pay the tuition for pupils who are eligible for free or reduced-cost school lunch. Allows the school district to pay the tuition for a pupil if payment of the tuition would impose a financial hardship on the pupil or the pupil's parent or guardian and the pupil shows evidence of a commitment to successfully completing the course. If the pupil fails to pass the course, requires the pupil, parent, or guardian to reimburse the school district for the amount of tuition paid.

APPROVED by Governor March 27, 1998

EFFECTIVE March 27, 1998

H.B. 98-1171 Charter schools - request for waiver of statutes and regulations - process. Permits the release of charter schools from state regulations and statutes on an expedited basis. Specifies that the state board of education has 45 days after a waiver request is submitted to either grant or deny the request. Permits the state board to orally grant a request, but provides that the board can only deny a request in writing and must specify the reasons for denial. States that a waiver request is deemed granted if the state board has not acted on the request within 45 days after its submission. Clarifies that, when more than one waiver is requested, denial shall apply to only those statutes or regulations so specified. Deletes a requirement that a local board of education and a charter school shall submit a joint waiver request.

APPROVED by Governor June 1, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1186 Public schools - history and civil government - American Indians. Adds a requirement that public schools teach the history, culture, and contributions of American Indians to the existing requirement of teaching the history, culture, and contributions of minorities. Changes existing references in the law from Spanish Americans and American Negroes to read Hispanic Americans and African Americans.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

H.B. 98-1208 Educator licensing - provisional special services license - basic skills assessment - exemption. Exempts any school psychologist or school social worker who holds a valid Colorado license or registration or a valid national certificate from the requirement of passing a basic skills assessment prior to receiving a provisional special services license.

APPROVED by Governor April 6, 1998

EFFECTIVE April 6, 1998

H.B. 98-1209 Waiver of requirements. Repeals the provision that would have repealed the state board of education's authorization to waive any of the requirements of title 22, C.R.S., and any regulatory requirements on July 1, 1998.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

H.B. 98-1227 Authorization of on-line educational program. Authorizes a school district, any group of school districts, or a board of cooperative services to establish an on-line educational program ("on-line program") as an alternative educational program for a student who has been expelled from a public school or a student who demonstrates circumstances that indicate such student's probable success in the on-line program. Identifies the required

features of an on-line program.

Creates an exception to the mandatory attendance law for a student who participates in the on-line program. Authorizes the school district to count any student who is participating in the on-line program as an enrolled student for the purpose of determining pupil enrollment under the school finance act if in the preceding academic year the child was enrolled in a public school or charter school of a school district in the state or the child was not enrolled in any private school, had not participated in a non-public home-based education program, or had not participated in home instruction by a licensed or certified teacher.

APPROVED by Governor May 18, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1231 Capital construction - assistance program for school districts - matching grants. Establishes a school construction and renovation fund to be used to make matching grants to school districts for capital construction projects. Allows matching grants only for projects that have been evaluated and included on the prioritized list prepared by the state board of education.

Permits the use of moneys in the school construction and renovation fund for school district capital construction projects involving instructional facilities, including classrooms, libraries, physical plants, and administrative areas, but does not permit the use of moneys in the fund for athletic, recreational, or other noninstructional facilities.

Requires school districts to submit grant applications to the state board of education no later than July 1 of each year. Allows an individual school to apply through the school district in which the school is located. States that it is the intent of the general assembly that school districts give consideration to the needs of both traditional public schools and charter schools when submitting applications for grants. Authorizes the state board to prescribe the form of the applications, to request additional information, and to promulgate rules for the implementation of the program.

Directs the state board or its designees to review the applications and to prioritize them based on the relationship of the project to safety or health concerns, the relative wealth of the school district, the enrollment growth within the district, the efforts of the school district to allocate moneys to its capital reserve fund in excess of the amounts required by law, and whether the project will assist in incorporating technology into the educational environment. Directs the state board to transmit its prioritized list of eligible projects to the joint budget committee no later than December 1 of each year for inclusion in the general appropriations bill. Requires the state board to transmit the list to the education committees of the house of representatives and the senate. Provides that the joint budget committee shall determine how many of the eligible projects can receive grants of moneys from the fund, that only projects on the prioritized list may receive grants of moneys from the fund, and that the projects shall be funded in the priority determined by the state board.

Provides that the state board shall develop criteria to determine the amount of each matching grant, including the ranking of the school district's assessed value per pupil, the district's mill levy and debt capacity, the percentage of at-risk pupils in the district, the district's effort to submit and support bond questions, and the age and condition of the buildings to be remodeled or rebuilt.

APPROVED by Governor May 27, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1234 School finance - funding of student assessments - small attendance center aid - bonded debt limits - release of student information to recruiters - audit recoveries - military affairs program for expelled students - appropriations. Increases statewide base per pupil funding from \$3,667 to \$3,783. Modifies the size factor formula to provide a minimum size factor of 1.0081 in FY 1998-99 and 1.0120 in FY 1999-2000. Increases the size factor slightly for districts with funded pupil counts between 2,293 and 5,650. Provides that per pupil funding for the minimum districts in FY 1998-99 is not affected by the statutory change in the size factor and for fiscal years thereafter is not affected by changes in the district's size or cost-of-living factor or statutory changes in the at-risk factor. Provides that the size factor for districts with 500 or less pupils be calculated using the district's funded pupil count minus 65% of the pupils enrolled in charter schools. Requires a legislative council staff study of the size factor during the 1998 interim.

For FY 1998-99 and thereafter, permits a district whose funding is capped by TABOR (section 20 of article X of the state constitution) to certify their eligibility for additional school finance revenues up to the district's formula amount. Requires that such certification be submitted no later than December 1 and be reviewed and approved by the district's auditor.

Provides that the student assessment program will be funded as a separate line item in the long bill instead of funded from school finance moneys.

Modifies the definition of "funded pupil count" to mean the greater of the following: The district's pupil enrollment for the applicable budget year; a two-year average; a three-year average; or a four-year average.

Establishes a small attendance center categorical program to provide additional funding for districts that operate schools with less than 200 pupils that are at least 20 miles from a similar school in the district.

Increases the cap on the preschool program from 8,500 to 8,850. Requires the department of education allocate up to 500 positions to full-day kindergarten programs.

Makes other changes relating to public schools as follows:

- Extends the time frame that increasing enrollment districts can use the 25% limitation on bonded debt to July 1, 2005, and extends the eligibility for such provision to districts with a 2.5% growth in enrollment over 3 consecutive years.
- Prohibits a school that receives school finance money to participate in a department of education program that allows a surrogate parent to make educational decisions about a child when the child's parent is unknown or unavailable.
- Provides that modifications in cost-of-living factors following the biennial cost-of-living study apply only to school district cost-of-living amounts that increase.
- Eliminates the provision that allowed amounts budgeted for instructional supplies and materials to be expended for staff development.
- Eliminates the schools of choice fund.
- Provides that money recovered from districts by the department of education following audits be deposited in the state public school fund.
- Eliminates the requirement that the amount of money saved by each school district due to the reduction of the employer contribution to PERA in 1997 be deposited in a capital construction account in the general fund.
- Increases the minimum per unit cost for purchasing certain equipment from the capital reserve fund from \$750 to \$1,000.
- Repeals a provision that allowed the deposit of certificate of participation proceeds in a district's pension or retirement fund.
- Modifies a provision in the open records law to provide that a school board may release a student's personal information to an armed forces recruiting officer unless the student notifies the school board that he or she does not want such information released.
- Transfers \$3,000,000 from the department of state cash fund to the state public school fund for FY 1998-99.
- Allows a district with a funded pupil count of 2,000 or less to apply for contingency reserve funds to offset costs incurred when pupils move into the district after the count date.
- Authorizes the department of military affairs to apply for a grant under the expelled student services grant program to assist the department in providing educational services to expelled students.

Adjusts the 1997 long bill to reduce the general fund appropriation to the department of education by \$3,891,120 and appropriates such amount to the state public school fund. Adjusts the 1998 long bill to increase the appropriation to the department of education for the school finance, total program, by \$3,007,206, the appropriation to the department for the gifted and talented program by \$500,000, and the appropriation to the department for the expelled student services program by \$500,000. Appropriates \$3,967,206 to the department of education to pay the costs of the student assessment program. Appropriates \$800,000 to

the department of education for the small attendance center categorical program. Authorizes the department of military affairs to seek a supplemental appropriation to expend any moneys it may receive from the department of education to fund a national guard challenge program and allows the department to spend any federal funds it may receive to fund such program.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1240 State special education advisory committee - membership. Changes the qualifications for members appointed to the state special education advisory committee to conform with the requirements for advisory panels under the federal "Individuals with Disabilities Education Act".

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1261 School district reorganization. Instructs the school district boards of education that are affected by the appointment of a school organization planning committee to cooperate with the committee by providing any information requested by the committee to assist in formulating the plan of organization.

Requires, rather than allows, school districts to compensate school organization planning committee members for their actual expenses incurred in performance of their duties. Limits "actual expenses" to travel expenses and expenses incurred in purchasing necessary supplies.

Prohibits a plan of organization from setting school district boundaries to create a portion of a school district that is not contiguous to the remainder of the school district.

Provides that the expense of the special school district organization election shall be apportioned among the affected school districts based on population.

APPROVED by Governor April 21, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1267 Education accreditation - statewide assessments. Requires the state board of education to implement a school accreditation process that focuses on student achievement results on standards-based tests. Requires the state board of education to establish accreditation indicators no later than December 31, 1998. Requires the state board of education to prepare annual reports on achievement of the accreditation indicators by public schools and school districts.

Requires each school district to enter into an accreditation contract with the state board of education, which contract shall define the standards, goals, and requirements to be

met by the school district over the 6-year term of the contract. Requires the state department of education to monitor the accreditation contracts and to provide technical assistance to any school district in the state that requests such assistance.

Establishes a corrective action cycle pursuant to which a school district shall receive notice that it is out of compliance with a provision of the accreditation contract, is on probation for failure to implement a plan to remedy a lack of compliance, or has its accreditation removed if it fails to remedy its lack of compliance within 120 days after the school district is placed on probation.

Revises the statewide assessment schedule by requiring administration of a statewide assessment in reading and writing to all students in the 7th grade, starting in the spring semester of 1999; a statewide assessment in mathematics and science to all students in the 8th grade, starting in the spring semester of 2000; and a statewide assessment in reading, writing, and mathematics to all students in the 10th grade, starting in the spring semester of 2001. Requires that, beginning in the spring semester of 2003 and each spring semester thereafter, all students enrolled in the 12th grade who scored below proficient in the statewide assessment administered in the 10th grade shall be required to take the test again before graduation. The state department of education shall maintain the results of such assessments and shall consider such results as accreditation indicators for a school district.

Instructs the state board of education to annually review the competency assessments for professional educators to ensure that they establish an adequate level of competency. Requires teacher preparation programs to include instruction in implementing standards-based education.

APPROVED by Governor May 27, 1998

EFFECTIVE July 1, 1998

H.B. 98-1371 Expulsions - dangerous weapon. Requires a school district to expel a student for bringing a firearm facsimile to school only if the facsimile could reasonably be mistaken for an actual firearm. Creates an exception to the mandatory expulsion requirement for bringing a dangerous weapon to school if the student notifies a teacher or other authorized person as soon as possible after discovering the dangerous weapon and delivers the dangerous weapon to the teacher or other authorized person. Clarifies that the school district may expel a student under such circumstances if expulsion would be in accordance with the school district's discipline code.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 98-82 Colorado postsecondary educational facilities authority - change of name - institutions eligible for assistance. Changes the name of the "Colorado Postsecondary Educational Facilities Authority Act" to the "Colorado Educational and Cultural Facilities Authority Act" and changes the name of the Colorado postsecondary educational facilities authority to the Colorado educational and cultural facilities authority.

Expands the institutions the authority may assist from institutions of postsecondary education to any governmental, quasi-governmental, or nonprofit educational institution, including charter schools and any institution that provides an educational program to the residents of the state.

Specifies that no financial obligation of a charter school incurred pursuant to the "Colorado Postsecondary Educational Facilities Authority Act" shall become an obligation of the school district that granted the charter to the charter school unless the district consents in writing and the authority obtains a legal opinion that the obligation is legally permissible.

APPROVED by Governor May 4, 1998

EFFECTIVE May 4, 1998

S.B. 98-128 Prepaid tuition program - dependents of slain and disabled law enforcement officers - confidentiality - fund. Directs that tuition assistance for dependents of slain or disabled national guardsmen, law enforcement officers, and firefighters be provided through the purchase of advance payment contracts from the Colorado student obligation bond authority, with respect to dependents who are 16 and under as of January 1, 1999.

If the Colorado commission on higher education is notified of the existence of a dependent within one year after the dependent becomes eligible, directs the commission to purchase on behalf of the dependent in the name of the state an advance payment contract for 4 years of tuition. If the commission is notified more than one year after a dependent becomes eligible, directs the commission to purchase the number of tuition credits that can be purchased with the same amount that would have purchased contracts for 4 years of tuition. If the tuition contracts are not sufficient, directs the commission to provide additional tuition assistance from appropriated financial assistance funds, but the additional assistance shall not make up for any shortfall due to the lack of timely notification of the existence of a dependent.

If the eligible dependent has not used or is not then using the tuition assistance when the dependent reaches the age of 25, directs the commission to request a refund of the advance payment contract, and requires that the refund moneys be paid to the general fund.

Establishes that certain records relating to the Colorado prepaid postsecondary education expense trust fund are confidential and that the Colorado student obligation bond authority shall deny the right to access and inspection of such records under the Colorado open records laws. Authorizes the authority to release records relating to a specific prepaid contract upon the written consent of the purchaser and to release reports required by statute. Limits causes of action for wrongful disclosure of confidential information to cases where the wrongful disclosure was grossly negligent or intentional.

Specifically includes within the prepaid expense trust fund receivables for moneys due

to be remitted.

APPROVED by Governor April 10, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-183 Colorado Northwestern community college - entry into state system of community and technical colleges - future appropriation. Provides for the approval of a plan submitted by Colorado Northwestern community college (CNCC) to join the state system of community and technical colleges upon enactment of an appropriation to fund CNCC as a part of the state system. Sets forth the question to be placed on the November 1998 ballot for the voters of the Rangely junior college district (RJCD) to approve CNCC joining the state system and the continuation of the RJCD's authority to collect property taxes. Specifies the question to be placed on the November 1998 ballot for the voters of the Moffat county affiliated junior college district (MCAJCD) to approve continuation of the MCAJCD's authority to collect property taxes through 2008 if the RJCD voters approve CNCC joining the state system. Specifies that CNCC shall enter the state system if the plan is approved by a majority of the voters in the RJCD and if moneys are appropriated therefor.

Specifies that, upon entry into the state system of community and technical colleges, CNCC shall be under the management and control of the state board of community colleges and occupational education, the assets and liabilities of CNCC shall be transferred to the state board, and the educational facilities of CNCC shall be immediately eligible for state controlled maintenance funds.

Provides that, if CNCC is approved for acceptance into the state system of community and technical colleges, the RJCD shall remain in existence and continue to collect property tax and specific ownership tax in the district in the initial amount of 5 mills plus the mill levy required for debt service on outstanding general obligation bonds previously approved by voters. Specifies how the tax moneys collected may be used. Provides that the RJCD shall also maintain the liability for outstanding general obligation bonds, but provides for all other liabilities and all assets to transfer to the state board of community colleges and occupational education. Specifies the reduced powers of the RJCD board of trustees, including those powers necessary to levy taxes and distribute the revenues therefrom in accordance with specified purposes. Directs that any remaining assets of the RJCD shall be transferred to the state board of community colleges and occupational education upon future dissolution of the district.

Upon approval of acceptance of CNCC into the state system by the RJCD and if the MCAJCD ballot measure passes, provides that the MCAJCD shall remain in existence and continue to collect property tax for a period not to exceed 10 years in the initial amount of 3 mills. Specifies how the tax moneys collected may be used. Specifies the reduced powers of the MCAJCD board of control, including those powers necessary to levy taxes and distribute the revenues therefrom in accordance with the specified purposes.

Provides for the transfer of MCAJCD's assets and liabilities to the state board of community colleges and occupational education except for tax revenues and except for those assets specified in the plan. Dissolves the MCAJCD on January 1, 2009, and provides for the repeal of its enabling statutory provisions thereafter. If CNCC is accepted into the state system but the MCAJCD voters do not approve the ballot measure, identifies 3 options for governance of the MCAJCD from which the MCAJCD board of control shall select within one year after the election.

Specifies that upon approval of acceptance of CNCC into the state system and upon approval of the ballot measure by the MCAJCD voters, the initial advisory council for CNCC shall consist of 3 members of the RJCD board of trustees, 3 members of the MCAJCD board of control, and one member at large to be appointed by the state board of community colleges and occupational education from the CNCC designated service area.

Acknowledges that implementation of the act will require appropriations in future fiscal years.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

H.B. 98-1021 Auxiliary facilities - extension of enterprise status designation. Extends the expiration date for the designation of certain higher education auxiliary facilities as enterprises from June 30, 1999, to June 30, 2009. Adds to the list of higher education auxiliary facilities designated as enterprises:

- Auxiliary facilities of the university of northern Colorado; and
- The Colorado state forest service seedling tree nursery of the Colorado state university system.

Eliminates from the list of higher education auxiliary facilities designated as enterprises:

- Student health center, auxiliaries, and self-supporting enterprises of the university of northern Colorado; and
- Internal services operations of the Colorado community college and occupational education system.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

H.B. 98-1031 Private occupational school division - board established - powers. Abolishes the private occupational school policy advisory committee, effective June 30, 1998. Creates the private occupational school board in the department of higher education, and specifies that it will exercise its powers and duties under a **type 1** transfer. Authorizes the governor, with the senate's consent, to appoint the 7 members of the board to 4-year staggered terms. Specifies that 3 members of the board are owners or operators of private occupational schools that receive federal funds and 4 members are representatives of the general public, at least one of whom represents bankers and at least 2 of whom represent businesses that employ students of private occupational schools. Prohibits certain persons from serving on the board. Specifies that the private occupational school division shall provide staff support.

Transfers the following existing duties from the private occupational school division to the board:

- Setting minimum criteria for receiving certificates of approval and agents' permits;
- Investigating and acting upon applications for certificates of approval, agents' permits, and changes of ownership;
- Requiring posting of school closure notices;
- Investigating entities subject to the jurisdiction of the board and the division;
- Denying or revoking agents' permits;
- Appointing administrative law judges to conduct hearings;
- Granting accreditation to private occupational schools;
- Consulting with the division on interstate reciprocity agreements;
- Promulgating and adopting necessary rules and procedures;
- Exercising any implied powers or duties necessary to carry out the statutory provisions; and
- Establishing educational standards for awarding appropriate educational credentials by private occupational schools.

Requires any person claiming any type of pecuniary loss, not limited to tuition and fees, as a result of a deceptive trade or sales practice by a private occupational school or agent to file a complaint with the board. Specifies that a person filing a complaint must exhaust his or her remedies with the board prior to filing a complaint in district court.

BECAME LAW March 17, 1998

EFFECTIVE March 17, 1998

H.B. 98-1052 Work-study programs - for-profit organizations. Adds for-profit organizations to the list of organizations with which educational institutions may enter into student employment contracts under the state work-study program.

APPROVED by Governor March 6, 1998

EFFECTIVE March 6, 1998

H.B. 98-1084 Auraria board - continuation. Continues the existence of the board of directors of the Auraria higher education center by repealing the repeal clause in current law, and deletes a provision in current law that was enacted in anticipation of the sunset of the board.

APPROVED by Governor March 6, 1998

EFFECTIVE March 6, 1998

H.B. 98-1252 Fort Lewis college - role and mission - graduate instruction. Deletes the

prohibition in current law on graduate level instruction at Fort Lewis college from the college's role and mission statement.

APPROVED by Governor April 21, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1318 University of Colorado health sciences center - Fitzsimons trust fund - repeal. Authorizes the creation of the Fitzsimons trust fund for the purpose of setting aside moneys to fund future capital construction projects for the university of Colorado health sciences center when it moves to the former Fitzsimons army base. States that the fund shall be comprised of general fund revenues in excess of the statutory limit on general fund appropriations that are transferred to the capital construction fund and then appropriated from the capital construction fund to the trust fund. States that appropriations may be made out of the fund for capital construction projects that have been approved by the board of regents, the Colorado commission on higher education, the capital development committee, the general assembly, and the joint budget committee.

Repeals the fund on July 1, 2008.

APPROVED by Governor May 22, 1998

EFFECTIVE May 22, 1998

ELECTIONS

S.B. 98-133 Fair Campaign Practices Act - contributions to candidate committees - undeclared candidates - acceptance of contributions - unexpended campaign contributions - definition - additional permissible uses. Specifies that a person who remains a candidate after an election cycle by reason of the maintenance of a registered candidate committee, but who has not publicly announced an intention to seek election to public office in the next or any subsequent election cycle, is an undeclared candidate. Provides that an undeclared candidate who is an elected and serving state officeholder may maintain a candidate committee during his or her term of office and accept contributions, subject to applicable contribution limits, for any permissible use of unexpended campaign contributions.

Defines "unexpended campaign contributions" as the balance of funds on hand in any candidate committee at the end of an election cycle, less the amount of all unpaid monetary obligations incurred prior to the election in furtherance of such candidacy. Provides that, in addition to the existing permissible uses of unexpended campaign contributions, an elected official may use unexpended campaign contributions for any of the following purposes:

- Voter registration;
- Political issue education;
- Postsecondary educational scholarships;
- To defray reasonable and necessary expenses related to mailings and similar communications to constituents; and
- Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences, and meetings on legislative issues, and telephone and pager expenses.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

S.B. 98-145 Election judges - appointment and selection - number - vacancies - duties. Changes the eligibility qualifications for election judges by allowing registered electors who reside in the county to serve as election judges for partisan elections in any precinct in the county rather than only the precinct in which they reside. Prohibits a candidate or member of a candidate's immediate family from serving as an election judge in the candidate's precinct. Requires that an election judge in a nonpartisan election that is not coordinated by the county clerk and recorder be a registered elector of the political subdivision for which the election is being held.

Requires those persons recommended as election judges by the county chairperson of a major political party to complete and file an acceptance form rather than a certification of qualification with the county clerk and recorder or the designated election official. Relocates the requirement that a county clerk and recorder or the designated election official hold a class of instruction concerning the tasks of an election judge and a special school of instruction concerning the tasks of a supply judge not more than 20 days prior to each

election. Requires each person appointed as an election judge to attend the class of instruction prior to each election in which the person will serve as an election judge.

For partisan elections, relocates the provision that allows a precinct committee person to submit a list of registered electors recommended to serve as election judges and an order of preference for those registered electors directly to the county clerk and recorder if there is no county chairperson.

Changes the starting date of an election judge's term from the date of appointment to the last Tuesday of May in even-numbered years. Changes the ending date for such term from 2 years from the date of appointment to the last Monday of May in the next even-numbered year or until the designated election official appoints a replacement, whichever is earlier.

Modifies the method of confirmation and acceptance of election judge appointments by requiring the designated election official to mail each appointee a certification of appointment and an acceptance form. Requires each person appointed to file the acceptance form within 7 days. Authorizes the designated election official to determine that a vacancy has been created if a person appointed as an election judge fails to file the acceptance form or fails to attend the required class of instruction. Provides for the appointment of election judges if the county chairperson or committee person does not submit enough names.

Changes the method by which the major political parties divide an odd number of election judges from designating all even-numbered precincts to one major political party and all odd-numbered precincts to the other party, to allocating one-half of the precincts to each party, as determined by the county clerk and recorder. Provides that, if an odd number of precincts exists, the county clerk and recorder shall determine which major political party is entitled to any extra election judge either by mutual consent of the major political parties or by lot.

Changes the required number of election judges in nonpartisan elections from 3 to 2. Authorizes the designated election official and, for partisan elections, the county clerk and recorder to appoint additional election judges as needed to perform other duties.

Authorizes the county chairperson of a major political party to preemptively remove an election judge who is not faithfully or fairly representing the party or who has moved from the county rather than the county clerk and recorder. Provides that a partisan election may commence when 2 election judges who are not of the same political affiliation are present rather than 1 judge from each major political party.

Clarifies that service as an election judge is not employment for purposes of employment security.

APPROVED by Governor April 30, 1998

EFFECTIVE April 30, 1998

S.B. 98-193 Rocky mountain presidential primary task force - vacancies in general assembly. Requires 6 members from Colorado to serve on any rocky mountain presidential primary task force that is established. Specifies that the members shall include one republican and one democrat appointed by the governor, the majority and minority leaders of the house of representatives or their designees, and the majority and minority leaders of the senate or their designees. Requires the governor to appoint members to a rocky mountain presidential task

force within 30 days following the establishment of such task force.

Requires the members appointed to the rocky mountain presidential primary task force to cooperate with task force members from other states in making recommendations to the states represented on the task force regarding:

- A common date for a joint rocky mountain presidential primary task force; and
- Mechanisms to increase the presidential candidates' interaction with voters in the western region of the United States and attention to western regional issues.

States that such recommendations shall not be binding or operational in Colorado unless ratified and approved in separate legislation by the general assembly. Repeals the statutory provisions relating to the rocky mountain presidential primary task force on July 1, 2000.

With respect to a meeting of a vacancy committee that is selecting a person to fill a vacant seat in the general assembly, reduces the number of voting members of the vacancy committee necessary to constitute a quorum from 2/3 to 1/2 of the voting membership of the committee.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

H.B. 98-1105 Local government elections - "Fair Campaign Practices Act" - reporting requirements - issue committees. Defines "appropriate officer" as the individual with whom a candidate or committee must file, depending on the office or election, for purposes of meeting the FCPA's filing and reporting requirements. Specifies that committees and political parties that are required to file reports with the municipal clerk or the county clerk and recorder must report contributions and expenditures to the appropriate officer instead of with the secretary of state. Changes the reporting date for reports that are to be filed with the county clerk or recorder or the municipal clerk. Requires committees and political parties that must report to the municipal clerk or county clerk and recorder to register the committee or political party with the appropriate officer instead of with the secretary of state.

Expands the measures that an issue committee may organize to support or oppose from any ballot initiative and referendum to any ballot issue or ballot measure.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

H.B. 98-1110 Minor political parties - formation - ballot access - candidates - vacancies. Requires a minor political party to adopt a constitution or set of bylaws containing information relating to: Candidate nominations; conventions; member, delegate, and officer selection; filling vacancies; the powers and duties of officers; state and county organizational structure; and amendments to the constitution or bylaws. Requires a minor political party to file its constitution or bylaws with the secretary of state to be qualified as a minor political party. Allows a minor political party to nominate candidates for presidential elector, United States senator and representative, and certain state and county offices.

Allows a minor political party to nominate candidates by filing a petition signed by at least 10,000 registered electors with the secretary of state no later than May 1 of the

election year for which the party seeks to nominate candidates. Lists requirements for the form and contents of such petition. Establishes procedures for determining the sufficiency of such petitions.

Allows a minor political party to nominate candidates without filing a petition if any of the party's candidates for any office voted on statewide election in either of the last 2 preceding general elections received at least 5% of the total votes cast for such office or 1,000 or more registered electors are affiliated with the party prior to July 1 of the election year for which the party seeks to nominate candidates. Allows an existing qualified minor political party to remain qualified to nominate candidates if any of the party's candidates for statewide office received at least 1% of the total vote cast for any statewide office in either of the last 2 preceding general elections or 1,000 or more registered electors were affiliated with the party prior to July 1 of either of the preceding 2 general election years for which the party sought to nominate candidates.

Requires the secretary of state to notify the chairperson of a minor political party and the clerk and recorder of each county of the state if the party ceases to meet the requirements of a qualified minor political party by July 1 of an election year in which a minor political party may qualify candidates for the ballot. Prohibits the secretary of state from accepting any certificate or designation of candidates from a minor political party for any election for which the party has ceased to qualify. States that all registered electors of a disqualified minor political party shall be listed on the registration books of the appropriate county clerk and recorder as "unaffiliated".

Establishes procedures for minor party candidate nomination. States that a minor party nomination of a candidate shall be valid only if the nominee is a registered elector, has been affiliated with the party for the 12 months immediately preceding the date of nomination, and has not been registered as a member of a major political party in the 12 months immediately preceding the date of nomination.

Modifies definitions of "major political party", "minor political party", and "political party". States that only major political parties may nominate candidates in a primary election. Specifies that vacancies in a nomination by a minor political party and in certain offices held by persons affiliated with a minor political party are filled pursuant to that party's constitution or bylaws. Makes modifications regarding the arrangement of names on ballots for partisan elections.

APPROVED by Governor April 13, 1998

EFFECTIVE April 13, 1998

H.B. 98-1188 Contributions by lobbyists - political party fund-raising events during session - contribution to party - gift to incumbent or candidate - spending limits - when accepted - reporting periods and due dates - campaign volunteers - sanctions - immunity. Specifies that a payment by a lobbyist or a principal of a lobbyist to participate in a political party fund-raising event is a contribution from the lobbyist to the party and must be reported as such. Provides that, if a meal is received in return for a portion of that payment, only the amount in excess of the value of the meal is a contribution to the political party. Requires the political party to determine the value of the meal.

Provides that a gift of a meal at a political party fund-raising event by a lobbyist or principal of a lobbyist to an incumbent in or a candidate elected to a state office must be reported by the lobbyist in the lobbyist disclosure statement and by the incumbent or

candidate in the public official disclosure statement. Adds such a meal to the items that must be included in both statements.

Allows a candidate to accept voluntary spending limits at the time of filing a candidate affidavit instead of at the time of registering a candidate committee.

Specifies when reporting periods close and the dates on which such reports must be filed.

Provides that a volunteer for a candidate or candidate committee is immune from criminal prosecution and from liability for a fine or penalty in any proceeding based on an act or omission of the volunteer if the volunteer was acting in good faith and within the scope of the volunteer's duties and the violation was not caused by willful and intentional misconduct of the volunteer.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1230 Absentee ballots - self-affirmation on return envelope. Eliminates the requirement that an absentee voter provide his or her residence address in the self-affirmation on the return envelope for an absentee ballot.

APPROVED by Governor March 16, 1998

EFFECTIVE March 16, 1998

H.B. 98-1359 Election law modifications - petitions - campaign contributions - voting precincts - county assemblies. Allows the designated representatives of the proponents of an initiative petition to withdraw the petition from consideration as a ballot issue by filing a letter requesting such withdrawal with the secretary of state no later than thirty-three days prior to the election at which the initiative is to be voted on. States that an appeal to the supreme court of a title board decision regarding an initiative petition shall be "disposed of promptly, consistent with the rights of the parties" rather than "docketed as a cause there pending, which shall be placed at the head of the calendar and disposed of summarily". On and after January 1, 1999, requires a candidate petition for a candidate for statewide office to be signed by at least one thousand five hundred eligible electors in each congressional district. Requires circulators of candidate petitions to be affiliated with the political party mentioned in the petition at the time the petition is circulated rather than for at least 2 months prior to the date of filing the petition.

Prohibits a lobbyist or the principal of a professional lobbyist from making a political contribution to the lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any such office while the general assembly is in regular session. Grants immunity from prosecution for a "Fair Campaign Practices Act" violation to a person volunteering on behalf of a candidate for public office or candidate committee if such person acted in good faith and within the scope of his or her official functions and duties as volunteer and the violation was not caused by willful and intentional misconduct.

Allows a county executive committee of a political party to fix the time and place of a precinct caucus and the number of delegates from each precinct to participate in a county assembly. Allows a county executive committee to allocate the number of delegates from precincts that have been created or split since the previous general election based on the number of registered voters affiliated with the political party, pursuant to the state party

central committee's bylaws or rules. States that candidate petitions for candidates for county office shall be signed by "electors eligible to vote" rather than "eligible electors". Allows the election official of a precinct containing no more than 150 electors to designate such precinct as an absentee polling precinct.

APPROVED by Governor May 6, 1998

EFFECTIVE May 6, 1998

H.B. 98-1363 Voter registration - last four digits of social security number. Provides that each elector who registers to vote may provide the last 4 digits of the elector's social security number. Requires county clerk and recorders to request electors to provide either the last 4 digits of or the elector's complete social security number, if the elector wishes to state the number, when the voter registration records do not contain that information. Specifies that this request be made in written communications from the county clerk and recorder to the elector at regular and early voters' polling places and in the absentee ballot application form.

Specifies that an elector is not prohibited from voting for failure to provide either the last 4 digits of or the elector's complete social security number. Requires that these numbers be held confidential and not be published or open to public inspection.

BECAME LAW April 14, 1998

EFFECTIVE April 14, 1998

FINANCIAL INSTITUTIONS

H.B. 98-1119 Banks - "Bank Electronic Funds Act" - operation of ATMs - repeal of selected provisions. Repeals statutory controls on "communication facilities", including automated teller machines (ATMs), that may be preempted under recent federal legislation. Such controls include a prohibition on certain forms of advertising and signage and a requirement for 30 days' advance notice to state regulators before communication facilities can be placed in operation.

APPROVED by Governor March 23, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1235 Industrial banks - guarantee corporation - officer and director loans - limited securities powers. Repeals provisions relating to the Industrial Bank Guarantee Corporation which has been dissolved.

Permits the term "industrial bank" to appear in smaller font in public advertising by industrial banks. Deletes the prohibition on advertising of guarantee corporation coverage.

Grants parity to industrial banks by allowing industrial banks to extend loans to officers, directors, and principal shareholders if the loan is made pursuant to a program that is available to employees of the bank and is not an increased risk.

Allows industrial banks to engage in limited securities activities.

APPROVED by Governor April 20, 1998

EFFECTIVE April 20, 1998

H.B. 98-1244 Regulation of investment advisers. Includes persons who offer investment advisory services as a main component of a business in the laws regulating the sale and distribution of securities for purposes of regulating investment advisory services. Exempts certain persons and transactions from regulation under the securities laws if the profession of such persons or the service offered in conjunction with such transactions is closely tied to another more dominant profession or if the service or the service provider is regulated by federal securities laws.

Requires investment advisers and investment adviser representatives to be licensed with the securities commissioner before offering investment advisory services. Empowers the securities commissioner to impose examinations, set fees, require the filing of certain forms and information, and require other information deemed necessary by the commissioner for persons seeking to be licensed as investment advisers or investment adviser representatives. Sets parameters on the scope of an investment adviser representative's license. Requires investment advisers to Colorado local government investment pool trust funds to notify the securities commissioner unless otherwise qualified.

Mandates that certain informational disclosures be made to potential clients before a licensee is allowed to offer services. Sets forth requirements for handling and possessing customer securities or funds by licensees.

Grants necessary powers to the securities commissioner to examine records of licensees to ensure compliance with the securities laws. Defines certain conduct as fraudulent, unlawful, or otherwise prohibited. Sets out disciplinary provisions to be used on licensees who violate the securities laws or regulations promulgated by the securities commissioner. Allows civil penalties for certain unlawful or fraudulent acts.

Specifies procedures for the determination of whether a licensee has withdrawn or abandoned a license.

APPROVED by Governor April 30, 1998 **PORTIONS EFFECTIVE** January 1, 1999

GENERAL ASSEMBLY

H.B. 98-1002 Redistricting. Establishes new boundaries for house districts 44, 45, 46, 47, 60, and 61 as required by the tenth circuit court of appeals in *Sanchez v. State of Colorado*, 97 F.3d 1303 (10th Cir. 1997). House district 44 includes Custer, Fremont, and Teller counties and a portion of Pueblo county. House districts 45 and 46 include portions of Pueblo county. House district 47 includes Baca, Bent, Crowley, Las Animas, and Otero counties and a portion of Huerfano county. House district 60 includes Alamosa, Conejos, and Costilla counties and portions of Huerfano, Pueblo, Rio Grande, and Sagauche counties. House district 61 includes Chaffee, Gunnison, Hinsdale, Mineral, Lake, and Park counties and portions of Pitkin, Rio Grande, and Sagauche counties.

APPROVED by Governor February 11, 1998

EFFECTIVE February 11, 1998

H.B. 98-1378 Legislative witnesses - intimidation prohibited - penalty. Makes it unlawful for any person to intimidate a legislative witness, by use of a threat, in order to intentionally influence or induce a legislative witness to:

- Appear or not appear before a committee of the general assembly;
- Give or refrain from giving testimony to a committee of the general assembly;
- Testify falsely before a committee of the general assembly; or
- Avoid legal process summoning the legislative witness to attend and testify before a committee of the general assembly.

Makes it unlawful for any person to take any action against a legislative witness for testifying before a committee of the general assembly. Defines "legislative witness" as any individual that intends to testify or testifies before a committee of the general assembly either voluntarily or pursuant to a subpoena issued by any committee of the general assembly or of either house thereof.

Defines "threat" as the direct communication of an intent to do any act that is intended to harm the health, safety, property, business, or financial condition of the legislative witness.

Specifies the penalty for a violation of this provision. Allows legislative witnesses to recover damages for injuries suffered through a violation of this provision.

APPROVED by Governor May 18, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1403 Capital development committee - appointments - chair and vice-chair

elections. Authorizes the appointment of members to the capital development committee after the general election prior to the convening of the general assembly at which such committee is to serve so long as such appointees are current members of the general assembly. Requires the committee to elect a chairman and vice-chairman at the first meeting held on or after October 15 in odd-numbered years and at the first meeting held after the general election in even-numbered years.

APPROVED by Governor May 26, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

GOVERNMENT - COUNTY

S.B. 98-27 County treasurers - authority to accept partial payments of delinquent personal property taxes - audits. Authorizes the county treasurer to accept partial payments for delinquent personal property taxes so long as the owner of the personal property has entered into a written payment plan with the county treasurer. Requires that a payment plan specify the total amount due, the amount of each payment, and the payment due dates. Requires that the total amount due under a payment plan be paid in full no later than 24 months from the date the owner of the personal property enters into a written payment plan with the county treasurer. Requires the county treasurer to keep a copy of the payment plan until the amount due is paid and, once paid, to mark the plan "paid in full". Authorizes the county treasurer to terminate the payment plan if the owner of the personal property fails to abide by the terms and conditions of the plan.

Authorizes the county treasurer to periodically cause to be performed an audit of the operations and accounts of the county treasurer's office.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

S.B. 98-55 Zoning and building code violations - civil penalty. Authorizes a county attorney to seek civil penalties in county court for violations of a county zoning resolution or amendment or for building code violations. Sets the civil penalty at not less than \$250 but not more than \$500. Requires service of a summons and complaint upon the violator and requires the county zoning official or building inspector to give the violator a notice to correct the violation within 30 days. Provides that if the alleged violation has been cured or removed at least 5 days prior to the appearance date in the summons, the county attorney shall request that the court dismiss the action without fine or appearance of the defendant. Directs the court to order the violator to pay the civil penalty if the court finds that a violation of zoning laws or building codes has occurred. Applies to violations occurring on or after July 1, 1998.

APPROVED by Governor April 17, 1998

EFFECTIVE July 1, 1998

S.B. 98-199 County sheriffs - qualifications - peace officers standards and training - basic certification. Relocates the requirement of obtaining peace officers standards and training (P.O.S.T.) basic certification from the list of training requirements for sheriffs to the list of qualifications for the office of sheriff. Requires that such basic certification be obtained within one year after taking office as sheriff and maintained throughout the term as sheriff.

Eliminates the provision that allows the P.O.S.T. board to grant an extension of up to one year to obtain basic P.O.S.T. certification upon a showing of good cause. Clarifies that a sheriff's pay may be suspended for failure to comply with the training requirements or for failure to obtain basic certification within one year of taking office or to maintain such certification during the term of office. Permits reinstatement of pay and back pay once a sheriff is again in compliance.

Applies to all persons serving as sheriffs as of July 1, 1998, and to all persons elected or appointed as sheriff on or after said date.

VETOED by Governor June 2, 1998

H.B. 98-1033 Categorization of counties for fixing salaries of county officers. Designates Pueblo county as a category I county for purposes of fixing county officers' salaries, rather than as a category II county. Designates Fremont and Garfield counties as category II counties for purposes of fixing county officers' salaries, rather than as category III counties. Designates Archuleta, Chaffee, Clear Creek, Las Animas, and Park counties as category III counties for purposes of fixing county officers' salaries, rather than as category IV counties.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

H.B. 98-1253 Payment of claims against counties. Allows county treasurers to maintain a registry of county orders in any record form, rather than in book form. Requires county treasurers to register county orders and warrants only when there are insufficient funds to pay the indebtedness evidenced thereon. Defines "order" to mean all orders and authorizations issued by the board of county commissioners for the payment of claims against the county. Specifies that "order" includes any warrants issued by the board of county commissioners and any written authorization issued by the board of county commissioners directing the treasurer to make payment of claims against the county by electronic transfer. Clarifies that payment of a county order or warrant by electronic transfer shall be made only after the treasurer approves the release of funds therefor.

Shifts the responsibility for ensuring that county warrants and orders are drawn on the proper fund, and that there are sufficient moneys in said fund, from the county treasurer to the board of county commissioners.

APPROVED by Governor April 2, 1998

EFFECTIVE April 2, 1998

H.B. 98-1305 County boundary adjustment - petition of landowners - conditions for adjustment - county approval - limitation - boundary control commission - repeal. Authorizes a portion of the territory of one county to be stricken off and added to an adjoining county without an election upon the petition of 100% of the landowners in the territory of the county proposed to be stricken off. Requires a hearing on the boundary adjustment after published notice. Specifically requires notification of all owners of real property in and any special district serving the territory to be stricken.

Prohibits a boundary adjustment unless:

- The territory to be stricken off and added to an adjoining county is contiguous to such adjoining county;
- The total area of the territory to be stricken off does not exceed 50 acres;
- Both the county from which the territory is to be stricken off and the adjoining county to which the territory is to be added are represented on the boundary control commission and the governing bodies of both counties have consented to the adjustment;
- The board of directors of both school districts have consented to the boundary adjustment if the adjustment that will detach area from any school district and attach that area to another school district;

- The governing body of any municipality having incorporated territory contiguous to or contained within any portion of the territory to be stricken off has consented to the adjustment.

Requires the board of county commissioners of the county from which the territory is proposed to be stricken off, upon approval of the boundary adjustment, to negotiate an intergovernmental agreement with the board of county commissioners of the adjoining county. Specifies certain terms that must be included in that agreement. Upon approval of the agreement, requires the board of county commissioners of each county to adopt a resolution approving the boundary adjustment and to record that resolution in both counties.

Prohibits any county from striking or adding more than 250 acres pursuant to this procedure. Prohibits striking off territory of a county pursuant to this procedure that contains an occupied residential unit. Requires prior approval by the boundary control commission prior to initiating a boundary adjustment striking territory off of Adams, Arapahoe, or Jefferson county and adding that territory to the city and county of Denver.

Provides for the repeal of these provisions created in this act five years after these provisions take effect.

APPROVED by Governor May 22, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1328 Powers - prohibit minors from possessing tobacco. Authorizes a board of county commissioners to enact a resolution or an ordinance that prohibits a minor from possessing cigarettes or tobacco products.

APPROVED by Governor April 2, 1998

EFFECTIVE July 1, 1998

H.B. 98-1390 Joint zoning boards of adjustment - authorization. Authorizes the governing bodies of a municipality and the county or counties in which it is located to enter into an intergovernmental agreement to establish a joint zoning board of adjustment if such governing bodies have entered into an intergovernmental agreement for the purposes of joint participation in land use planning, subdivision procedures, and zoning.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

GOVERNMENT - LOCAL

S.B. 98-32 Auditor - powers and duties. Requires local governments to inventory and the state auditor to formulate classifications of inventory accounts for:

- Property for which the original cost thereof equals or exceeds an amount established by the governing body of a local government board; and
- Property for which the original cost thereof is less than the amount established by the governing body of a local government but is required to be inventoried by the state auditor.

Prohibits the amount established by a local government for property inventory purposes to exceed the amount specified in the state controller's rules regarding the inventory of state property.

APPROVED by Governor April 2, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-45 Public trustees - salaries and fees. Increases the amount of the fee a public trustee receives for executing a release of a deed of trust from \$8 to \$10, for opening and administering a foreclosure from \$75 to \$100, and for accepting the filing of a notice of intent to redeem from a lienor or encumbrancer from \$5 to \$15. Clarifies that public trustee fees include notary public costs. Increases the annual salaries of public trustees whose terms begin on or after the effective date of the act: For counties of the first and second class, salaries increase from \$26,000 to \$32,000; and for counties of the third class, salaries increase from \$6,500 to \$8,000.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

S.B. 98-71 Charitable contributions by municipalities. Removes the restrictions on the amount a municipality can appropriate annually to associated charity organizations.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

H.B. 98-1020 Local government audits - exemptions. Commencing January 1, 1998, increases the dollar amount of local government revenues and expenditures that is exempt from local government auditing requirements from \$50,000 but not over \$125,000 to \$100,000 but not over \$300,000. Requires local governments seeking this exemption to file an application for exemption from audit prepared by an independent accountant knowledgeable in governmental accounting. Eliminates the restriction on the number of consecutive fiscal years for which an exemption can be allowed.

APPROVED by Governor April 17, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1170 Shooting ranges - restrictions on legal actions - assumption of risk. Prohibits local governments from commencing a civil action or seeking a criminal penalty against a qualifying sport shooting range or its owners or operators on the basis of noise emanating from the range unless a written complaint is filed by a resident of the jurisdiction in which the range is located. Requires that such complainant have established residence within the jurisdiction before January 1, 1985, for the complaint to be acted upon.

Prohibits a person from bringing a lawsuit against a qualifying sport shooting range located in the vicinity of the person's property on the grounds of the noise levels emanating from the range if:

- The range was established before the person acquired the property;
- The range complies with all laws, ordinances, rules, and orders regulating noise that applied to the range and its operation at the time of its construction or initial operation;
- No law, ordinance, rule, or order regulating noise applied to the qualifying range at the time of its construction or initial operation.

Provides that, under certain circumstances, a person who engages in sport shooting activities at a qualifying shooting range assumes the risks associated with the sport.

APPROVED by Governor April 13, 1998

EFFECTIVE April 13, 1998

H.B. 98-1200 Local marketing districts. Authorizes the creation of local marketing districts by any county, city and county, municipality, or any combination of such entities. Sets forth the requirements of the petition process to create any such district, the procedures for hearings by local governing bodies, and election requirements. Specifies the governance of such districts and requirements for meetings of the board of any such district.

Sets forth the powers of such districts, including the expenditure of moneys to promote tourism. Authorizes such districts to impose, subject to voter approval, marketing and promotion taxes. Specifies the procedures for collecting taxes.

Specifies procedures for the dissolution of such districts. Specifies that the provisions of the act do not otherwise affect or impair the jurisdiction of the state department of transportation over streets and highways or of counties, cities and counties, and municipalities over property within its boundaries. Specifies that the provisions of the act

are not the exclusive method of accomplishing the objectives authorized.

APPROVED by Governor June 1, 1998

EFFECTIVE September 1, 1998

NOTE: This act shall take effect on September 1, 1998, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1293 Veteran's preference points - enforcement. Allows applicants at local governments that have a civil service or merit system who have not received veterans preference points to send the local government a written request for a notice of whether the points were received. Requires the hiring authority of the local government to respond within 15 days.

Requires the local hiring authority to hear any appeal concerning the awarding of veterans preference points as required by article XII, section 15 of the Colorado constitution. Overturns the selection and examination process action if the authority finds that the applicant has not been awarded the preference points and that the applicant, if awarded the points, would have obtained the position.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

H.B. 98-1296 Early education and school readiness program. Creates the early education and school readiness program in the department of local affairs to be administered in conjunction with the youth crime prevention and intervention program, contingent upon available appropriations. States that early education and school readiness funds are intended to be used for purposes directly related to increasing the reading readiness and language development of children.

Identifies the qualifications a jurisdiction must meet to receive a grant under the early education and school readiness program. Requires the youth crime prevention and intervention board to administer the program and to develop a formula for distribution of grants to qualified jurisdictions. Repeals the program, effective July 1, 2001.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

GOVERNMENT - MUNICIPAL

S.B. 98-5 Fire and police pensions - assets held in fire and police members' deferred compensation fund. Eliminates the requirement that the assets of each of the deferred compensation plans administered by the board of the fire and police pension association remain solely the property of the employer until made available to the members or other beneficiaries of a plan, and instead requires such assets to be held for the exclusive purpose of providing benefits to participants and beneficiaries and for defraying expenses of the plan and any trust established to hold the assets of the plan.

Specifies that the board shall allow each participating member to exercise control over the investment of the member's assets in a deferred compensation plan by:

- Allowing the member to select from at least 3 alternative investments;
- Allowing the member to change investments at least once each calendar quarter; and
- Providing the member with information describing the investment alternatives, the nature of such investment alternatives, investment performance, fees and expenses of investment alternatives, and other information to enable the member to make informed decisions.

APPROVED by Governor April 2, 1998

EFFECTIVE April 2, 1998

H.B. 98-1022 Fire and police pensions - qualification requirements - internal revenue code. Requires that any volunteer firefighter pension plan must satisfy the qualification requirements of the federal internal revenue code. Specifies the criteria such plans must follow in order to meet the qualification requirements.

Under the provisions on old hire pension plans, changes a reference to the internal revenue code definition of "eligible retirement plan" contained in the provision on transfers of eligible rollover distributions. Requires that benefits paid from an old hire pension fund must be distributed in accordance with certain internal revenue code requirements and specifies the criteria for meeting those requirements. Specifies that contributions, benefits, and service credit with respect to qualified military service shall be provided in accordance with the internal revenue code.

Under the provisions governing the statewide defined benefit plan, modifies the definition of a "money purchase plan". Adds to the criteria a plan must follow to qualify under the internal revenue code the requirement that upon attaining eligibility for a benefit, a member shall be fully vested. Deletes, from the provisions the plan is subject to in order to qualify under the internal revenue code, the prohibition on the board's determination of benefits that discriminates in favor of certain members and on the board's engaging in certain transactions prohibited by the internal revenue code. Changes a reference to the internal revenue code definition of "eligible retirement plan" contained in the provision on transfers of eligible rollover distributions.

APPROVED by Governor March 16, 1998

EFFECTIVE March 16, 1998

H.B. 98-1024 Fire and police pensions - statewide death and disability plan - surviving

benefits. Provides survivor benefits for a surviving spouse and children of a member of the statewide death and disability plan if the member dies while in active service as a result of an injury sustained while performing official duties or as a result of an occupational disease arising out of and in the course of the member's employment. Requires the board of the fire and police pension association to promulgate rules to establish standards and procedures for determining whether a member's death is the result of such an injury or disease and for reviewing and changing existing survivor benefit awards if the member's death was a result of such an injury or disease.

States that, if a member elects to remain vested with the statewide defined benefit plan but dies or becomes disabled prior to termination of employment, the member and the member's survivors are not eligible for the benefits under the statewide defined benefit plan but are eligible for the benefits under the disability and survivor benefits plan.

Requires any member hired before, on, or after April 7, 1978, by an employer maintaining a locally administered and financed alternative pension plan to be covered under the provisions of the disability and survivor benefits plan rather than under any other defined disability and preretirement death benefits.

For the surviving spouse and dependent children of a member receiving payments from a member's separate retirement account or of a member vested in a money purchase plan, reduces the benefits payable by an amount that is the actuarial equivalent of the benefits received from the separate retirement account or the money purchase plan.

APPROVED by Governor March 23, 1998

EFFECTIVE See note

NOTE: This act shall take effect sixty days after the date on which the fire and police pension association receives a letter from the internal revenue service containing a favorable ruling to the effect that benefits paid to the survivors of deceased police officers or firefighters as a result of on-duty personal injuries or service-related or occupational diseases under this act are excludable from the gross income of the recipients pursuant to section 104 (a) (1) of the federal "Internal Revenue Code of 1986", as amended, if such ruling is received by December 31, 1999.

H.B. 98-1029 Statutory council - manager cities - mayors - terms of office. Allows the city council of a statutory council-manager city to enact an ordinance to change the term of office for the mayor from 2 to 4 years. Allows the city council to reinstate 2-year terms for the office of the mayor by ordinance. Subjects such ordinances to referendum and stipulates that the ordinances be enacted at least 180 days prior to a regular election. Prohibits the city council from enacting an ordinance to extend or reduce the term for which a mayor has been elected.

APPROVED by Governor April 17, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1035 Volunteer firefighters - retirement pension - maximum benefit. Instead of a maximum monthly retirement benefit of \$450, allows pension boards to determine the maximum monthly benefit for volunteer firefighters who have 20 years of active service and who are over the age of 50 years based upon an actuarial review indicating the amount of a payment that is actuarially sound. Specifies that a benefit determined by the board of a municipality must be approved by the municipality's governing body.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1056 Volunteer firefighters - early retirement pension - period of active service. Allows the board of a volunteer firefighter pension fund to pay a pension to a volunteer firefighter who has less than 20 years of active service, but in no event less than 10 years of active service, rather than to a volunteer firefighter who has 10 years of active service. Provides that the board shall determine the period necessary to qualify for such pension.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1380 Volunteer Firefighter Pension Act - modification of maximum benefit amounts. Eliminates the maximum monthly retirement benefit of \$450 and allows pension boards to determine the maximum monthly benefit for volunteer firefighters who have 20 years of active service and who are over 50 years of age based upon an actuarial review indicating the amount of a monthly benefit that is actuarially sound. Requires the maximum monthly benefit determined by the board of a municipality to be approved by the municipality's governing body.

Modifies the maximum amount of the following volunteer firefighter pension benefits:

- Short- and long-term disability benefits;
- The retirement pension of a volunteer firefighter who serves in more than one fire department;
- Survivor benefits; and
- Funeral benefits.

Provides that survivor benefits may be increased in the same manner as postretirement benefit increases.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

GOVERNMENT - SPECIAL DISTRICTS

S.B. 98-16 Football stadium district - board - authority to waive construction performance bonds. Repeals the express authority of the board of directors of the metropolitan football stadium district to waive any requirement that contractors who provide materials and labor for the construction or renovation of a stadium must provide performance bonds prior to commencing construction.

APPROVED by Governor April 3, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-53 Sanitation, water and sanitation, and metropolitan districts - solid waste - collection and transportation. Authorizes any sanitation district, water and sanitation district, or metropolitan district with a resident elector population of 2,500 or less that is located in whole or in part within a county with a population of 25,000 or less to provide collection and transportation of solid waste for and on behalf of the district. Requires the district board to publish notice and award contracts for such services according to county public bidding procedures. Prohibits the district board from awarding a contract for waste services that exceeds 3 years. Authorizes all sanitation districts, water and sanitation districts, and metropolitan districts to provide solid waste disposal facilities. Adds the board of a metropolitan district and sanitation district to the definition of "person" for the purpose of solid waste disposal regulation.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

S.B. 98-120 Regional transportation district - authorization for inclusion of portion of Weld county - appropriation. Authorizes the inclusion of a defined area of Weld county in the regional transportation district upon approval by a majority of the eligible electors of the area to be included. Sets forth conditions for holding such an election.

Within 45 days after a vote of the eligible electors to include the area in the district, requires the board of directors of the district to vote to include the area within one or more existing adjacent director districts based, to the extent practical, on population. Requires the board to approve such inclusion by a 2/3rds majority vote.

Appropriates \$88,000 from cash funds to be received by the department of revenue from the regional transportation district for the implementation of the act.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

S.B. 98-171 Football stadium district - boundaries - agreement with franchise - election date - bond anticipation notes - admissions tax - concession contracts - sales tax revenue cap - cap

on special obligation bonds - limitation of actions. Expands the boundaries of the Metropolitan Football Stadium District to include a portion of the city of Lone Tree that is zoned for commercial use and an area that includes Park Meadows Mall.

Changes the statute governing the district board of directors' authority to negotiate an agreement with a national football league franchise ("franchise") in the following respects:

- Removes the requirement that the franchise provide the greater of the cost of renovation or construction that exceeds the cost paid by sales and use taxes or 25% of said cost;
- Removes the requirement that the franchise pay for any cost overruns;
- Specifies that the franchise shall be required to agree to provide 25% of all actual construction costs of the stadium, including professional fees, site acquisition costs, materials and labor costs, and cost overruns.

Eliminates the express authority of the board to negotiate and enter into an agreement with the counties in the district to provide the counties with a benefit from revenues derived from the operation of the stadium. Authorizes the board to provide the counties with a benefit from a portion of such revenues. Allows the board to extend the time period during which such benefits are provided to the counties from the time the district is collecting tax revenues to a longer period of time, if appropriate.

Requires the board to arrange and coordinate the provision of mass transit to the stadium with the regional transportation district. Allows the board to receive moneys from the state economic development fund as may be granted by the economic development commission. Limits the election at which the board may submit a ballot question to the voters to the 1998 general election.

After voter approval, authorizes the board to contract to borrow money for the purpose of issuing bond anticipation notes. Allows bond anticipation notes to be refinanced or refunded at a higher interest rate. Authorizes the board, at its discretion, to seek voter approval to levy and collect an admissions tax not to extend beyond January 1, 2012, at a rate not to exceed 10% of each price of admission. Prior to selling or leasing the name to the stadium, requires the board to assess the costs and benefits of selling or leasing the name and to consider the public sentiment and other benefits associated with retaining the name "Mile High stadium" or another name that reflects a geographical, historical, cultural, spiritual, or other quality of the state.

Eliminates the provision that no person or business be awarded a food and beverage concession contract may occupy more than 25% of the total square footage allocated for such concessions. Requires that not less than 15% of the total square footage allocated for food and beverage concessions shall be occupied either directly or through subcontracts by Colorado businesses. Allows the board to consider the feasibility of including a retractable roof over the stadium, but prohibits revenues of the district to be used for such purpose and requires future statutory authorization before any tax or other revenues of the district may be used to construct a retractable roof.

Modifies the ballot language used to submit a question to the registered electors of the district. Allows the ballot language to be modified to conform with legal requirements for ballot questions and titles. Requires the district to enter into an agreement with the franchise

requiring the franchise to pay for the district's costs associated with the 1998 general election at which the stadium question is submitted to the registered electors of the district.

Limits the total amount of sales tax revenues that can be collected by the district to an amount necessary to pay up to \$266 million for the principal amount of special obligation bonds, plus interest and prepayment penalties, plus an amount the net present value of which shall not exceed \$75 million, plus an amount necessary to provide coverage ratios for the bonds. Increases the maximum principal amount of special obligation bonds the district may issue from \$180 million to \$266 million.

Provides that the district shall not be required to sell property of the district if the sale would adversely affect the federal tax exempt status of the interest on the special obligation bonds issued by the district. Requires the lease agreement between the district and the franchise to have a term of at least 20 years and to be specifically enforced against the franchise. Upon the sale of all or a portion of the franchise, requires the franchise to agree to provide a portion of the profit to be used for youth activity programs. Requires any legal action challenging specified actions of the board to be commenced within 30 days. Provides a time period for the affairs of the district to be wound up prior to the repeal of the act if the question submitted to the voters is not approved.

APPROVED by Governor April 22, 1998

EFFECTIVE April 22, 1998

H.B. 98-1116 Regional transportation district - modification of restrictions on awarding bus service contracts. Regarding the awarding of contracts to provide bus service within the regional transportation district (RTD):

- Eliminates the prohibition against any one technically qualified provider receiving or renewing contracts covering more than 50% of the vehicle hours subject to RTD requests for proposals;
- Eliminates the prohibition against RTD accepting a proposal that covers 50% or more of the vehicle hours contracted by RTD;
- Consistent with the elimination of said 50% limitations, eliminates the exceptions to such limitations.

APPROVED by Governor March 27, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1368 Scientific and cultural facilities districts - authorization for the inclusion of all of Douglas county in the Denver metropolitan scientific and cultural facilities district - elimination of requirement of coterminous boundaries with a county. Authorizes the inclusion of all of Douglas county into the Denver metropolitan scientific and cultural

facilities district upon a vote for such inclusion by a majority of the eligible electors in the area to be included. Lists conditions for holding such an election.

Eliminates the requirement that a scientific and cultural facilities district other than the Denver metropolitan scientific and cultural facilities district be coterminous with a county's boundaries. Allows such a scientific and cultural facilities district to include a portion of one county, an entire county, or portions of multiple counties. Makes conforming amendments.

APPROVED by Governor April 20, 1998

EFFECTIVE April 20, 1998

GOVERNMENT - STATE

S.B. 98-2 Capital development fund - annual general fund transfer. In addition to the transfers from the general fund to the capital construction fund currently required annually on July 1, 1999, through July 1, 2001, requires an additional annual transfer of \$100 million on such dates from the general fund to the capital construction fund. Specifies the amount to be transferred on July 1 of each year during that period.

APPROVED by Governor April 20, 1998

EFFECTIVE April 20, 1998

S.B. 98-3 State lottery division - extension of termination date. Extends the termination date of the state lottery division of the department of revenue from July 1, 1999, to July 1, 2009.

APPROVED by Governor April 17, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-20 Peace officer standards and training board - continued certification - provisional certification - variances - parks and recreation officers - appropriation. Defines a peace officer for purposes of the peace officer standards and training (P.O.S.T.) board statute as a level I, level Ia, or level II peace officer who has not been convicted of a felony. Allows persons serving as level Ia or level II peace officers to maintain their P.O.S.T. board certification on the same basis as level I peace officers.

Limits the P.O.S.T. board's power to grant variances to only granting variances concerning the issuance, renewal, and revocation of certificates.

Waives certain training and examination requirements for parks and recreation officers who completed specified training or examinations and have been employed as parks and recreation officers since completing the training or examination. Repeals the P.O.S.T. board's duty to enforce the certification requirement for district wildlife managers.

Authorizes the P.O.S.T. board to grant a provisional certificate to a person who is authorized to act as a peace officer in another state if the person successfully completed the P.O.S.T. board's certification examination and possesses current first aid and cardiopulmonary resuscitation certificates.

Authorizes the P.O.S.T. board to grant a basic certificate to a person who holds a valid provisional certificate and who satisfies the skills requirements through examination, training, or other demonstration of proficiency. Limits the term of a provisional certificate to 6 months. Allows for a one-time renewal of a provisional certificate for an additional 6 months.

Makes an appropriation from the P.O.S.T. board cash fund to the department of law,

P.O.S.T. board, of \$10,000 for the implementation of the act.

APPROVED by Governor May 22, 1998

EFFECTIVE May 22, 1998

S.B. 98-26 Work force coordinating council. Changes the size and composition of the existing work force training coordinating council by adding the executive director of the Colorado commission on higher education and additional members representing business, labor, and community-based organizations. Deletes obsolete provisions in the statutes governing the duties and functions of the council.

APPROVED by Governor May 15, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-31 Youth crime prevention and intervention program - grants - requirements. Replaces the requirement that the youth crime prevention and intervention program board require grant recipients to implement methods for tracking persons served by the program for 2 years with a requirement that the board develop result-oriented criteria for measuring the effectiveness of programs that receive grants as deemed appropriate to the nature of each program.

Eliminates the requirement that the board accept grant applications at least twice in each 12-month period. Eliminates the restriction that the board may only submit a list of entities selected to receive grants to the governor once every 6 months.

APPROVED by Governor April 17, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-40 Deferred compensation plan - state deferred compensation committee membership - plan assets to be held in trust - plan provisions. Abolishes the existing state deferred compensation committee and establishes a new state deferred compensation committee. Allows former members of the general assembly who are participants in the plan to serve on the committee.

Specifies that assets and income of the state deferred compensation plan shall not be general assets of the state and that such assets and income shall be held in trust for the

exclusive benefit of plan participants and their beneficiaries in accordance with the federal internal revenue code. Specifies that the committee shall be the trustee of any such trust.

Provides that the committee may assess each state participant a fee for administering the state deferred compensation plan.

Specifies that the amount of an employee's salary that can be deferred shall not exceed any limits imposed under the plan.

Creates a deferred compensation administration fund for the costs of administering the state deferred compensation plan. Allows excess moneys in the fund to be used to reduce administrative fees in subsequent years rather than just the year following the year such excess accrues. Creates a deferred compensation plan asset fund for compensation that has been deferred by plan participants.

APPROVED by Governor April 17, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-51 State employees insurance coverage - mandated benefits. Requires that any specifications drawn by the state personnel director for state employee benefit plans include all of the mandated coverages required by the mandated health insurance coverage statutory provisions.

Requires the state personnel director to submit to legislative committees of reference financial impact statements for proposed mandated coverage as it relates to the state employee's benefit premium.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

S.B. 98-52 Incentives for budget savings. Authorizes any agency to implement beginning in the 1998-99 fiscal year measures that reduce the costs of providing the agency's services and products below the agency's appropriations for a given fiscal year. Authorizes an agency that achieves such cost savings to transfer 20% of the cost savings amount from one appropriation item to another appropriation item made to the same agency for the same fiscal year. Requires the agency to enter a memorandum of understanding with the joint budget committee prior to expending any moneys so transferred that states that the agency may spend such transferred moneys only for reinvestment in technology or other capital projects related to the item of appropriation to which the funds were transferred.

Authorizes the general assembly to reduce an agency's appropriations for the next fiscal year by the amount of the agency's cost savings in the previous fiscal year if the general assembly determines that the agency is no longer maintaining the cost-cutting measures or that the cost savings can be sustained for more than one fiscal year. Prohibits the general

assembly from using an agency's one-time cost savings as justification for reducing any appropriation item of or total appropriation amount to the agency for the next fiscal year.

APPROVED by Governor June 1, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-111 Appointment of former general assembly members to certain governmental entities. Authorizes the appointment of former members of the general assembly to the following governmental entities to which current members of the general assembly are appointed but are not available to serve:

- The board of directors of the Colorado uninsurable health insurance plan;
- The Colorado municipal bond supervision advisory board;
- The gaming impact task force;
- The local government limited gaming impact advisory committee;
- The child support commission;
- The correctional industries advisory committee;
- The Colorado advanced technology institute commission;
- The state administrative organization board;
- The commission on information management;
- The Colorado tourism board;
- The Colorado youth conservation and service corps council;
- The total compensation advisory council;
- The state deferred compensation committee;
- The multistate tax compact advisory committee;
- Artist selection juries chosen by the Colorado council on the arts;
- The air quality study technical advisory panel;
- The Colorado commission on the aging;

- The state council on family development centers; and
- The uranium mill tailings remedial action program fund oversight committee.

Repeals the authority to appoint former members of the general assembly to such entities, effective July 1, 2002. Requires the review of such authorization for appointment prior to said repeal.

VETOED by Governor June 2, 1998

S.B. 98-119 State employees - health insurance - noncompensated elected state officials. Extends state employee health insurance to elected state officials who do not receive compensation other than expense reimbursement from state funds. Specifies that the state will not make the contribution toward the cost of such insurance as it makes for other employees. Requires that the department of personnel develop a procedure to determine the amount of payments and to deduct the payments for such insurance from reimbursements to such officials. Specifies that these collections must be made from the individual state officials.

APPROVED by Governor April 17, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-141 Colorado economic development fund - distribution of moneys - guidelines. Requires the Colorado economic development commission to consider the following specific guidelines before making a grant or loan from the Colorado economic development fund:

- The amount of the grant or loan;
- The number of jobs likely to be created as a direct or indirect result of the facility or operation that the grant or loan would fund and any ancillary facilities thereto;
- The quality and wage level of jobs created;
- The extent to which a person or entity establishing or expanding a business operation or facility that would be financed by the grant or loan intends to employ Colorado residents and contract with Colorado residents and Colorado-based companies at such operation or facility and ancillary facilities thereto; and
- The extent of the public benefits expected to result from the grant or loan.

APPROVED by Governor April 17, 1998

EFFECTIVE July 1, 1998

S.B. 98-172 State treasurer - elimination of management fee on state investments. Eliminates the monthly management fee imposed on certain funds and accounts consisting of state moneys invested by the state treasurer.

APPROVED by Governor April 20, 1998

EFFECTIVE September 1, 1998

NOTE: This act shall take effect on September 1, 1998, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on February 1, 1999.

S.B. 98-194 State cash funds - limitation on reserves - transfers from cash funds - appropriations. For the 1997-98 fiscal year, if the uncommitted reserves of a state cash fund exceed 16.5% of the amount expended from the cash fund during that fiscal year, requires any entity that collects one or more of the fees credited to the cash fund to reduce the amount of fees collected. If the uncommitted reserves exceed 16.5% of the amount expended, but are less than 50% of the amount expended, requires the fee reduction to result in uncommitted reserves of 16.5% or less by the end of the 2000-01 fiscal year. If the uncommitted reserves exceed 50% of the amount expended, requires the fee reduction to result in uncommitted reserves of 16.5% or less by the end of the 2002-03 fiscal year. Specifies that, for any fund for which an alternative reserve amount is specified in the state constitution or in law, the entity must reduce the amount of fees credited to the fund as necessary to reduce the uncommitted reserves to the amount specified by the end of the 2000-01 fiscal year.

Beginning with the 2002-03 fiscal year, prohibits the uncommitted reserves for any cash fund at the conclusion of any fiscal year from exceeding 16.5% of the amount expended from the cash fund during the fiscal year or from exceeding any alternative reserve amount otherwise specified in the state constitution or by law. Requires any entity that collects one or more of the fees credited to the cash fund to reduce the amount of fees collected so that the uncommitted reserves at the end of the next fiscal year do not exceed the specified limit.

Specifies that if more than one entity collects the fees credited to a cash fund, any reduction in fees shall be proportional to the amount of fee revenue contributed by each entity to the excess uncommitted reserves. Allows the entity, in calculating the amount of the fee reduction, to take into account any increased expenditures from the cash fund.

After the amount of uncommitted reserves is sufficiently reduced, allows the entity to increase the amount of the fee so long as the uncommitted reserves do not exceed the specified limit. Requires the office of state planning and budgeting to approve any fee increase proposed by an executive branch entity. Prohibits the entity from increasing the fee beyond any amount specified in statute. Specifies that any rule adopted by an executive branch agency that reduces or increases the amount of a fee is subject to the requirements of the "State Administrative Procedure Act".

Excludes certain cash funds from the uncommitted reserve limitation. Excludes any cash fund used to fund a single program if the program has been in existence less than 2 full fiscal years.

Instructs the office of state planning and budgeting to annually review the total amount of revenues received from cash funds. Instructs the state controller to annually prepare a report of the amount of uncommitted reserves held in cash funds.

For fiscal years beginning on or after July 1, 2002, allows the general assembly by bill to grant a waiver for any cash fund of the limitation on uncommitted reserves. Instructs any entity requesting a waiver to present the request to the joint budget committee during the annual budget-setting process. In determining whether to recommend a waiver, instructs the joint budget committee to consider the purpose for which the waiver is requested, the reasonableness of the time period for the waiver, and the effect the waiver may have on the state's ability to comply with the constitutional limitation on state fiscal year spending. Directs the joint budget committee to recommend legislation to authorize any waivers it deems appropriate and specifies the minimum requirements for the legislation.

Makes amendments in statutory sections that state specific fee amounts to allow the entity collecting the fee to reduce the amount of the fee if necessary to meet the uncommitted reserve limitation and, once such uncommitted reserves are sufficiently reduced, to subsequently increase the fee.

Transfers \$1,000,000 from the department of state cash fund to the state public school fund and increases the appropriation made in the annual general appropriation act to the department of education, public school finance, total program, by said amount.

For fiscal year 1997-98, appropriates \$600,000 from the department of state cash fund to the department of state for reimbursement of county clerk and recorders for 1997 election costs.

Transfers to the family issues cash fund up to \$5,200,000 of the amount that would otherwise revert to the general fund at the conclusion of the 1997-98 fiscal year.

Creates the reading services for the blind cash fund and authorizes the state librarian to use moneys in said fund to support privately operated reading services that provide blind persons access to print materials. Transfers \$93,800 from the Colorado disabled telephone users fund to the reading services for the blind cash fund and appropriates said amount to the department of education.

Transfers \$1,000,000 from the division of registrations cash fund to the Colorado economic development fund.

Transfers \$1,700,000 from the department of state cash fund to the children's basic health plan trust fund. Adjusts the appropriations made in the annual general appropriation act by increasing the appropriation to and the amount of federal funds expected to be received by the department of health care policy and financing, other medical services, for House Bill 97-1304 Children's Basic Health Plan by \$5,056,514.

Repeals the transfer made in House Bill 98-1058 of \$500,000 from the department of state cash fund to the environmental leadership pollution prevention revolving fund. Instead, transfers said amount from the AIR account created within the highway users tax fund to the environmental leadership pollution prevention revolving fund.

Repeals the transfer made in Senate Bill 98-152 of \$267,756 from the department of state cash fund to the retail electricity policy development fund. Instead, transfers said

amount from the division of registrations cash fund to the retail electricity policy development fund.

Transfers \$1,000,000 from the department of state cash fund to the Colorado tourism promotion fund and appropriates said amount to the Colorado tourism board.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1006 Species conservation trust fund - creation - conservation of threatened or endangered native species. Declares that the conservation of threatened or endangered species is a matter of statewide concern.

Creates the species conservation trust fund (the fund) for the purpose of funding programs for the conservation of threatened or endangered species. Establishes an operation and maintenance account and a capital account within the species conservation trust fund.

Requires the executive director of the department of natural resources, after consultation with Colorado water conservation board and its director, the wildlife commission, and the director of the division of wildlife, to prepare an eligibility list describing programs and associated costs that are eligible to receive moneys from the fund for approval by the general assembly by joint resolution and to provide a detailed report to the general assembly on the progress and status of their effectiveness in the recovery of species and identify future projects.

Mandates that moneys from the fund be distributed by the executive director of the department of natural resources among the projects included in the species conservation eligibility list for purposes of federal and state cooperative agreements and recovery programs concerning endangered or threatened species in Colorado. Prohibits any moneys in the fund to be used in the acquisition of property through eminent domain.

Establishes eligibility requirements for agreements entered into by the state relating to the conservation of native species that have been listed as threatened or endangered in order to receive moneys from the fund. Requires the Colorado water conservation board and the wildlife commission to apply for available grants consistent with the purposes of the fund.

Authorizes the water and power development authority to contribute \$2,400,000 to the fund. Requires the state treasurer to transfer \$500,000 from the Colorado water conservation board construction fund, \$1,000,000 from the reserved rights litigation fund, \$1,000,000 from the fish and wildlife resources account in the Colorado water conservation board construction fund, and \$5,100,000 from the capital construction fund to the species conservation trust fund.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1009 Fire suppression program - qualified immunity - continuation under sunset law. Continues the fire suppression program for the inspection of fire suppression systems until July 1, 2005, pursuant to the provisions of the sunset law.

Authorizes the director of the division of fire safety in the department of public safety

to adopt such rules as are necessary to administer the maintenance of fire suppressions systems. Allows qualified immunity for any person who files a complaint or provides testimony with respect to a disciplinary matter if such person made a reasonable effort to obtain the facts of such matter and the facts warranted the action taken.

APPROVED by Governor May 15, 1998

EFFECTIVE July 1, 1998

H.B. 98-1037 State officers and employees - mileage allowances. Increases mileage allowances for state officers and employees for miles traveled on official state business from \$0.20 per mile to \$0.28 per mile and from \$0.24 per mile to \$0.32 per mile for four-wheel drive vehicles when authorized to be utilized and necessary for official state business. Creates a mileage allowance of \$0.40 per nautical mile for privately owned aircraft when authorized and necessary for official state business.

APPROVED by Governor May 26, 1998

EFFECTIVE July 1, 1999

NOTE: This act shall not take effect unless moneys are appropriated for the increased mileage fees and the mileage fees for privately owned aircraft, as specified in the annual general appropriations act or in any other act making an appropriation for the fiscal year beginning July 1, 1999.

H.B. 98-1050 Employment contracts - authorization for multiple-year contracts for higher education - limitations. Authorizes each system of higher education and each institution of higher education to employ up to 6 persons under employment contracts of up to 5 years if found necessary by the governing board. Requires that each contract contain a clause specifying that the institution may terminate the contract without penalty if sufficient funds are not appropriated. Specifies that such contracts must still comply with the prohibition against postemployment compensation.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

H.B. 98-1068 Public safety communications trust fund. Creates the public safety communications trust fund for the acquisition and maintenance of public safety radio communication systems for use by state departments, including but not limited to, the departments of public safety, transportation, natural resources, and corrections. Caps the principal of the trust fund at \$50 million, plus any contributions made to the department of personnel for the fund.

Places the responsibility for administration of the trust fund with the executive director of the department of personnel and sets forth criteria for the executive director to consider when carrying out this function. Requires the executive director to:

- Develop bid specifications in acquiring radio communications equipment for state entities;
- Adopt rules for the participation of state and local government agencies in, and distributions from, the trust fund;
- Account for all activities in connection with the trust fund and all its expenditures and

receipts and report such information annually to the governor, capital development committee, joint budget committee, and state auditor;

- Adopt, in consultation with certain entities, recommended standards for the replacement of analog-based radio equipment with digital-based radio equipment used in dispatching and related functions within the department of public safety; and
- Adopt recommended standards and establish a timetable for the replacement of existing radio telecommunications equipment with a system that satisfies certain federal communications commission requirements as they relate to the telecommunications needs of certain state departments.

Allows the state auditor to investigate the activities of the trust fund and prescribe accounting and reporting methods with regard to disbursements and purchases made therefrom. Requires the legislative audit committee to review expenditures from the fund every 2 years, beginning July 1, 1999. Adds local and federal departments, institutions, and agencies to the list of entities that the director shall consult in formulating recommendations for communications plans. Directs the capital development committee to review annual capital requests from the director of the department of personnel regarding the trust fund.

Transfers an additional \$3.3 million from the general fund to the capital construction fund as of July 1, 1998, and appropriates said sum from the capital construction fund to the public safety communications trust fund.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1130 Victims' compensation - compensable losses - emergency awards - allocation of moneys - restitution. Allows a resident of this state who is a victim of an act of international terrorism committed outside the United States to receive compensation regardless of whether the country in which the act is committed has a crime victim compensation program. Broadens the list of compensable losses resulting from property damage to include modification to the victim's residence to ensure the victim's safety. Deletes the limits applicable solely to property damage. Increases the limit on all compensable losses from \$10,000 to \$20,000 in both normal and catastrophic circumstances. Specifies that awards under the emergency compensation section are intended to assist crime victims in meeting their immediate short-term needs. Increases the limit on emergency compensation from \$500 to \$1,000.

Increases from 8% to 12% the total percentage of the crime victim compensation fund that may be used for administrative costs. Increases the district attorneys' share of said percentage from 6% to 10% of the crime victim compensation fund. Provides that funds in the crime victim compensation fund for each judicial district that are not distributed during the fiscal year will be redistributed on a proportional basis.

Allows the court to order a defendant to pay restitution in an amount less than the full pecuniary loss suffered by the victim if the defendant, the prosecuting attorney, and the victim agree on such lesser amount.

APPROVED by Governor April 30, 1998

EFFECTIVE April 30, 1998

H.B. 98-1143 Public employees' retirement association - health care program - eligibility requirements for dependents. Provides that dependents, as defined in the "Colorado Health Care Coverage Act", unmarried children who are not natural or adopted children of the recipient but who reside full time with the recipient and who are dependents of the recipient for federal income tax purposes, and qualified children, as defined by rules adopted by the board of the public employees' retirement association (PERA), shall be eligible to participate in PERA's health care program.

APPROVED by Governor March 27, 1998

EFFECTIVE March 27, 1998

H.B. 98-1150 School libraries - taxing authority of school districts. Clarifies that school districts that began levying a tax to support school district supported public libraries with or without voter approval before July 1, 1979, may continue to levy such tax until voters approve a change in the levy.

APPROVED by Governor April 6, 1998

EFFECTIVE April 6, 1998

H.B. 98-1191 Defined contribution plans for specified eligible state officials and employees - public employees' retirement association - eligibility for full service retirement - benefit formula for reduced service retirement - appropriations. Creates the state defined contribution retirement committee and authorizes the committee to establish and administer one or more defined contribution plans for specified state officials and employees. Requires the committee to establish at least one deferred compensation plan on or before January 1, 1999. Provides that the department of personnel shall provide necessary administrative support to the committee in connection with the establishment and operation of any plan established by the committee.

Imposes requirements on the designation of companies from which contracts for plans are purchased, the number of providers of investment products that must be selected for each plan, the servicing of accounts, and the portability of investments. Specifies that the employer and employee contribution rates for any defined contribution plan shall be the same as the contribution rates that would be payable to the Public Employee's Retirement Association (PERA).

Requires employees who are not members of PERA when they are initially employed in an eligible position with an employer having a defined contribution plan to make a one-time irrevocable election to participate in the plan or join PERA within 60 days of commencing employment. Allows employees who are members of PERA at the time they are initially employed in an eligible position or at the time a defined contribution plan is established to make a one-time irrevocable election during the months of January and February of each year to participate in a defined contribution plan. Allows such employees who elect to participate in a defined contribution plan to maintain any existing rights to contributions and benefits in PERA or to terminate their membership in PERA and have their member contributions, interest, and employer contributions transferred to the defined contribution plan.

Reduces the age and service requirements to qualify for full service retirement benefits from PERA on or after July 1, 1998, to 50 years of age and 30 years of service. For reduced service retirement benefits that first become effective on or after July 1, 1998, modifies the formula for calculating the benefit for reduced service retirement.

Appropriates \$20,140 of moneys received from providers of investment products for defined contribution plans to the department of personnel for the implementation of this act. Appropriates \$8,640 and 0.1 FTE to the department of law for the provision of legal services to the department of personnel.

APPROVED by Governor May 27, 1998

EFFECTIVE July 1, 1998

H.B. 98-1202 Capital construction fund - highway projects - sales and use tax revenues - extension of transfer to highway users tax fund of proceeds attributable to vehicles and related items - appropriation. Increases by \$150 million the amount of moneys to be transferred to the capital construction fund from the general fund on July 1, 1998. Specifies that \$100 million of this additional amount be appropriated only for state highway reconstruction, repair, maintenance, and capacity expansion projects.

Extends the time during which state sales and use tax revenues attributable to sales or use of vehicles and related items are credited to the highway users tax fund from July 1, 2002, until July 1, 2008.

Appropriates \$100 million from the capital construction fund to the department of transportation for state highway reconstruction, repair, maintenance, and capacity expansion projects included on the prioritized list of projects submitted by the transportation commission to the capital development committee.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

H.B. 98-1242 Public employees' retirement association - reduction in state and school employers' contribution rate. Effective July 1, 1998, reduces the contribution rate for employers in the state and school division of the public employees' retirement association from 11.5% to 11.4%.

APPROVED by Governor May 18, 1998

EFFECTIVE July 1, 1998

H.B. 98-1256 Retention of excess state revenues for state infrastructure needs. Creates the state excess revenue trust fund in the state treasury. Requires the state treasurer to transfer to the fund an amount equal to the lesser of \$200,000,000 or the amount of state revenues in excess of the state constitutional limitation on fiscal year spending for the 1997-98 state fiscal year no later than February 1, 1999. Requires the state treasurer to transfer to the fund an amount equal to the lesser of \$200,000,000 or the amount of state revenues in excess of the state constitutional limitation on fiscal year spending for any state fiscal year commencing on or after July 1, 1998, but prior to July 1, 2002, by November 1 of the calendar year in which such state fiscal year ends. Specifies that such transfers are not appropriations subject to the statutory limitation on state general fund appropriations. Specifies that such transfers shall constitute a voter-approved revenue change and shall not be included in either state or local government fiscal year spending.

For fiscal years commencing on or after July 1, 1999, but prior to July 1, 2004, requires the general assembly to annually transfer revenues from the state excess revenue trust fund to the school construction and renovation fund, the higher education account of the capital construction fund, and the highway users tax fund. Of the total amount of revenues

to be transferred over the 5-year period, requires 50% to be allocated to the highway users tax fund, 30% to be allocated to the school construction and renovation fund, and 20% to be allocated to the higher education capital construction account of the capital construction fund.

Creates the higher education capital construction account within the capital construction fund. States that revenues in the account shall be appropriated only for capital construction projects of state-supported institutions of higher education. Of the portion of excess revenues transferred to the highway users tax fund, requires 60% to be allocated to the state highway fund, 22% to be allocated to counties, and 18% to be allocated to cities and incorporated towns. Specifies the purposes for which the excess revenues allocated from the highway users tax fund may be expended.

For fiscal years commencing on and after July 1, 1998, requires the state controller, based upon the financial statement prepared to ensure compliance with section 20 of article X of the state constitution, to certify the amount of state revenues in excess of the constitutional limitation on state fiscal year spending for a given fiscal year by September 1 of the calendar year following such fiscal year. Requires the state auditor to conduct an audit of the certified amount of excess revenues by September 15 of the same calendar year.

Refers the act to the voters statewide at the 1998 general election pursuant to section 20 of article X of the state constitution (TABOR).

EFFECTIVE upon the Governor's proclamation or thirty days after a canvas of the votes is completed, whichever occurs earlier.

H.B. 98-1274 Department of personnel - authority of executive director to allocate departmental powers, duties, and functions. Authorizes the executive director of the department of personnel to allocate all powers, duties, and functions necessary for the proper discharge of the department's duties to divisions, sections, or other units established by the executive director by eliminating the requirement that the executive director only allocate powers, duties, and functions that were previously assigned to statutorily created divisions or sections.

APPROVED by Governor April 10, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1312 State employees - compensation - job evaluation. Restructures the statutory provisions on state employee job evaluation and compensation. Modifies the requirements for a job evaluation system by requiring the state personnel director to notify all affected employees and employee organizations of any proposed or recommended changes to classes of positions, occupational groups, or the pay grades for such classes or groups that result

from the director's evaluation and analyses of jobs. Requires the director to meet and confer in good faith with any employee or employee organization regarding the proposed or recommended changes prior to finalizing and implementing any such change if an employee or employee organization requests such a meeting.

Requires the state personnel director to develop a performance management, evaluation, and reward system for all classes in each occupational group, except the medical occupational group, the senior executive service, and any group for which the state personnel director determines that job rate is inapplicable. Requires that once an employee reaches the job rate, as established by the annual total compensation survey, the employee shall be eligible only for nonbase-building performance awards rather than base salary adjustments. Requires each state agency to establish an effective date for its performance awards so long as the agency's appropriation requests related to such performance awards do not increase as a result of establishing such effective date.

Requires the state personnel director to implement a performance-based pay plan over a 3-year period beginning July 1, 1998, and requires that all employees in the state personnel system be covered under such plan by July 1, 2000. Requires the director to monitor implementation of the plan and report his or her findings by January 1 of each year to the joint budget committee of the general assembly. Continues anniversary-based merit increases until an employee becomes eligible for the first performance award payment. Adds the requirement that the director sustain an employee's base salary in the event the employee's position is placed in a lower pay range due to the annual total compensation survey, beginning with the 1999 annual total compensation survey.

Authorizes the appointing authority, rather than the governor or the governor's designee, to appoint a person at a higher base salary within the pay grade upon a showing of recruiting difficulty or other unusual condition, so long as such salary does not exceed the job rate for the class.

Defines the purpose of the annual total compensation survey to reflect all adjustments necessary to maintain the total compensation structure for the upcoming fiscal year. Requires that performance audits of the procedures and application of data used in the annual total compensation survey be conducted every 2 years, beginning January 1, 2001, rather than annually. Requires that a report on an audit be submitted to the governor and the general assembly by June 30, 1999, and every other year thereafter.

Makes an employee in the senior executive service ineligible to return to classified service, rather than allowing the senior executive service employee to return to classified service within 3 years of moving to the senior executive service. Changes the appeal process for an employee directly affected by the allocation of the employee's position to a class by allowing an appeal only if the employee's position is allocated to a lower pay grade. Requires the state personnel director to establish a process for timely resolving appeals and eliminates the requirements for establishing a review panel.

Modifies the requirements for calculating worktime for purposes of determining overtime by including holidays and authorized paid leave rather than holidays and any authorized leave. Limits such overtime calculation to employees performing essential law enforcement, highway maintenance, and other support services directly necessary for the health, safety, and welfare of patients, residents, and inmates of state institutions or state facilities. Authorizes the state personnel director to establish an internal review process of alleged violations of federal labor laws. Requires the director to issue a written decision

within 90 days of a complaint of such violation and allows any aggrieved party to seek judicial review as specified by the applicable federal law.

Adds performance awards to the list of employment activities that the governor may suspend in the event of a fiscal emergency. Clarifies that an unmarried child of any age who has a physical or mental disability is a dependent for purposes of the state employees group benefits act.

APPROVED by Governor May 18, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1321 Community-based youth crime prevention and intervention - youth mentoring program. Creates the Colorado youth mentoring program for the purpose of providing state funding for community-based youth mentoring services to at-risk youths through the youth crime prevention and intervention ("YCPI") program. Identifies the purposes of such services as reducing substance abuse and decreasing the incidents of youth crime and violence. To be eligible for funding for the provision of youth mentoring services from the youth mentoring services cash fund, requires an entity to apply to the YCPI board in accordance with specified timelines and guidelines and meet certain specified criteria.

Allows an entity to apply to the YCPI board for a grant from the department of local affairs to provide community-based youth mentoring services or to enhance existing community-based youth mentoring programs. Identifies the duties of entities that are selected by the board for the provision of such programs.

Authorizes community-based organizations to obtain private and public funds, grants, gifts, or donations for youth mentoring programs. Authorizes the executive director of the department of local affairs to accept and expend said funds. Requires selected entities to match 20% of the grant moneys received from the department of local affairs. Creates the youth mentoring services cash fund.

Encourages entities seeking to provide youth mentoring programs to submit an application to the YCPI board for grants to establish or enhance youth mentoring services.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

H.B. 98-1331 Controller - authority to allow overexpenditures during legislative interim. For fiscal years commencing on or after July 1, 1997, authorizes the controller to allow state agencies to overexpend items of appropriations in limited circumstances. Specifies the procedure to be followed by an agency in making a request to overexpend its appropriation.

When an agency is allowed to overexpend its appropriation, requires the controller to restrict the agency's appropriation for the next fiscal year in an amount equal to the

overexpenditure. Authorizes the controller to release such restriction only if the agency obtains a supplemental appropriation to cover the original overexpenditure.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1361 Public employee's retirement association - annual appropriation to judicial department - reimbursement of judicial division trust fund. Requires the general assembly to make an annual appropriation to the judicial department rather than the state treasurer for the purpose of reimbursing the judicial division trust fund of the public employees' retirement association for increases in retirement benefits paid to retired judges who return to temporary judicial duties.

APPROVED by Governor April 21, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1387 Purchase of tobacco by minors - enforcement of laws - appropriations. Prohibits businesses that sell tobacco at retail from selling tobacco to persons under 18 years of age. Establishes an affirmative defense if the person selling the tobacco reasonably relied upon a false identification showing that the person purchasing the tobacco was over 18 years of age. Changes the penalty from a class 2 petty offense to a civil penalty for a violation of:

- The prohibition against selling tobacco in vending machines (except for the sale of cigarettes in vending machines located in specified types of places where minors are not allowed); and
- The requirement that a sign be posted in all businesses selling tobacco informing customers of the penalty for the purchase or attempted purchase of tobacco by minors.

Designates the liquor enforcement division in the department of revenue as the lead state enforcement agency. Authorizes the division to coordinate inspections of businesses selling tobacco at retail to prevent duplicative inspections of the same business by different state governmental agencies.

Establishes procedures for hearings and appeals for alleged violations relating to the sale of tobacco products to minors. Specifies limited civil penalties that may be imposed. Authorizes civil actions to collect unpaid fines.

Directs that fines be paid into a newly created tobacco use prevention fund. Authorizes the department of human services to award grants from moneys in the fund to programs that provide training in the application of laws relating to the sale of tobacco or to programs designed to prevent the use of tobacco by minors.

Repeals the new provisions, effective July 1, 2001.

Establishes that an attempt to purchase tobacco by a person under 18 years of age is a class 2 petty offense. Creates an exception for persons under 18 years of age acting at the direction of a governmental agency authorized to conduct compliance checks. Increases the fine for purchase of tobacco by a person under 18 years of age from \$50 to \$100.

Appropriates \$140,806 and 2.5 FTE to the department of revenue, liquor enforcement division, and \$7,366 and 0.1 FTE to the department of law for the provision of legal services to the department of revenue for implementation of the act. Appropriates \$22,000 out of the tobacco use prevention fund to the department of human services, alcohol and drug abuse division, for implementation of the act.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

H.B. 98-1389 Executive branch agencies - reports to general assembly relating to criminal law - repeal - continuation under sunset law. Repeals certain statutory requirements for periodic reports to the general assembly and continues others, after review pursuant to the applicable provisions of the sunset law.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

H.B. 98-1393 Executive branch agencies - reports to general assembly relating to education - repeal - continuation under sunset law. Repeals certain statutory requirements for periodic reports to the general assembly and continues others, after review pursuant to the applicable provisions of the sunset law.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1402 Capital construction fund - transfer of moneys from general fund. Increases the transfer of moneys from the general fund to the capital construction fund for the 1997-98 fiscal year by \$16,563,233 and for the 1998-99 fiscal year by \$305,273,115.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1408 Agricultural chemicals - transportation and handling. Specifies that studies, and the supporting data for those studies, used by agencies as a basis for a proposed rule are public records and are open to public inspection.

Requires the commissioner of agriculture to expedite the processing of special local needs registrations. Specifies that the commissioner may not deny registration of a special local needs registration because of contracts between a grower or a grower's group and a manufacturer or seller that limit a manufacturer's liability.

Exempts agricultural users from recently adopted federal hazardous materials transportation rules. Declares that such rules specifically allow states to adopt exemptions to such rules and that the rules would be unduly burdensome to agriculture without contributing significantly to public safety. Declares that the adoption of agricultural hazardous transportation rules by September 30, 1998, is imperatively necessary to meet federal requirements.

Exempts the transportation of an agricultural product other than a class 2 material, as such term is used in federal rules, over local roads between fields of the same farm, from the hazardous materials requirements when it is transported by a farmer who is an intrastate private motor carrier.

Exempts the transportation of an agricultural product to or from a farm, within 150 miles of such farm, from the emergency response and training requirements if:

- The product is transported by a farmer who is an intrastate private motor carrier;
- The total amount of the product being transported on a single vehicle does not exceed 16,094 pounds of ammonium nitrate fertilizer or 502 gallons for liquids or gasses, or 5,070 pounds for solids of any other agricultural product; and
- The packaging conforms to rules adopted by the department of agriculture.

States that such transportation is authorized. Requires packaging rules to be adopted no later than September 30, 1998.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

H.B. 98-1414 State financial statements - related to section 20 of article X of the state constitution - unrealized gains and losses - unrestricted general fund surplus. Modifies statutory provisions that implement the constitutional limitation on state fiscal year spending contained in article X, section 20 of the state constitution (TABOR). States that state revenues in excess of the limit shall be refunded in the following fiscal year and shall not be available for any other governmental purpose unless voters have authorized the state to retain such excess revenues.

Clarifies that the annual financial report prepared to ensure compliance with section 20 of article X of the state constitution (TABOR) shall be prepared in accordance with generally accepted accounting principles unless otherwise provided by law or unless there is an irreconcilable conflict with said constitutional provision. Specifies that, notwithstanding any generally accepted accounting principle to the contrary, the annual financial report prepared to ensure compliance with section 20 of article X of the state constitution shall not include any unrealized gains or losses on investments held by the state.

Requires the general fund surplus to be determined based on the accrual system of accounting; except that any general fund revenues designated as state revenues in excess of the limitation on state fiscal year spending shall be included in the unrestricted general fund surplus for the year in which the excess revenues accrued. Restricts such excess revenues in the next fiscal year to preserve their availability for refund unless the voters authorize the state to retain such excess revenues.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

HEALTH AND ENVIRONMENT

S.B. 98-4 Air quality control - visibility standards - federal activities - state review and permit procedures. Requires that all relevant provisions of the state implementation plan for air quality, including permit requirements, fees, and penalties, that apply to private and nonfederal governmental property and facilities within the state also be imposed upon federal property, facilities, and activities. Declares that significant contributions to regional haze and visibility impairment emanate from federal lands within the state, and that this act is adopted pursuant to authority granted to the state under the federal "Clean Air Act".

Directs the air quality control commission to require all federal facilities to minimize emissions using available, practicable, and technologically feasible methods in order to minimize the impact or reduce the potential for such impact on both the attainment and maintenance of national ambient air quality standards and the achievement of federal and state visibility goals. Requires federal land managers to submit permit applications that specify in the land management plan for those federal lands how compliance with this act will be achieved.

For purposes of an existing partial exemption from clean-air rules in the case of "agricultural operations", specifically excludes forest management and habitat management activities of federal or state land managers from the term "agricultural operations". Defines such activity as "commercial" rather than "noncommercial" for purposes of provisions imposing civil penalties of \$100 per day for noncommercial violations and \$10,000 per day for commercial violations. Specifies that no permit for open burning shall be issued by the air pollution control division after July 1, 1999, unless the land management plan for the area to be burned has been approved by the commission pursuant to this act.

VETOED by Governor June 2, 1998

S.B. 98-10 Water quality control - permit fees - temporary increases - new categories - appropriation. Increases annual fees assessed upon the holders of water pollution discharge permits by the division of administration in the department of public health and environment by 5.8% for a 2-year period, after which the fees revert to current levels. Creates new permit fee categories for permit amendments and for general minimal discharge of industrial or commercial wastewaters. Removes an obsolete provision pertaining to adjustment of fees in the 4 fiscal years beginning in 1988-89.

Appropriates \$96,842 to the water quality control division in the department of public health and environment for the 1998-99 fiscal year.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

S.B. 98-72 Anatomical gifts - requirements - deletion of witness requirements - deletion of HLA typing requirements - clarifying revocability - clarifying provisions of organ and tissue donation awareness fund. Deletes the requirement that drivers' licenses and identification cards issued by the department of revenue must contain space to indicate the results of HLA typing information for purposes of matching anatomical gifts for transplants. Clarifies provisions for the execution of declarations for anatomical gifts.

Specifies that an anatomical gift not revoked by the donor prior to death becomes

irrevocable and does not require consent or concurrence of any person after the donor's death. Specifies that, after being issued a driver's license or identification card, a person may at a later time become an anatomical donor by signing such person's name on the reverse of the license or identification card.

Deletes the requirement for 2 witnesses to an organ or tissue donor document. Specifies that a "Y" in the donor field on the front of a driver's license or identification card indicates that an anatomical gift becomes effective upon the death of the donor. Revises the form placed on the reverse of drivers' licenses and identification cards to be consistent with such changes. Specifies that a medical durable power of attorney, other powers of attorney related to health care decisions, and living wills may have a document with a written statement as specified in the "Uniform Anatomical Gift Act" indicating a decision regarding organ and tissue donation. Specifies that the CPR directive protocols adopted by the state board of health shall also have a written statement as specified in the "Uniform Anatomical Gift Act" allowing a person to indicate a decision regarding organ and tissue donation.

Specifies that moneys in the organ and tissue donation awareness fund are continuously appropriated to the department of the treasury for transfer, at least quarterly, to the transplant council of the rockies for the purpose of promoting the donation of organs and tissue as provided by law. Directs that interest earned on moneys in such fund be credited to the fund rather than to the general fund. Exempts the fund from the 15% management fee charged by the state treasurer. Deletes authority to appropriate moneys from the fund to the department of revenue to cover administrative costs of collecting moneys donated to the fund. Continues provisions related to the fund until July 1, 2004.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

S.B. 98-142 Air pollutant emissions - voluntary reductions - recovery of air quality improvement costs. Authorizes the owner or operator of a stationary source or group of stationary sources to obtain regulatory assurance by entering a voluntary agreement to reduce or limit emissions of air pollutants. Requires the division of administration of the department of public health and environment and the owner or operator to structure emission limitations or reductions contained in a voluntary agreement to minimize the costs and maximize the operational flexibility of the owner or operator. Requires the division to evaluate the emission limitations contained in a proposed voluntary agreement to determine whether the limitations will result in reduction in actual emissions or actual emission rates, emission reductions earlier than required by existing laws or regulations, and emission reductions greater than required by existing laws or regulations, and will protect human health or the environment. Requires the division to evaluate the assurance period proposed in the voluntary agreement based on the environmental benefits of the emission limitations, the time needed to achieve the limitations, the costs associated with achieving the limitations, and the energy and environmental impacts not related to air quality of achieving the limitations. Authorizes the division to reject any proposed voluntary agreement that does not meet specified requirements. Allows the owner or operator to petition the air quality control commission if the division rejects a proposed voluntary agreement.

Requires the division to submit any proposed voluntary agreement that meets specified requirements to the air quality control commission for approval. Requires the air quality control commission to provide notice and an opportunity for public comment on the proposed voluntary agreement. Requires the commission to approve the proposed voluntary agreement unless it finds by substantial evidence that the proposed voluntary agreement is inconsistent

with the requirements for such agreements. Prohibits the commission from imposing emission limitations or an assurance period different than proposed in the voluntary agreement without the express written approval of the owner or operator of the stationary source or group of stationary sources subject to the agreement. Makes the emission limitations and other provisions of a voluntary agreement enforceable in accordance with the terms and conditions of such agreement if the commission approves the agreement.

Provides that a stationary source or group of stationary sources subject to a voluntary agreement shall not be required to install additional pollution control equipment or implement additional pollution control strategies to reduce emissions of the air pollutant subject to voluntary emission limitations for the assurance period identified in the voluntary agreement, not to exceed 15 years, in order to comply with specified state or federal regulatory requirements. Excepts requirements applicable to mobile sources and certain requirements of the federal "Clean Air Act" from the regulatory assurances granted under a voluntary agreement.

Establishes a 15-year assurance period for the owner or operator of any coal-fired power plant that reduces, pursuant to a voluntary agreement, the uncontrolled sulfur dioxide emission rate by an average of at least 70% and the actual emission rate of sulfur dioxide by an average of at least 50% from one or more units within the same airshed. Prohibits a coal-fired power plant that is the subject of a certification of visibility impairment in a federally designated class 1 area as of July 1, 1998, from entering a voluntary agreement for the pollutant subject to such certification unless the owner or operator has negotiated a settlement with the division and the voluntary agreement is consistent with the terms and conditions of such settlement. Authorizes the commission to impose by rule a different emission limitation based on a technology requirement in the federal act if a different emission limitation is necessary to comply with the federal act and installation of the technology is not required until the general assembly has acted to postpone the expiration of the rule in accordance with the state administrative procedure act.

Sets a 100 hour and a \$50 per hour rate as the maximum fee for work the division performs to negotiate a voluntary agreement unless the owner or operator proposing the voluntary agreement consents to a greater fee in writing.

Entitles a public utility to fully recover from its retail customers the air quality improvement costs that it prudently incurs as a result of a voluntary agreement entered into after July 1, 1998. Establishes an exception to such cost recovery for public utilities that are subject to regulation by the federal energy regulatory commission and that sell power on the wholesale market from generating facilities subject to a voluntary agreement. Authorizes the public utilities commission to assign a portion of the air quality improvement costs to such public utility's wholesale customers to the extent such recovery does not conflict with the public utility's wholesale contracts entered into prior to April 1, 1998. Authorizes the public utility to apply to the federal energy regulatory commission for recovery of the portion of costs assigned to its wholesale customers. Prohibits the public utility from recovering from its retail customers that portion of air quality improvement costs assigned to its wholesale customers if the public utility fails to apply to the federal energy regulatory commission for such recovery without a specified time period or does not make a diligent, good faith effort to persuade said commission to approve such recovery.

Requires the public utilities commission to determine an appropriate method of cost recovery that assures full cost recovery for the public utility. Requires that the air quality improvement costs shall not cause an average rate impact greater than the equivalent of 1 ½

mills per kilowatt hour in any period, nor exceed a total of \$211 million, calculated using 1998 net present value dollars. Requires that air quality improvement costs be recovered over a 15-year period or less.

APPROVED by Governor May 27, 1998

EFFECTIVE July 1, 1998

S.B. 98-167 Gulf war syndrome registry - creation - advisory committee. Directs the department of public health and environment to establish and maintain a statewide registry to collect names and medical information regarding veterans and family members of veterans who have been affected by gulf war syndrome. Requires a physician or other health care professional who believes a veteran may have been exposed to a causative agent while serving in the gulf war to submit a report to the department of public health and environment, with the consent of the veteran or affected family member. If there is no treating physician, requires the report to be made by the hospital or treating facility. Details the information to be reported, including the incidence of the syndrome, diagnosis, method of treatment, and treatment outcomes.

Requires the department of public health and environment to contact the family of any child born after August 2, 1990, who is on the state cancer registry or has been reported as having birth defects to determine whether either of the child's biological parents served in the gulf war. If a parent did serve, requires the department to inform the family about the registry and their option to have the child's name, symptoms, and diagnoses listed in the registry.

Creates a gulf war syndrome advisory committee to assist the department of public health and environment in implementing the registry and to analyze the data collected and make findings and recommendations regarding the registry and measures needed to address gulf war syndrome.

Directs the advisory committee to compile and evaluate the information from the registry and submit an annual report with its findings, conclusions, and recommendations to the governor, the state board of health, and the health, environment, welfare, and institutions committees of the house of representatives and the senate. States that all information concerning persons on the registry is confidential, except that it may be compiled for statistical purposes as long as no person can be identified. Protects a physician, health care professional, hospital, or medical facility from civil or criminal liability for reporting information to the department of public health and environment.

Establishes the gulf war syndrome registry fund. Allows the department of public health and environment to accept and expend grants, donations, and gifts-in-kind for the purpose of maintaining and publicizing the registry, except that the registry shall not be implemented until there are sufficient grants, donations, and gifts-in-kind to support its implementation. Specifies that, after sufficient moneys are obtained to implement the registry, the department shall contract with a private entity to perform any of its duties concerning the registry.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

S.B. 98-179 Department of public health and environment - enforcement of federal "Safe Drinking Water Act". Clarifies requirements of the department of public health and

environment related to enforcement of the federal "Safe Drinking Water Act", including review and approval of waterworks and a program for grants to assist local water providers in complying with requirements imposed under such federal law. Imposes administrative penalties for violations of minimum general sanitary standards and regulations.

APPROVED by Governor May 26, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-189 Retail food establishments - regulation - long bill adjustment. Repeals the food protection cash fund act and reenacts it as the food protection act. Redefines "retail food establishment" to include both retail food establishments that sell food for off-premises consumption and food service establishments that prepare and serve food for on- or off-premises consumption. Eliminates provisions that separately regulate and license retail and food service establishments and combines such provisions.

Increases license fees. Requires that all retail food establishment license and other fees collected by the department of public health and environment under the food protection act be credited to the food protection cash fund, but continues to require that fees collected by a local board of health be deposited in the appropriate county, district, or regional health department fund.

Requires the department of public health and environment to submit a report to the general assembly by January 1, 2001, with recommended fees for retail food establishments. Repeals the food protection act effective January 1, 2002, if the department does not submit the report or if retail food establishment fees decrease after July 1, 1998.

Adjusts the 1998 long bill appropriation to the department of public health and environment, consumer protection, to reduce the general fund appropriation by \$127,889 and increase the cash fund appropriation by the same amount.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

S.B. 98-198 Recycling programs - extension of repeal dates for recycling programs - allocation of moneys generated by waste tire fees - appropriation. Extends the repeal date for the program governing recycling of plastics and other materials from July 1, 1998, to July 1, 2008. Extends the repeal date for the program governing disposal, recycling, and reuse of motor vehicle waste tires from July 1, 2000, to July 1, 2008.

Modifies the distribution and expenditure of moneys appropriated from the waste tire recycling development cash fund as follows:

- Authorizes the expenditure of up to 40% of such moneys for:

- o Issuance of grants to counties for the disposal, recycling, or reuse of illegally dumped or stored waste tires or for encouragement of waste tire recycling by contract with private enterprises; or
- o Tire reuse or recycling incentives in state and local government public projects for products that contain or make use of recycled waste tires. Allows a maximum of 10% of the moneys appropriated from the waste tire recycling development cash fund to be expended for such tire reuse or recycling incentives.
- Authorizes the allocation of up to an additional 5% of such moneys to the Colorado advanced technology institute for evaluating potential uses for recycled waste tire material; and
- Increases the total amount of such moneys that may be allocated to the division of local government in the department of local affairs from up to 30% to up to 50% of such moneys.

Authorizes the division of local government to promulgate rules to implement the waste tire program.

Transfers \$321,600 to the department of local affairs from the waste tire recycling development cash fund for the implementation of the act. Appropriates \$107,200 to the department of higher education for allocation to the Colorado advanced technology institute for the implementation of the act.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1003 Air quality control - elements of state implementation plan - removal of those more stringent than federal requirements. Declares that certain provisions in the air quality state implementation plan are more stringent than federal requirements. Declares that state permits issued pursuant to such provisions contain terms or conditions that are more stringent than required by federal law. Declares that such provisions were placed in the state implementation plan in violation of state law.

Whenever a rule is before the air quality control commission to revise any element of the state implementation plan, requires that the air quality control division advise the commission of whether any such element contains provisions that are more stringent than required by federal law so that the commission may consider that information in revising any such element of the state implementation plan. Whenever the air quality control division reviews a source's application for any permit, requires that the division determine whether any terms or conditions of the permit are more stringent than those required by federal law and requires the division to take all necessary action to assure that terms and conditions more stringent than federal requirements are not federally enforceable. Requires terms or conditions more stringent than federal requirements to be clearly identified as "state-only enforceable".

Makes a specific finding that the state has complied with the provisions of the federal "Clean Air Act" relating to state implementation plans for national primary and secondary ambient air quality standards and the general savings clause provisions of such federal act.

Clarifies provisions relating to the Colorado clean vehicle fleet program so that the program will apply to vehicles in model year 1999, commencing on September 1, 1998.

VETOED by Governor June 2, 1998

H.B. 98-1015 Administration of medications in facilities - continuation of regulation under sunset law. Pursuant to the provisions of the sunset law, extends until July 1, 2009, the department of public health and environment's regulation of facilities that use qualified unlicensed persons to monitor and administer medication.

Permits an unlicensed person to fill and label medication reminder boxes in a licensed facility only if such person has completed appropriate training approved by the department. Requires such facilities to provide on-the-job training appropriate to the job responsibilities of the unlicensed persons and to hire a qualified manager to oversee the work of such employees. Requires the completion of such training to be documented in the personnel file of each unlicensed person. Requires the unlicensed person and qualified manager to sign a disclosure statement stating that they never had a professional nursing, medicine, or pharmacy license revoked for reasons directly related to the administration of medications. Defines "facility" to include all services funded through and regulated by the department of human services in support of persons with developmental disabilities.

Authorizes the department of public health and environment to develop and implement policies concerning the administration of medication reminder boxes by unlicensed persons.

APPROVED by Governor April 30, 1998

EFFECTIVE July 1, 1998

H.B. 98-1058 Environmental leadership program - incentives provided by the state to participants - appropriation. Declares that entities that demonstrate commitment to the environment by going beyond compliance with environmental laws and regulations improve the quality of life for the citizens of Colorado. Also declares that the increased use of pollution prevention strategies, cost-effective options for compliance with environmental laws, and the reduction in occurrences of noncompliance with environmental laws can be achieved through the establishment of a voluntary environmental leadership program.

Establishes a voluntary environmental leadership program (program). Empowers the executive director of department of public health and environment (executive director) to develop and administer the program. Specifies that participation in the program by any entity is voluntary and is subject to review every 3 years. Requires the executive director to determine mandatory elements for program eligibility that include evidence of:

- No serious violation of applicable environmental laws;
- No settlement agreement and no compliance or consent order for a serious violation of applicable environmental laws for the 3 years immediately preceding the date of application to the program; and
- The existence and maintenance of an environmental management system, an environmental compliance audit program, a pollution prevention program, and verifiable, quantitative measures that document compliance with environmental

requirements.

Orders the executive director to establish alternative elective program elements designed to result in measurable improvement and enhancement of, or be beneficial to, the environment. Requires the executive director to review each application and to incorporate acceptable proposals into written agreements between the participating entity and the department of public health and environment that describe the incentives to be provided to the participating entity. Mandates such written agreements be made available for public review. Establishes circumstances for the termination of a participating entity from the program.

Orders the executive director to establish and provide incentives to a participant in the program that include financial incentives, formal public recognition, the department's reliance on an entity's self-monitoring, acceleration of processing permit applications, consolidation of permit applications, simplification of reporting and monitoring requirements, extension of permit terms, and additional credits for reductions in emissions or discharges.

Establishes the environmental leadership pollution prevention revolving fund program to provide loans to program participants. Creates the environmental leadership pollution prevention revolving fund in the state treasury for the deposit of moneys used in the administration of the program and the provision of incentives to program participants. Allows the executive director to accept gifts, donations, and grants but prohibits the executive director from soliciting them. Transfers \$500,000 from the department of state cash fund to the environmental leadership pollution prevention revolving fund. Repeals the environmental leadership program effective December 31, 2003.

Appropriates \$493,980 from the environmental leadership pollution prevention revolving fund to the department of public health and environment for implementation of the program. Increases the appropriation to the department of public health and environment made in the 1998 long bill by \$1,920 for legal services and \$4,100 for information technology services, automated data processing capital outlay, from cash funds exempt from the environmental leadership pollution prevention revolving fund. Increases the appropriation to the department of law by \$1,920 from the environmental leadership pollution prevention revolving fund.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

H.B. 98-1076 Compliance advisory panel to the air pollution control division - continuation under sunset law. Extends the automatic termination date of the compliance advisory panel to the air pollution control division in the department of public health and environment to July 1, 2007, pursuant to the provisions of the sunset law.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1094 Air quality science advisory board - continuation under sunset law. Extends the automatic termination date of the air quality science advisory board in the department of public health and environment until July 1, 2008, pursuant to the provisions of the sunset

law.

APPROVED by Governor April 6, 1998

EFFECTIVE April 6, 1998

H.B. 98-1096 Solid waste - exclusion of scrap metal from regulation. Excludes the following materials from regulation as "solid waste" if such materials are being recycled:

- Processed scrap metal;
- Unprocessed home scrap metal;
- Unprocessed prompt scrap metal; and
- Shredded circuit boards that:
 - Are stored in containers sufficient to prevent release to the environment; and
 - Do not contain mercury switches, mercury relays, nickel-cadmium batteries, or lithium batteries.

APPROVED by Governor April 6, 1998

EFFECTIVE April 6, 1998

H.B. 98-1106 Air quality control - state implementation plan - revisions of limited applicability - appropriation. Adds to the criteria under which the owner or operator of a stationary or mobile source of air pollution may request that the air quality control commission revise the state implementation plan (SIP) or any regulation or standard that is not part of the SIP circumstances where compliance with applicable emission control regulations through new or improved technology is economically and technologically beneficial.

Authorizes the executive director of the department of public health and environment to establish an arrangement by contract or otherwise with the Colorado institute for fuels and high altitude engine research of the Colorado school of mines for activities such as in-use testing of heavy duty vehicles, development of effective inspection procedures, and investigation of emissions abatement technologies for the unique conditions existing in the front range and the high altitude communities.

Appropriates \$150,000 from the AIR account in the highway users tax fund to the air quality control division in the department of public health and environment for the fiscal year beginning July 1, 1998, for purposes of the arrangement between the department of public health and environment and the Colorado institute for fuels and high altitude engine research authorized in this act. Also appropriates such sum to the department of higher education for allocation to the board of trustees of the Colorado school of mines for the purposes authorized in this act.

APPROVED by Governor May 27, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this

act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1109 Air quality control - visibility impairment - activities on federal lands - duties of federal managers - monitoring plan - approval by commission. Makes a legislative declaration that significant contributions to regional haze and visibility impairment in the west emanate from federal lands within Colorado. For the purpose of addressing the cause of this impairment, requires the federal land manager of such federal areas to develop a plan for evaluating visibility in each mandatory class I federal area and submit a plan for approval and incorporation by the air quality control commission into the state implementation plan. Conditions the approval of such a plan on the federal government bearing the expenses of implementation of the plan.

Requires federal officials to confer with the commission and with the air quality control division and to share all data developed for visibility protection purposes.

BECAME LAW: March 24, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1176 Waste tire recycling - waste tire recycling development cash fund - reimbursements to waste tire processors and users - repeal. Modifies the state waste tire recycling program. Provides that 5% of the moneys appropriated from the waste tire recycling development cash fund to the department of local affairs may be allocated for partial reimbursements of the costs of waste tire processing and usage. Indicates that the purpose of such reimbursements is to assist waste tire recycling technologies in becoming economically feasible and to reduce the storage of waste tires within the state. Directs the division of local government to provide such reimbursements and to promulgate rules to establish application procedures and eligibility criteria. Repeals the reimbursement program on July 1, 2003. Increases the maximum portion of the moneys appropriated from the fund to the department that may be allocated to the division of local government for cleanup of waste tires from 30% to 35%.

APPROVED by Governor April 21, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1210 Immunization records - tracking system. Clarifies that health departments may gather immunization information from doctors, clinics, 3rd-party payors, and persons who have contracted with the state to operate a comprehensive immunization tracking system.

Modifies the existing infant immunization tracking system by authorizing health departments to gather immunization information from licensed health care practitioners, schools, parents of infants, children, students, and insurers and managed care organizations that provide coverage for immunizations.

Modifies the existing tracking system by authorizing the release of immunization records to a child or student, an insurer or managed care organization in which a child or student is enrolled, if such insurer or organization covers immunizations, hospitals, or any person or entity that has contracted with the state for the operation of the tracking system.

Allows the use of electronic files and copies of such files as certificates of immunization if they are provided directly to the school from the immunization tracking system. Continues to allow the use of paper forms as certificates of immunization, if they contain information transferred from the records of a doctor, nurse, or public health official. Allows a person to confirm immunizations for public assistance eligibility purposes pursuant to records in the immunization tracking system.

APPROVED by Governor March 16, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1324 Solid waste management program - administration - long bill adjustment. Adds a legislative declaration to the solid waste laws regarding use of solid waste "tipping" fees for management of the program. Specifies that 75% of the moneys from solid waste "tipping" fees shall be credited to the hazardous substance response fund and 25% of such fees shall be credited to the solid waste management fund. Extends the "tipping" fee until January 1, 2004.

Extends the plastics and waste tire recycling programs until July 1, 2008.

Changes the definition of "recyclable materials" to mean any type of discarded or waste material that is not otherwise regulated by law and can be reused, remanufactured, reclaimed, or recycled, but not including recycled auto parts or excluded scrap metal that is being recycled, or scrap that is composed of worn out metal or a metal product that has outlived its original use, commonly referred to as obsolete scrap.

Authorizes the board of health to adopt rules governing the stockpiling of recyclable materials beyond an initial accumulation period for exempt facilities. Authorizes the board to adopt criteria to protect the public health and environment for composting facilities that meet certain minimum standards. Subject to agreement of the local governing body, allows

for the exemption of such composting facilities from the requirement of a certificate of designation.

Requires recommendations from the department of public health and environment to be incorporated into a certificate of designation of a solid waste site.

Clarifies the department's authority to use financial assurance instrument proceeds for the purposes of conducting any necessary closure, postclosure care, or corrective action. Authorizes the department to contract with private contractors and the local governing body that issued the certificate of designation to conduct such activities.

Increases the rates from \$75 per hour to \$100 per hour authorized for private contractor reviews of solid waste applications to reflect market conditions. Increases the ceiling on such fee from \$2,500 to \$5,000. Repeals the annual registration fee for solid waste facilities.

Requires operating facilities to have an approved characterization and disposal plan to specify requirements for various types of materials. Prohibits the accumulation of certain materials under conditions that constitute a public nuisance. Requires facilities that do not need a certificate of designation to annually report on the quantities of materials managed at the site. Specifies that rules include minimum standards for recycling facilities and notice of illegal disposal and abandoned and contaminated sites.

Expands enforcement authority to permit the department to use administrative order and penalty authority to ensure compliance with requirements of the solid waste laws.

Adjusts the 1998 long bill to increase the appropriations to the department of public health and environment by \$5,950 for legal services, \$10,500 for capital outlay, and \$436,540 and 4.2 FTE for solid waste control program costs. Increases the appropriation to the department of law by \$5,950 for the provision of legal services to the department of public health and environment.

APPROVED by Governor May 26, 1998

EFFECTIVE July 1, 1998

H.B. 98-1360 AIDS drug assistance program - created. Authorizes the department of public health and environment to implement and administer a state AIDS drug assistance program to provide to eligible persons pharmaceutical products that are effective in treating persons infected with AIDS or HIV. States that the state program is not an entitlement program and is subject to available appropriations. Specifies that the general assembly may make annual appropriations for the state program. States that the state program shall also be funded with federal funds available under the federal "Ryan White C.A.R.E. Act of 1990", as amended. Establishes eligibility criteria for persons to participate in the state program. Directs that a subcommittee of an advisory group convened by the governor to make recommendations for AIDS policy in the state shall serve in an advisory role to the department and shall advise and recommend those pharmaceutical products that should be listed on the drug formulary for the state program.

APPROVED by Governor April 6, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for

submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1370 Membership on district boards of health. Changes the maximum number of members on a district board of health from 7 to 9.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

H.B. 98-1379 Air quality control - state implementation plan (SIP) - approval of administrative SIP revisions. Approves and extends the following revisions by the air quality control commission to its rules collectively comprising the state implementation plan (SIP), thereby permitting the submission of such revised rules to the federal environmental protection agency for final approval and incorporation into the SIP:

- Changes to the motor vehicle emissions inspection program;
- Redesignation of Colorado Springs as an attainment area for carbon monoxide and adopting a corresponding maintenance plan;
- The Longmont carbon monoxide SIP revision;
- Adoption of a long-term strategy for protection of visibility in class I areas; and
- Amendments to the list of volatile organic compounds and hazardous air pollutants.

Requires the air quality control commission to revise the Colorado Springs maintenance plan if the division of administration in the department of public health and environment, in consultation with the designated organization for air quality planning in the Colorado Springs area, requests removal of mandatory control measures that have been adequately demonstrated to be unnecessary to achieve and maintain compliance with federal ambient air quality standards. Exempts such revisions from the legislative review and approval procedures that would otherwise apply.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

HEALTH CARE POLICY AND FINANCING

S.B. 98-79 Medicaid - spousal protection - protection of income and resources for community spouse. Effective upon passage, extends protection of income and resources to spouses of persons enrolled in the PACE program. Effective on and after July 1, 1999, extends protection of income and resources to spouses of persons receiving home- and community-based services and the spouses of persons receiving equivalent services under the integrated care and financing project in the medicaid program, in addition to spouses of persons enrolled in the PACE program.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

HUMAN SERVICES - SOCIAL SERVICES

S.B. 98-70 Colorado works - job training and placement services - community colleges. Requires the state department of human services and the state board for community colleges and occupational education to develop a tuition voucher system pursuant to which participants in the Colorado works program may attend courses at an institution in the state's system of community and technical colleges by using a tuition voucher. Directs the state department of human services and the state board for community colleges and occupational education to enter into a cooperative arrangement to make available appropriate educational and academic training programs for such Colorado works program participants. Requires the state department of human services, the state department of labor and employment, and the state board for community colleges and occupational education to analyze job market information to establish a compilation of the types of jobs most appropriate for works participants.

Allows county departments of social services to provide such vouchers to Colorado works program participants as a form of assistance under the Colorado works program.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

S.B. 98-165 Child welfare - system reform goals - pilot programs - appropriation. Identifies goals for the reform of the child welfare system. Authorizes the state department of human services to expend any additional federal or private funding to support training efforts directed at such system reform goals. Authorizes the establishment of 3 additional pilot sites in child welfare during state fiscal year 1998-99. Requires the state department of human services to start to negotiate, no later than June 30, 1999, with any county that is interested in entering into a performance agreement for the delivery of child welfare services in state fiscal year 1999-2000 and thereafter. Authorizes the state department of human services to contract for an external evaluation of the performance agreements executed on or before January 1, 1999. Requires the state department of human services to develop recommendations for the statewide implementation of system reforms in the child welfare system and to submit such recommendations to the general assembly and the chief justice of the Colorado supreme court no later than December 1, 2000.

Appropriates \$250,000 to the department of social services for allocation to the children, youth, and families division for the implementation of this act.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

S.B. 98-173 Medicaid - nursing facility rates - excluding Medicare Part B direct costs. Clarifies that only Medicare part B direct costs are excluded from the allowable medicaid reimbursement for class I and class V nursing facilities.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

S.B. 98-185 Works maintenance of effort - works allocation committee - mitigation for small counties - appropriation. For state fiscal year 1997-98 and each state fiscal year thereafter, provides that a county's targeted spending level, defined as the amount that each county shall appropriate to defray its maintenance of effort requirement for the works

program, shall be 100% of county spending on AFDC, JOBS, and the administrative costs related to those programs for state fiscal year 1995-96.

For state fiscal year 1997-98, requires counties collectively to spend an amount that shall be based upon a collective county maintenance of effort of 80% of what all counties spent on AFDC, JOBS, and the administrative costs related to those programs for state fiscal year 1993-94. Provides that an individual county's actual spending level for that state fiscal year shall be determined by the state department of human services based upon the county's expenditures on such programs in state fiscal year 1995-96.

Creates the works allocation committee and identifies its membership.

For state fiscal year 1998-99, and each state fiscal year thereafter, provides that the counties collectively shall be required to meet levels of spending on the Colorado works program that are set forth in the annual appropriation act. Provides that an individual county's actual spending level shall be identified by the works allocation committee no later than June 15 of each state fiscal year for the immediately succeeding state fiscal year. If the welfare allocations committee does not reach an agreement on the individual county's level of spending by June 15 of the relevant fiscal year, the joint budget committee shall identify the county's level of spending.

Requires that a county maintain in its county social services fund any county funds appropriated to meet the county's targeted spending level but not actually expended.

Allows small counties to seek further reductions in their level of spending based upon the recommendations of the works allocation committee and subject to the identification of an annual amount for such further reductions set forth in the annual appropriation act. Identifies the criteria the works allocation committee shall use to determine any such reductions.

Requires the state auditor's office to oversee the implementation of an evaluation of the works program over the next 5 years. Requires the state auditor's office to issue a request for proposals no later than August 1, 1998. Identifies the goals of such an evaluation. States that the state auditor's office shall present to the audit committee and the welfare oversight committee a progress report on such evaluation no later than December 31 of each fiscal year and a final report no later than 60 days after completion of the evaluation. Repeals the evaluation requirement, effective July 1, 2004.

Appropriates \$1,500,000 in state fiscal years 1997-98 and 1998-99 to the legislative department for allocation to the state auditor for the evaluation of the works program. Makes adjustments to the annual appropriations act to decrease the state and counties' maintenance of effort.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

S.B. 98-186 Veterans nursing home - authorized - Fitzsimons army medical center - appropriation. Authorizes construction of a state veterans nursing home to be located on the site of the former Fitzsimons army medical center.

Transfers \$4,306,770 from the general fund to the capital construction fund and appropriates said sum to the state department of human services for the construction of the

state veterans nursing home at the former Fitzsimons army medical center.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1082 Electronic benefits transfer cards - replacement fees. Allows the state department of human services to authorize a county department of social services to charge a fee to a client to cover the costs related to issuing a replacement electronic benefits transfer card.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1092 Old age pension - self-sufficiency and employment pilot project - repeal - appropriation. Creates a self-sufficiency and employment program as a pilot project to evaluate the cost-effectiveness of encouraging applicants for the old age pension program who are identified as potentially employable to participate in efforts leading to employment.

Requires the state department of human services to use a competitive process to select one urban county and one rural county or a group of rural counties to participate in 2 demonstration sites for the pilot project. Sets forth the criteria for participation in the pilot project, including that a private or public agency has agreed to serve as an employment services provider and provide employability assessments and employment-related services to the old age pensioners referred to it by the county department of social services. Requires the state department to enter into a contract for each demonstration site with the employment services provider. Provides that the counties selected to participate in the pilot project will receive an annual block grant to pay for the contract expenses.

Makes counties participating in the pilot project responsible for informing all applicants for old age pension about the possibility of seeking employment and the option to participate in the pilot project. Directs that all applicants who express an interest in seeking employment be referred by the county department to the employment service provider for an employment assessment. States that referral of an applicant for the old age pension program to the employment services provider shall not affect the applicant's eligibility for benefits.

Directs that the pilot project commence on or after January 1, 1999, and operate in each demonstration site for 3 years. Repeals the pilot project on July 1, 2003.

Appropriates \$12,700 to the department of human services for the implementation of the act.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1137 Temporary assistance for needy families - county transfers - capped and targeted allocation formulas - close-out process for unexpended capped funds. For state fiscal year 1997-98 and each state fiscal year thereafter, allows a county to transfer up to 10% of the county block grant for the Colorado works program that is designated as federal funds and is specified as being available for transfer to programs funded by Title XX of the federal "Social Security Act". Allows a county to make the transfer only for allowable expenditures and, if utilized for child welfare services in the county, only after all funds in its capped

allocation for child welfare services have been exhausted on allowable expenditures. Specifies that a county does not have to provide matching funds for any amount transferred. Prohibits a county from using transferred funds to supplant county match funds or funds that would otherwise be appropriated to continue a public assistance program administered with county only funds.

Requires the state board of human services to promulgate rules governing procedures for such transfers.

Changes the makeup of the child welfare allocations committee so that it consists of 4 members appointed by the state department and 4 members appointed by a statewide association of counties. Deletes the requirement that the 4 members appointed by a statewide association of counties be county commissioners. Directs the 2 appointing authorities to consult with each other to ensure that the committee is representative of the counties in the state. If the statewide association of counties does not appoint a representative from the county that has the greatest percentage of the state's child welfare caseload, requires the state department to appoint a representative from such county.

Requires the state department, with input from the child welfare allocations committee, to make recommendations to the joint budget committee concerning a definition of "administrative and support functions" as used in the statutes for calculating allocation formulas and a method for identifying the costs for such functions.

Revises the criteria for formulas for capped and targeted allocations for child welfare spending and expands the formulas to future fiscal years beyond fiscal year 1997-98. Directs that the formula include the estimated caseload for the delivery of specific child welfare services to be funded by the moneys in the capped or targeted allocations. Allows a county to receive one or more capped allocations for the provision of child welfare services. Directs that if a county receives more than one capped or targeted allocation, the formula shall identify the specific caseload estimate attributable to each capped or targeted allocation. States that a county's election to make a transfer of federal funds for the provision of child welfare services shall not be the basis of an adjustment to the formula for developing the county's capped or targeted allocation.

Creates a close-out process for county allocations at the end of each fiscal year that allows the state department, based upon the recommendations of the child welfare allocations committee, to allocate any unexpended capped funds for the delivery of specific child welfare services to any one or more counties whose spending has exceeded a capped allocation for such specific child welfare services.

Allows a county to use close-out allocations only for non-administrative and non-support costs and for authorized expenditures attributable to caseload increases beyond the caseload estimates for a specific capped allocation. Prohibits a county from receiving close-out funds from unexpended capped funds in one capped allocation if the funds would be used for expenditures attributable to caseload increases for services in another capped allocation.

APPROVED by Governor May 22, 1998

EFFECTIVE May 22, 1998

H.B. 98-1149 Health care task force - creation - appointments. Declares that the purpose of this act is to create a method for members of the general assembly to obtain the

information necessary to respond to required legislative changes affecting the health care system in Colorado.

Creates the Colorado health care task force for a period of 5 years to study the health care system in this state. Specifies that the task force shall consist of 6 members of the general assembly. Requires that the 3 members from the house of representatives be appointed by the speaker of the house, no more than 2 of whom can be members of the same political party. Requires that 2 of the senate members be appointed by the president of the senate, and one be appointed by the senate minority leader. Specifies that the task force shall also include 5 public members representing the health care industry, employers, and consumers of health care services. Abolishes the task force on July 1, 2003.

Details the subject matter to be studied by the task force and authorizes the task force to recommend necessary legislation to the general assembly. Requires such recommended legislation to be treated in the same manner as recommendations from legislative interim committees. Authorizes the legislative council to accept and expend federal funds, grants, gifts, and donations for purposes of the task force's activities.

Abolishes the joint review committee for the medically indigent and the medical assistance reform advisory committee.

VETOED by Governor April 22, 1998

H.B. 98-1204 State nursing homes - administration - management - control - supervision. Repeals and reenacts the provisions on state and veterans nursing homes.

Requires the state board of human services to adopt rules for the management, control, and supervision of state nursing homes, including state veterans nursing homes. Requires that all state nursing homes be managed as a group by the state department of human services, unless such department contracts for the management of a state nursing home with another entity. Identifies any state nursing home or group of state nursing homes as an enterprise for purposes of the TABOR amendment. Requires that state nursing homes be operated and maintained under standards established by the department of public health and environment.

Requires the state department of human services to establish rates for the care of residents in state nursing homes. Identifies payment procedures and a central fund for the deposit of any moneys received from any source for the operation and maintenance of the state nursing homes. Authorizes the state department of human services to issue anticipation warrants to defray the cost of construction of new facilities, the reconstruction or improvement of existing facilities, and the maintenance and operation of such facilities.

Authorizes the state department of human services to contract with any public or private entity for all or part of the operation or management of any state nursing home. Authorizes the establishment of specific state nursing homes, and establishes procedures and criteria for evaluating sites for new state nursing homes.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

H.B. 98-1229 Home and community-based services for persons with major mental illness -

extension. Extends the automatic repeal date for the home- and community-based services program for persons with major mental illnesses until July 1, 2002.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1325 Children's basic health plan - implementation. Increases the age of eligibility for the children's basic health plan and the children's health plan to 19 to conform with the age of eligibility for the state's subsidized insurance program and with the age of eligibility in the federal children's health plan legislation.

Changes the date of implementation of the full package of services under the children's basic health plan from July 1, 1998, to the effective date of the act.

Extends the scheduled repeal date of the children's health plan until July 1, 1999, and provides that no new enrollees shall be accepted into the children's health plan and no new provider contracts shall be made on or after the passage of the act. Makes the services offered under the children's health plan consistent with the services offered under the children's basic health plan. Directs that enrollment fees for the children's health plan follow the premium schedules for the children's basic health plan.

Creates as a **type 1** agency the children's basic health plan policy board consisting of the executive directors or designees of the departments of health care policy and financing, public health and environment, education, and human services and representatives of the business community, the health care industry, and consumers appointed by the governor. Charges the policy board with reporting periodically to the joint budget committee on the progress of implementing the children's basic health plan. Directs the policy board to evaluate and report to the joint budget committee and the house and senate health, environment, welfare, and institutions committees on contracting, administration, and further privatization of the children's basic health plan. Consolidates the time frames for reports from the policy board and the department of health care policy and financing to the general assembly. Repeals the policy board, effective July 1, 2000.

Grants rule-making authority over the implementation and administration of the children's health plan to the policy board instead of the department of health care policy and financing.

Allows the executive director of the department of health care policy and financing to create an advisory board to advise the policy board and the department on the implementation and administration of the children's basic health plan. Repeals the advisory board, authorization, effective July 1, 2000.

Specifies criteria for contracts with managed care plans, including use by managed care plans of existing essential community providers to the degree that it is cost-effective for the managed care plan and the state. Allows the department of health care policy and financing to contract with essential community providers to provide services in areas of the state that are not adequately served by managed care organizations.

Permits rather than requires the department of health care policy and financing to allow any child whose gross family income exceeds 185% of the federal poverty level to enroll in the children's basic health plan without a subsidy.

Indicates that \$1,357,502 in federal funds are anticipated to be received to implement the act.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

H.B. 98-1394 State benefits - personal identification of applicants. Requires applicants for public assistance or medical assistance who are 18 years of age or older to supply a form of personal photographic identification either by providing a valid Colorado driver's license or an identification card issued by the department of revenue. Authorizes the department of human services and the department of health care policy and financing to establish an exemption to this requirement if supplying such identification causes an unreasonable hardship or is in conflict with federal law. Allows applicants to receive assistance on an emergency basis until the applicant is able to obtain or qualify for the license or identification card; however, a county department is not required to recover emergency assistance from an applicant who fails, upon recertification, to meet the photographic identification requirement. Authorizes the division of motor vehicles to exempt any person who is referred by a county department of social services from paying the identification card fee.

Applies to persons applying for public assistance or medical assistance on or after the effective date of the act.

APPROVED by Governor May 27, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

INSURANCE

S.B. 98-12 Motor vehicle insurance - prohibition against adverse action by insurer based on prior insurance coverage - exception when actuarial justification is filed. Unless an insurer files actuarial justification showing an increase in risk, prohibits the insurer from refusing to write a motor vehicle insurance policy for a new applicant, surcharging the premium of a new applicant, or placing a new applicant in a higher priced program or plan based solely upon:

- The fact that the applicant had no prior insurance;
- The identity of the applicant's prior insurer; or
- The applicant's prior type of coverage.

Prohibits any insurer from refusing to write a motor vehicle insurance policy for a new applicant, surcharging the premium of a new applicant, or placing a new applicant in a higher priced program or plan based solely upon the fact that the applicant had no prior insurance if the applicant was not required to have insurance under Colorado law or a similar law in another state.

APPROVED by Governor April 17, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-13 Motor vehicle insurance - managed care arrangements - disclosure requirements. When a person makes an initial application for motor vehicle insurance coverage, requires the insurer to disclose:

- That motor vehicle insurance policies may include managed care arrangements;
- What managed care is and how it affects the consumer; and
- Whether the insurer offers a managed care option and, if so, that cost savings may be obtained by choosing such an option.

Requires the disclosure form that is currently required for motor vehicle insurance policies containing managed care options to disclose the following:

- That the insured may accept or reject managed care options at any time;
- That obtaining or renewing an insurance policy is not dependent on accepting a managed care option; and
- What the approximate cost savings would be if the insured accepted a managed care

option.

APPROVED by Governor May 27, 1998

EFFECTIVE January 1, 1999

S.B. 98-14 Motor vehicle insurance - wage loss replacement coverage - waiver of coverage - notice to insured persons. Allows a person having a motor vehicle insurance policy to decline coverage for loss of gross income without representing that the insured and the insured's spouse have not received any income from wages and do not anticipate any such income for specified time periods. Provides that such option to decline coverage applies to any resident relative of the named insured, in addition to the named insured and the insured's resident spouse.

Upon the first policy renewal for an existing motor vehicle insurance policy, requires an insurer to provide a notice to the named insured regarding the opportunity to waive loss of gross income coverage. Requires that such notice include a description of the coverage that may be waived, the estimated cost of such coverage, and a statement indicating that the insured may waive such coverage.

Requires an insured to sign a written waiver in order to waive loss of gross income coverage for an application for a new motor vehicle insurance policy and upon the first renewal of an existing policy. Requires that such written waiver describe the coverage being waived, provide the estimated cost of such coverage, and indicate that the coverage is being voluntarily waived. Allows a named insured to obtain or waive loss of gross income coverage at any time upon request to the insurer.

APPROVED by Governor May 27, 1998

EFFECTIVE January 1, 1999

S.B. 98-104 Health care - managed care plans - required access to certified nurse midwives. Requires managed care plans that cover reproductive health care to provide their patients with access to an advanced practice nurse who is a certified nurse midwife participating and available under the plan.

APPROVED by Governor March 24, 1998

EFFECTIVE January 1, 1999

S.B. 98-107 Health insurance - pharmacy benefit management firms - open networks - participation by each pharmacy in contract service area. Requires any pharmacy benefit management firm, whose contract with an health care insurance entity includes an open network, to allow participation by each pharmacy provider in the contract service area. Allows such pharmacy benefit management firm to offer an open network on a regional or local basis. Defines "open network".

Allows a pharmacy benefit management firm to contract with exclusive pharmacy networks if, 60 days before the termination or effective date of such contract, the pharmacy benefit management firm publishes notice of such termination or effective date in one or more newspapers of general circulation in the affected contract area.

APPROVED by Governor June 1, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the

ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-118 Scope of regulation - exemptions - motor vehicle rental companies. Provides an exemption from the insurer licensing statutes for motor vehicle rental companies and their agents who offer liability coverage and other types of coverage typically included in automobile insurance policies in connection with, and incidentally to, the short-term rental of a motor vehicle for transportation purposes.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

H.B. 98-1019 Health care - mandatory insurance coverage - minimum hospital stays for childbirth. Specifies that mandatory coverage for newborn children and maternity under health care coverage policies shall, at a minimum, provide coverage for a 48-hour hospital stay following a normal childbirth delivery and 96 hours following a cesarean section. Specifies that, if the 48-hour or 96-hour period ends after 8 p.m., coverage shall continue until 8 a.m. the following morning.

States that nothing in the act shall be construed to require a health plan participant to give birth in a hospital or to stay in the hospital for a fixed period of time nor to prevent a carrier from imposing its usual deductibles, coinsurance, or other cost sharing in relation to hospital coverage.

Deletes obsolete language in the law relating to maternity coverage that is inconsistent with current federal and Colorado health care coverage laws dealing with preexisting condition limitations.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1025 Motor vehicle insurance - PIP coverage - option and disclosure requirements. Requires insurers offering PIP coverage to make deductibles and coinsurance arrangements available in their coverage options and in any managed care arrangement. Provides that such deductibles and coinsurance arrangements shall apply only to the named insured, a resident spouse, resident relative, and permissive operators, but that any policy of a permissive operator shall be primary.

Requires disclosure forms for managed care arrangements to include specific information that includes an insured's right to change his or her option. Also requires the following information to be disclosed to applicants:

- That motor vehicle insurance policies in Colorado may include optional managed care arrangements;
- What managed care is and how it affects the consumer; and

- Whether the insurer offers a managed care option and, if so, the potential cost savings to the consumer if such option is chosen.

APPROVED by Governor April 21, 1998

EFFECTIVE January 1, 1999

H.B. 98-1053 Health insurance - short-term limited duration health policies - exemption from creditable coverage provisions. Exempts short-term limited duration health insurance policies from the provisions concerning creditable coverage for individual policies.

Defines "short-term limited duration health insurance" as a nonrenewable individual health benefit plan of less than 6 months duration that is issued only to persons who have not had more than one such policy within the previous 12 months and that contains a disclosure that the policy does not provide portability of prior coverage.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

H.B. 98-1213 Motor vehicle insurance - proof of compliance with compulsory insurance requirements prior to motor vehicle registration - penalty for providing fraudulent information - appropriation. Authorizes the department of revenue to issue or renew the registration of a class C motor vehicle only if the applicant has a complying policy of motor vehicle insurance or a certificate of self-insurance in effect. Requires an applicant for registration of a vehicle to provide the department a certificate of insurance or insurance identification card provided by the applicant's insurer or provide proof in such other media as is authorized by the department. Provides that any person who knowingly provides fraudulent information or documents regarding compliance with the insurance requirements in order to register a motor vehicle is guilty of a misdemeanor and is subject to a \$500 criminal penalty and a \$500 civil penalty.

Whenever an insurer issues or renews a policy of motor vehicle insurance, requires the insurer to provide a certificate of insurance or insurance identification card to the insured or provide proof of insurance in such other media as is authorized by the department of revenue.

Requires the commissioner of insurance to inform the public regarding the requirement for providing proof of insurance prior to registering a motor vehicle.

Appropriates \$75,000 to the department of regulatory agencies for the implementation of the act.

APPROVED by Governor May 22, 1998

PORTIONS EFFECTIVE January 1, 1999
July 1, 1999

NOTE: Sections 1, 2, 3, 4, and 6 of this act shall take effect July 1, 1999, and the remainder of this act shall take effect January 1, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, shall take effect on the specified date only if approved by the people.

H.B. 98-1243 Health insurance - mandatory coverage - general anesthesia for dental procedures performed on certain children. Requires all individual and all group sickness and accident insurance policies, all individual and group health care service or indemnity contracts, and other group health care coverage, except supplemental policies that cover a specific disease or other limited benefit, offered to residents of this state by covered entities to provide coverage for the administration of general anesthesia and hospital or facility charges for dental procedures performed on dependent children who satisfy one of the necessary criteria. Excepts treatment rendered for temporal mandibular joint (TMJ) disorders from coverage.

When general anesthesia is used for dental procedures on dependent children, requires that those procedures be performed in a hospital or other facility licensed by the department of public health and environment. Also requires that, if coverage is provided by a managed care plan, coverage will only be provided if the provider of those services is affiliated with the insurance carrier.

Allows a health insurance carrier to require prior authorization for anesthesia and dental care treatment in the same manner as other covered diseases or procedures or to require that only specifically qualified dentists perform the dental procedure.

APPROVED by Governor April 22, 1998

EFFECTIVE April 22, 1998

H.B. 98-1297 Lloyd's insurers - trust requirements - service of process. Changes the required amount of the trust an unincorporated group of individual insurers, commonly known as a Lloyd's plan, or similar group must maintain to do business in Colorado from an amount equal to the group's liabilities in this country to an amount satisfactory to the commissioner of insurance that is not less than the amount required in the state where the trust is located.

Allows the commissioner to adopt a rule under which a nonadmitted insurer designates a person on whom process may be sent after the commissioner has been served.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

H.B. 98-1309 Health insurance - mandatory coverage - diabetes. Requires every health benefit plan, except supplemental policies covering a specified disease or other limited benefit, to provide coverage for equipment, supplies, and outpatient self-management training and education, including medical nutrition therapy, for the treatment of diabetes if prescribed by a health care provider licensed to prescribe such items pursuant to Colorado law. Makes such coverage subject to the same annual deductibles or copayments as other covered benefits within a given policy. Prohibits third-party payors from reducing or eliminating health care coverage because of the diabetes coverage requirement.

APPROVED by Governor April 13, 1998

EFFECTIVE July 1, 1998

H.B. 98-1391 Health care - coverage - benefit plans - modification. Permits the reasonable modification of benefits under small group and individual health benefit plans if:

- The modification is effective only at the time of coverage renewal;

- The health benefit plan is uniformly modified for all groups and individuals covered by the same health benefit plan;
- Coverage for basic health care services continues to be provided by the carrier;
- A description of the modification is provided to policyholders and the commissioner at least 90 days prior to the effective date of the modification; and
- The carrier provides to each affected policyholder the opportunity to purchase any other health benefit plan offered by the carrier in such market.

Authorizes the commissioner of insurance to adopt such rules as are necessary to carry out the provisions of the act.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

LABOR AND INDUSTRY

S.B. 98-87 Structural requirements for buildings - American national standard for buildings and facilities - accessibility and usability for physically handicapped people. In the statutes governing structural requirements for buildings constructed by public or private funds, specifies that the American National Standard Institute pamphlet referred to is the current edition of that pamphlet, commonly cited as "ANSI A117.1". Repeals provisions of law inconsistent with such standard.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

H.B. 98-1038 Workers' compensation - premium surcharge - rates for policies with deductibles in excess of the statutory maximum. Directs the commissioner of insurance to adopt rules on or before July 1, 1998, to ensure that payments to the workers' compensation cash fund and the cost containment cash fund, from surcharges on premiums paid for policies of workers' compensation insurance that have deductibles in excess of the maximum imposed by statute, reflect the value of any reduction in premium achieved through the use of such deductibles.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1055 Workers' compensation - discovery. Allows parties to a workers' compensation claim to agree to engage in discovery if both parties are represented by an attorney. Eliminates the requirement that discovery or written depositions may not be taken without a prior order from an administrative law judge.

APPROVED by Governor April 2, 1998

EFFECTIVE April 2, 1998

H.B. 98-1062 Workers' compensation - permanent impairment benefits - disputes - selection of independent medical examiner. Adopts a statutory timetable with deadlines to be met by the parties when an independent medical examiner (IME) is to be selected for purposes of resolving a dispute concerning medical treatment under the workers' compensation statutes. Details the procedures for the selection of an IME in such dispute cases.

APPROVED by Governor June 4, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1067 Unemployment compensation - conformity with federal law. Clarifies that an "employing unit", for purposes of unemployment insurance, includes limited liability partnerships, limited liability companies, and limited liability limited partnerships. Exempts from unemployment coverage alien agricultural workers, certain newspaper distributors and

carriers, election workers, employees of nonaffiliated religious schools, and persons who own their own businesses.

Clarifies that "wages" does not include amounts paid to federal saving incentive match plan for employees' ("SIMPLE") retirement plans or to medical savings accounts. Relocates successor employers provisions to clarify that those provisions apply to all successor situations and not just segregable unit transfers.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1080 Workers' compensation - extension of definition of medical treatment guidelines. Postpones the repeal of the definition of "medical treatment guidelines" from July 1, 1998, to July 1, 2003.

APPROVED by Governor April 6, 1998

EFFECTIVE April 6, 1998

H.B. 98-1097 Unemployment compensation - definition of term "employer" under "Colorado Employment Security Act" - consistency with "Federal Unemployment Tax Act". Changes the definition of "employer" under the "Colorado Employment Security Act" to mirror the definition of "employer" under the "Federal Unemployment Tax Act". Specifies that, as of January 1, 1999, the term will include any employer that paid wages of \$1500 or more during any calendar quarter in the calendar year or the preceding calendar year or employed at least one individual in employment for some portion of the day on each of 20 days during the calendar year or during the preceding calendar year.

Specifies that the new definition does not include nonprofit organizations, political subdivisions, agricultural labor, and domestic services that are covered elsewhere under the "Colorado Employment Security Act", under provisions that already mirror provisions of federal law.

APPROVED by Governor March 23, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1126 Unemployment compensation - obsolete provisions. Specifies that, if any period set forth in the unemployment compensation statute ends on a weekend or holiday, such period is extended to the next business day.

Repeals obsolete references to unemployment internship programs. Modifies the requirements for work between claim filings by requiring that claimants must have "earned" instead of "received" an amount of money in order to qualify for compensation in the next year. Specifies that benefits are not payable during the waiting week. Repeals references to workers displaced by returning gulf war veterans.

Changes a reference in the tax code from an expired statute to a current statute that provides for offset of individual state tax refunds for unemployment insurance benefit overpayments.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1140 Workers' compensation - permanent partial disability - mental stress benefits. Increases the permanent partial disability benefit from \$150 per week to \$175 per week. Allows an annual increase or decrease in this figure based on the state average weekly wage. Where an injury causes a loss set out in the scheduled injuries schedule and a loss set out in the medical impairment benefit schedule, provides that each loss will be compensated solely on the basis of the respective schedule.

Requires a "mental impairment" to be a recognized impairment. Includes disabilities arising from accidental physical injury that leads to a recognized permanent psychological disability as a "mental impairment". Exempts victims of physical injury or occupational disease that causes neurological brain damage from limitations on medical impairment benefits.

VETOED by Governor April 22, 1998

H.B. 98-1154 Unemployment compensation - benefits - conditions. Requires a claimant to comply with provisions for written medical statements issued by a licensed practicing physician on any matters related to health to be eligible for unemployment insurance benefits. Specifies that the individual is not eligible when the individual is not working due to an authorized and approved leave of absence. Specifies that an employer will not be chargeable for unemployment insurance benefits paid because an employee quits a job for compelling personal reasons not attributable to the employment.

VETOED by Governor April 22, 1998

H.B. 98-1159 Workers' compensation - claim settlement agreements. Requires that a written notice of a settlement agreement shall be provided to the employer for claims that have a settlement value of \$75,000 or more.

APPROVED by Governor April 30, 1998

EFFECTIVE April 30, 1998

H.B. 98-1259 Workers' compensation - alternative penalties for noninsurance. Allows the director of the division of workers' compensation to impose a fine of not more than \$500 per day in lieu of closing the business for not maintaining workers' compensation coverage. Limits the amount of such fine to the annual cost of the insurance premium that would have been charged to the employer. Specifies that the fine may be imposed only for those days after the employer has been notified of the employer's lack of coverage. Requires the director to suspend any fine if the employer shows proof to the director that the employer has a policy in force.

Requires the director to report to the division each time a fine is imposed, the amount of the fine imposed, and the name of the offending party. Allows the director, once the time

for appeals has lapsed or once the appeals have been exhausted, to enforce the action in district court. Specifies that fines imposed are to be credited to the workers' compensation cash fund.

APPROVED by Governor April 6, 1998

EFFECTIVE April 6, 1998

H.B. 98-1365 Unemployment compensation - denial of benefits - drugs or alcohol. Provides that a worker who used alcohol or drugs that were not medically prescribed may be given a full award of benefits only if the division of employment and training in the department of labor and employment notifies the employer and hearing officer and certifies that the worker did not receive a full award of unemployment compensation benefits within the preceding 10 years.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

MILITARY AND VETERANS

H.B. 98-1121 Veterans affairs - continuation of board under sunset law. Extends the automatic termination date of the Colorado board of veterans affairs to July 1, 2007, pursuant to the provisions of the sunset law.

APPROVED by Governor February 19, 1998

EFFECTIVE February 19, 1998

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 98-25 Driving under the influence or while ability impaired - alcohol and drug driving safety program - administration by the judicial department - appropriation. Changes the responsibility for the administration of alcohol and drug driving safety programs in each judicial district from the division of alcohol and drug abuse in the department of human services to the judicial department. Eliminates the authority of the division of alcohol and drug abuse to contract with any other judicial agency for services related to the administration of the program and assigns contracting authority to the judicial department. Specifies that the program shall be maintained in each judicial district.

Eliminates the requirement that persons conducting presentence and postsentence alcohol and drug evaluations be certified by the division of alcohol and drug abuse; however, requires the judicial department to determine whether such persons are qualified.

Requires level I and level II drug and alcohol education and treatment programs to be approved by the division of alcohol and drug abuse. Clarifies that level I programs are to be residential programs rather than inpatient programs.

Eliminates the specification that the judge must assess \$60 against a person convicted of a violation of driving under the influence or driving while ability impaired or driving with excessive alcoholic content for the presentence or postsentence alcohol and drug evaluation and supervision services. Specifies that the amount of the assessment for the cost of alcohol and drug evaluation and supervision services in effect on July 1, 1998, shall remain in effect unless the judicial department and the division of alcohol and drug abuse provide certain information to the general assembly.

Repeals the duty of the division of alcohol and drug abuse to establish an alcohol and drug driving safety program that is suited to the needs of each judicial district after consultation with local treatment programs; however, specifies that the judicial department shall ensure that qualified personnel are placed in the judicial districts. Directs the judicial department, jointly with the division of alcohol and drug abuse, to develop criteria for evaluation techniques, treatment referral, data reporting, and program evaluation.

Reallocates the total program funding of \$4,132,595 to correspond with the transfer of administrative responsibilities from the department of human services to the judicial department for the implementation of this act.

APPROVED by Governor May 18, 1998

EFFECTIVE July 1, 1998

S.B. 98-30 Highways - high-occupancy vehicle lanes - inherently low-emission vehicles. Allows federally certified inherently low-emission vehicles (ILEVs) weighing 26,000 pounds or less to use high-occupancy vehicle (HOV) lanes so long as the ILEVs are identified by means of an approved, orange, circular sticker or decal applied in one of several specified locations on the vehicle. Directs the department of transportation to add ILEV information to new signage relating to HOV lane usage. Allows for restriction or elimination of HOV lane use by ILEVs in the event that such use is shown to interfere with the use of HOVs by other vehicles or to result in the loss of federal highway funds.

Increases the fine for HOV lane violations from the current \$50 to \$65 for a 1st or 2nd violation and from \$100 to \$125 for a 3rd or subsequent violation within one year. Removes

the surcharges formerly applicable to such fines.

APPROVED by Governor June 1, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-46 Emissions inspection - inoperable vehicles - exemption from obtaining inspection prior to sale - notice to purchaser. Exempts the seller of a motor vehicle from the requirement for obtaining a certification of emissions control prior to sale if the vehicle is inoperable or otherwise cannot be tested in accordance with department of revenue regulations and if the seller provides a written notice to the purchaser prior to completion of the sale clearly indicating that:

- The vehicle does not currently comply with emissions requirements for the emissions program area;
- The seller does not warrant that the vehicle will comply with emissions requirements; and
- The purchaser is responsible for complying with emissions requirements prior to registering the vehicle in the program area.

Directs the department of revenue to prepare a form to comply with the notice requirement and to make such form available to motor vehicle dealers and other persons selling motor vehicles that are inoperable or otherwise cannot be tested. Requires the purchaser of a motor vehicle that was exempted from the requirement for obtaining a certification of emission control prior to sale to obtain such certification for the vehicle before registering it in the program area.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

S.B. 98-182 Emissions inspection - continued operation of AIR program - clean screen remote sensing program - appropriation. Establishes a clean screen remote sensing program as part of the AIR program for auto emission inspections. Requires the air quality control commission to promulgate rules governing the operation of such program.

Specifies that cut-points established for carbon monoxide, exhaust and evaporative hydrocarbons, and oxides of nitrogen standards shall not be increased between December 1, 1998, and January 1, 2000.

Specifies that the clean screen program shall commence on January 1, 1999, in the Weld and Larimer county portion of the basic emissions program and be expanded, if feasible, to other parts of the state upon request of the lead air quality planning agencies for that area. Provides that any motor vehicle passing the requirements of the clean screen

program in the applicable portions of the basic emissions program shall be deemed to have complied with the basic AIR program auto emissions inspection requirement for the next inspection cycle.

Deletes the requirement that vehicles in the AIR program be inspected upon transfer.

Directs the air pollution control division in the department of public health and environment to establish guidelines for a Denver remote sensing pilot study in the enhanced emissions program. Requires a report on the results of such study by December 31, 1999. Allows the department of public health and environment to purchase equipment or contract for the operation of the clean screen program and the Denver remote sensing pilot study, or both.

Requires the executive director of the department of revenue to promulgate rules to allow data from the clean screen program to be matched with vehicle ownership information and for the transfer of such information to county clerks and recorders for use in vehicle registration activities. Specifies that the clean screen passage shall cost no more than \$15.

Repeals the sunset date for the AIR program and provides for performance audits of such program at 3-year intervals. Authorizes the division to require the updating of test analyzer systems in the basic emissions program. Permits the lead air quality planning agency for any portion of the AIR program area to demonstrate to the air quality control commission that such portion meets ambient air quality standards and transportation conformity requirements. Upon such approval, permits the commission to specify that the AIR program will no longer apply in that portion of the program area.

Appropriates \$90,000 to the division of administration in the department of public health and environment for the Denver clean screening pilot program.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

H.B. 98-1008 Driver's licenses - state identification cards - citizenship requirements. Forbids the division of motor vehicles in the department of revenue from issuing or renewing an identification card or driver's license to nonresidents or to any person who is in the United States illegally. Requires applicants for identification cards who submit birth certificates or other documentary evidence of identification issued by an entity other than a state or the United States to submit proof of legal presence in the United States. Requires an applicant for an identification card to provide proof of residency. Allows the department to cancel, deny, or deny the reissuance of an identification card to nonresidents and to persons who are in the United States illegally.

APPROVED by Governor April 17, 1998

EFFECTIVE July 1, 1998

H.B. 98-1036 License plates - special plates or placards - exemption for the permanently disabled. Exempts any person who is permanently disabled from having to provide the division of motor vehicles in the department of revenue proof of disability to renew his or her special license plates and identifying placard. Requires any person renewing the plates or placard on behalf of a permanently disabled person to sign an affidavit attesting to the fact that such disabled person is still in need of the plate or placard and stating that the plate or placard shall be surrendered to the division upon the disabled person's death. Applies to

renewal applications filed on or after February 1, 1999.

APPROVED by Governor April 21, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1059 School zones - doubling of penalties and surcharges - designation of school zones. Doubles the fine and surcharge imposed for a moving traffic violation if the violation occurs in a school zone. Requires that a school zone have appropriate signs indicating that penalties and surcharges will be doubled. Requires the state or local government having jurisdiction over the placement of signs and traffic control devices in a school zone area to designate when the area will be deemed to be a school zone. In making such designation, requires the state or local government to consider when increased penalties are necessary to protect the safety of school children. Exempts a violation from the required increase in penalties and surcharges if the penalty and surcharge for the violation has been doubled because the violation also occurred within a highway maintenance, repair, or construction zone.

APPROVED by Governor April 30, 1998

EFFECTIVE July 1, 1998

H.B. 98-1063 License plates - special license plate for disabled veterans - eligibility to obtain special plates without charge - long bill adjustment. Eliminates the requirement that a person who qualifies as a disabled veteran have obtained the disability prior to May 7, 1975, in order to be eligible to receive one set of special disabled veteran license plates without charge.

Adjusts the 1998 long bill to increase the appropriation made to the department of education by \$53,320 using moneys out of the schools of choice fund. Transfers \$57,000 from the schools of choice fund to the highway users tax fund.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1064 Motor vehicle registration - fees - amount retained for expenses. Increases from \$1 to \$2 the fee retained by county clerk and recorders and the manager of revenue in the city and county of Denver for expenses incurred in acting as agents for the department of revenue when collecting motor vehicle registration fees. Increases the fee by the same amount when collected by the department of revenue.

APPROVED by Governor March 30, 1998

EFFECTIVE March 30, 1998

H.B. 98-1070 Motor vehicle registration - extended temporary registration. Authorizes owners of camper trailers, motor homes, and motor vehicles weighing less than 6,500 pounds

who are employed in Colorado for no more than 180 days or who reside in Colorado for no more than 180 days to obtain extended temporary motor vehicle registrations. Provides that an extended temporary motor vehicle registration permit shall be valid only for 180 days in any 12-month period. Prohibits the transfer of such registration to another motor vehicle.

Sets a \$35 fee for extended temporary motor vehicle registration. Authorizes the authorized agent of the department of revenue retaining \$5 of such fee to defray expenses if the authorized agent issues the registration, requires the department to use \$1 of such fee to support the distributive data processing system, and requires \$19 of such fee to be distributed in the same manner as specific ownership tax. Requires that a motor vehicle have valid registration in another state in order to obtain extended temporary motor vehicle registration in Colorado. Provides that a motor vehicle owner who has obtained an extended temporary motor vehicle registration permit is not required to obtain a driver's license in Colorado during the period of such registration if such owner has a valid driver's license from the state in which such owner is a permanent resident.

Requires the department to issue extended temporary motor vehicle registration permits in a different color than regular temporary number plates, tags, or certificates. Clarifies that a motor vehicle owner who does not apply for an extended temporary motor vehicle registration and who is otherwise required to register in Colorado but who fails to do so is subject to penalties for failing to register such vehicle. Requires the department of revenue to record extended temporary motor vehicle registrations and applications of motor vehicle owners in a suitable database.

Subjects any person who commits fraud in connection with an application for extended temporary motor vehicle registration to the existing penalties for fraud in registration applications. Prohibits any person from operating a motor vehicle with an extended temporary motor vehicle registration plate, certificate, or permit that is expired and imposes a \$1,000 fine for violating such prohibition.

Repeals the statutory provisions related to extended temporary motor vehicle registrations, effective July 1, 2002.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1075 License plates - characters used on plates - reissuance of plates - remanufacture of certain plates - option to obtain plates without county designation. Directs the department of revenue, to the extent that it is practical, to issue motor vehicle license plates that have standardized coloring and have a combination of letters and numbers not exceeding 6 characters.

On and after January 1, 2002, authorizes the department of revenue to require the replacement of license plates as necessary to ensure that plates are legible. Directs the department to complete a replacement of all license plates, other than newly issued license plates or remanufactured license plates, on or before January 1, 2004. Authorizes the general assembly to appropriate moneys from the highway users tax fund to the department for such license plate replacement.

Allows a motor vehicle owner who has currently assigned and registered license plates with only 2 alphabetic and up to 4 numeric characters to have such plates remanufactured upon application to the department of revenue. Prohibits the charging of any fee for

remanufacture of license plates beyond the fees and taxes charged for vehicle registration.

If license plates issued for motor vehicles include the county of vehicle registration, allows a vehicle owner the option of obtaining plates that do not include such county designation.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1081 Motor vehicle registration - reporting of type of fuel. Requires the owners of vehicles within the AIR program area, upon registration, to report the type of fuel used by such vehicle and whether such vehicle is dual-fueled or dedicated to the use of a single fuel.

Requires the owners of fleet vehicles within the AIR program area, upon registration, to report that the vehicle is a fleet vehicle and list their tax identification number.

APPROVED by Governor April 13, 1998

EFFECTIVE July 1, 1998

H.B. 98-1127 Traffic infractions - alcohol content - underage drivers. Clarifies that a person under the age of 21 years who drives with a blood or breath alcohol content of at least 0.02 but not more than 0.05, instead of less than 0.05, is guilty of a traffic infraction. Corrects statutory cross references to clarify that penalties for driving under the influence do not apply to persons convicted of such an offense.

Eliminates inconsistent treatment concerning the expungement of traffic offense records and the granting of probationary licenses for those convicted of driving while ability impaired.

APPROVED by Governor April 6, 1998

EFFECTIVE April 6, 1998

H.B. 98-1144 Securing of aggregate materials. Requires that aggregate materials with a diameter of one inch or less transported in a motor vehicle for a distance of more than 2 miles either be covered with a tarp or other cover or secured using other technology to prevent the escape of aggregate material from the vehicle.

APPROVED by Governor June 4, 1998

EFFECTIVE June 4, 1998

H.B. 98-1173 Motor vehicle titles - issuance of titles - increase in fees - long bill adjustment. Modifies the motor vehicle title fees collected by authorized agents of the department of revenue as follows:

- Increases the fee for issuance of a motor vehicle title from \$5.50 to \$6.50;
- Increases the fee for issuance of a motor vehicle title and placement of a notation on such title regarding the existence of a mortgage from \$5.50 to \$6.50; and
- Increases the fee for issuance of a duplicate motor vehicle title from \$6.50 to \$7.50.

Using the increases in title fees, directs the authorized agents, if possible, to provide

the following titles on the same day as the day a request is made:

- On or after July 1, 1998, any title issued pursuant to the transfer of a vehicle currently titled in Colorado;
- On or after January 1, 1999, any title issued for a new motor vehicle upon the filing of a manufacturer's statement of origin without liens; and
- After the department of revenue and the county clerks have reviewed and agreed on a plan, but no later than July 1, 2001, any other title issued by an authorized agent.

Adjusts the 1998 long bill to reduce the appropriation made to the department of revenue by \$130,870 and 0.6 FTE.

APPROVED by Governor May 27, 1998

EFFECTIVE July 1, 1998

H.B. 98-1273 School buses - safety procedures. Directs the operator of a school bus to activate the visual signal lights of the bus when the bus is stopped because it is behind another school bus that is receiving or discharging passengers or because it has met a school bus traveling in a different direction that is receiving or discharging passengers. Authorizes the operator of a school bus to block the lane of traffic, rather than stopping the school bus as far to the right of the roadway as possible, when a passenger being received or discharged is required to cross the roadway.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1279 License plates - special plates for alumni associations. Authorizes an alumni association of a private or public college or university located in Colorado to apply to the department of revenue for the establishment of a special alumni license plate. Directs the department to accept such applications annually according to the schedule established by the department. Requires an alumni association to obtain commitments to purchase alumni plates from at least 500 persons before applying for a special license plate. Requires the alumni association to bear all costs of designing a special alumni license plate. Requires that any alumni license plate design conform with standards established by the department and be approved by the department.

Authorizes an alumni association to establish the following qualifications for persons seeking to obtain special alumni license plates:

- Membership in the alumni association;
- Specified levels of contributions to the college or university; or
- Payment of specified association dues, including special dues established for the alumni plates. Authorizes the use of moneys collected for special dues only for scholarships and support of academic programs.

Allows a person to obtain a special alumni license plate for a passenger car or truck that does not exceed 16,000 pounds empty weight upon paying the required taxes and fees and upon providing a certificate from the alumni association confirming that such person has

met the necessary qualifications established by the alumni association. Directs the department to prepare a form for such certificate. Indicates that the taxes and fees for special alumni license plates are the same as the taxes and fees for regular license plates, plus a one-time fee of \$10 for issuance or replacement of the license plates. Allows an applicant to obtain personalized special alumni license plates upon payment of the usual fees for personalized plates in addition to other taxes and fees. Provides that renewal procedures for special alumni license plates are the same as for other license plates.

APPROVED by Governor March 23, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1332 License plates - disabled veterans - additional identifying feature for mobility impairment - use of parking reserved for persons with disabilities. If an applicant for special disabled veteran license plates demonstrates that he or she has a physical impairment affecting mobility, then requires that such license plates contain an additional identifying feature to indicate that the license plate holder is authorized to make use of parking privileges for persons with disabilities. Allows the person to park such vehicle in any parking space identified as being reserved for use by persons with disabilities. Allows such person to also park in areas on public streets regardless of time limitation in the same manner as other persons with disabilities if the jurisdiction recognizes such privilege. Allows a person who has obtained special disabled veteran license plates containing such identifying feature from another state to park in spaces reserved for persons with disabilities.

APPROVED by Governor April 10, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1334 Persistent drunk drivers - proof of financial responsibility - surcharge imposed for alcohol-related offenses - penalty imposed when BAC is 0.20 - bail requirements - appropriation. If the department of revenue revokes a person's driver's license administratively for driving with excessive alcohol content, directs the department to mail a notice to the owner of the motor vehicle used in the violation to inform the owner that:

- The owner's vehicle was driven in an alcohol-related driving violation; and
- Additional violations by the same driver may result in a requirement that the owner of the vehicle file proof of financial responsibility for the future.

If a person's driver's license is revoked administratively a second or subsequent time for driving with excessive alcohol content and such person was driving the same motor vehicle in 2 or more such offenses but did not own such vehicle, then requires the department of revenue to mail the owner of the motor vehicle a notice informing such owner that the owner is required to either file proof of financial responsibility for the future or request a hearing within 30 days. Requires that such proof be maintained for 3 years. Requires the owner's driver's license or operating privilege to be suspended if the owner does not comply with such requirements. Exempts motor vehicles that are rented from a rental car company or rented or loaned from an automobile repair facility.

Requires that any person convicted of an alcohol-related driving offense pay a surcharge of at least \$25 but not more than \$500 in addition to any other penalty imposed. Requires that moneys collected for such surcharge be deposited in the persistent drunk driver cash fund. Indicates that the moneys in such fund are subject to appropriation to pay the costs of the department of revenue in addressing persistent drunk drivers and to support programs that are intended to deter persistent drunk driving or to educate the public regarding the dangers of persistent drunk driving.

If a person is charged with driving under the influence and had a blood alcohol content of 0.20 or above at the time of the incident or within 2 hours thereafter, and if such person is then convicted of the lesser offense of driving while ability impaired, requires that such person be subject to the penalties imposed for driving under the influence.

If a person is arrested for driving while such person's driver's license or driving privilege is under restraint because of an alcohol- or drug-related driving conviction, then sets the bail for such person at \$10,000 or such amount as is set at a bail hearing. Requires that one of the conditions of such person's bail bond be that such person not drive any motor vehicle during the period of such person's driving restraint. Prohibits a person who is arrested for an alcohol- or drug-related driving offense from attending a bail hearing until such person is no longer intoxicated or under the influence of drugs.

Appropriates \$810,875 to the department of human services, and appropriates \$810,875 out of such appropriation to the department of transportation for the implementation of the act.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

H.B. 98-1411 License plates - United States olympic committee special license plate. Establishes a special license plate for the United States olympic committee. Requires the olympic committee to obtain commitments to purchase the special plates from at least 500 persons before the department of revenue may begin issuance of the license plate. Requires the olympic committee to bear all costs of designing the special license plate. Requires the license plate design to conform with standards established by the department and be approved by the department.

Authorizes the United States olympic committee to establish the following qualifications for persons seeking to obtain special plates:

- Specified levels of contributions to the olympic committee; or

- Payment of specified dues, including special dues established for the special license plates. If special dues are collected, allows moneys collected to be expended only for support of the United States olympic committee program.

Allows a person to obtain an olympic committee special license plate upon paying the required taxes and fees and providing a certificate from the United States olympic committee confirming that such person has met the necessary qualifications established by the olympic committee. Directs the department to prepare a form for such certificate. Provides that the taxes and fees for the special license plates are the same as the taxes and fees for regular license plates, plus a one-time fee of \$10 for issuance or replacement of the license plates. Allows an applicant to obtain personalized olympic committee special license plates upon payment of the usual fees for personalized plates in addition to other taxes and fees. Provides that renewal procedures for the special license plates are the same as for other license plates.

APPROVED by Governor May 27, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

NATURAL RESOURCES

S.B. 98-159 Oil and gas operations - proceeds - payment to interest owners - information required. When payments are made pursuant to a contract calling for the payment of proceeds from the sale of oil, gas, or associated products, requires the person making such payment (the payor) to provide the payee with information that includes, at a minimum:

- Identification of the lease, property, unit, or well from which the product was sold;
- The month and year during which the sale was made;
- The quantity sold and the price per unit of production sold;
- The amount of severance taxes or other taxes or levies on production;
- The payee's interest, expressed as a decimal and calculated to at least the sixth decimal place;
- The payee's gross and net share of the proceeds; and
- An address and telephone number from which additional information may be obtained and questions answered.

Requires the payor to supply additional information within 60 days after receiving a written request by certified mail. Imposes administrative penalties for a payor's failure to comply with the new requirements.

Makes non-exclusive the jurisdiction of the oil and gas conservation commission to resolve disputes concerning payment of proceeds. Requires the commission to determine, at the outset of any such dispute, whether there is a bona fide dispute concerning the interpretation of the contract governing such payments and, if so, to decline jurisdiction and allow the parties to seek resolution in district court.

States that nothing in the act should be construed to affect any existing substantive rights or to impose upon the commission the duty to interpret contracts for the payment of proceeds.

APPROVED by Governor May 15, 1998

EFFECTIVE July 1, 1998

S.B. 98-191 Division of wildlife - acquisition of property in Las Animas county - appropriation. Authorizes the division of wildlife in the department of natural resources to purchase property in the Upper Purgatoire watershed in Las Animas county consisting of 29,940 acres, more or less, but may include up to 30,400 acres. Allows the division to purchase such water and mineral rights located on or appurtenant to such property as the division may choose. Requires the payment of taxes that would be payable on extraction of nonrenewable resources as if the land were privately owned.

Requires the division to request an annual appropriation from the wildlife cash fund to cover operation, maintenance, and weed control on such property.

Appropriates \$9,400,000 for the purchase, but reduces this amount to account for

funds received from the federal government or other sources.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

H.B. 98-1039 Wildlife - illegal possession - additional penalties. Imposes additional penalties to be paid by persons convicted of the illegal taking or possession of certain big game species that qualify as "trophy" animals under criteria set forth in the act. Clarifies that these additional penalties shall not be subject to further assessment of surcharges for the victims and witnesses assistance and law enforcement fund for the judicial district where the violation occurs and specifies that moneys collected from such fines shall be credited to the Colorado town, city, county, or city and county where the arrest for the offense was made or the citation for the offense was issued.

APPROVED by Governor April 22, 1998

EFFECTIVE April 22, 1998

H.B. 98-1073 Minerals, energy, and geology policy advisory board - continuation under sunset law. Extends the automatic termination date of the minerals, energy, and geology policy advisory board indefinitely pursuant to the provisions of the sunset law.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1287 Parks and recreation - disabled persons park pass. Creates a disabled visitor annual pass available to disabled residents at a cost of 25% of the ordinary annual pass. Specifies that a person is disabled if the person has been determined to be disabled by the social security administration, the division of workers' compensation in the state department of labor and employment, or pursuant to rule or regulation of the division of parks and outdoor recreation in the department of natural resources. Repeals the statutory ability of a disabled person with an aspen leaf pass to get a transferable pass, and grants the board of parks and outdoor recreation the authority to adopt a rule on the subject.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1396 Hunting license preferences - youths - adult mentors - mobility-impaired. Authorizes the wildlife commission to establish special licensing programs for hunters who are eligible for a youth license, adult mentors of such hunters, and mobility-impaired hunters. Authorizes the wildlife commission to adopt rules that establish a hunting license preference for such hunters.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

H.B. 98-1409 Wildlife management public education advisory council - creation - repeal - appropriation. Creates a wildlife management public education advisory council in the division of wildlife in the department of natural resources. Requires the director of the division to appoint 9 individuals to such council, with at least 3 being from the western slope. Describes the composition of the council, the terms of its members, and the duties of the council. Defines duties to include the design of a media-based public information program to educate the public about wildlife management and wildlife-related recreational

opportunities, particularly hunting and fishing, and the preparation of an operational plan by December 1, 1998.

Creates a wildlife management public education account in the wildlife cash fund. Provides that moneys in the account shall be used by the wildlife management public education advisory council in carrying out its duties. Requires that all expenditures. from the account be within the scope of activities and the funding level authorized in the operational plan developed by the council. States that moneys in such account shall consist of gifts, donations, and reimbursements.

Repeals the wildlife management public education advisory council, effective July 1, 2005.

Appropriates \$2,000 to the division of wildlife in the department of natural resources for allocation to the wildlife management public education advisory council for the implementation of this act.

APPROVED by Governor May 26, 1998

EFFECTIVE July 1, 1998

PROFESSIONS AND OCCUPATIONS

S.B. 98-19 Horse racing - class B tracks - simulcast facilities - extension of certain repeal dates. Continues until April 20, 2003, certain regulations concerning class B horse track operations, simulcast facilities located at class B horse tracks, and the ability of operators of a simulcast facility at a class B horse track to retain 20% of the net purses earned and payable to the horse purse fund.

Extends to April 21, 2003, the requirement for a simulcast facility that receives a simulcast from a class B horse track to remit to the operator of the class B horse track 1/5 of the gross receipts from pari-mutual wagering that has been retained by the simulcast facility.

Delays until April 21, 2003, some laws concerning simulcast facilities that were to go into effect after the repeal of the foregoing class B track requirements.

APPROVED by Governor March 16, 1998

EFFECTIVE March 16, 1998

S.B. 98-36 Medical practice act - licensing requirements - exemptions - telemedicine. Defines as the "practice of medicine", for which Colorado licensure is required, the act of holding oneself out to the public as being able to diagnose and treat diseases by the use of telemedicine or the interpretation of tests, including primary diagnosis of pathology specimens, images, or photographs. Allows a Colorado-licensed physician to receive specified lab tests from nationally certified labs outside Colorado, and allows a Colorado-licensed pathologist to receive histopathology tests and cytology tests from such sources.

Further limits the existing exemption for occasional Colorado practice by licensed non-Colorado physicians by denying the exemption to physicians who are party to a contract, agreement, or understanding to provide medical services in Colorado. States that nothing in the statutory section amended by the act shall be construed to prohibit patient consultation between a practicing physician licensed in Colorado and a practicing physician licensed in another state or jurisdiction.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

S.B. 98-37 Alcohol beverages sales to underage persons - penalties - rules. Authorizes the liquor enforcement division in the department of revenue to adopt rules setting forth a range of penalties to be used by licensing authorities when underage persons are used in investigations of sales of alcohol beverages to underage persons.

APPROVED by Governor April 17, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-67 Tavern liquor licenses - multiple ownership. Prohibits a tavern licensee from holding more than 3 tavern licenses. Authorizes a person with an interest in a tavern license to have interests in no more than 3 such licenses.

Requires each tavern licensee to have a registered manager for each licensed establishment. Prohibits a person from being a manager for more than one tavern license. Requires manager to register with both the state licensing authority and the local licensing authority. Authorizes the state and local licensing authorities to refuse to accept the registration of a manager if such manager's character, record, and reputation are not acceptable. Imposes a \$75 registration fee on the tavern licensee for expenses incurred in establishing the character, record, and reputation of the registered manager.

Requires a tavern licensee to notify the licensing authorities within 5 days whenever the registered manager of a tavern license is no longer employed as a manager. Requires the licensee to designate a new registered manager within 30 days.

APPROVED by Governor March 24, 1998

EFFECTIVE March 24, 1998

S.B. 98-76 Notaries public - regulation - fees. Authorizes notaries public to take sworn and unsworn statements, proof of execution, and attest documents, give statements as to the performance of a notarial act, present and give notice of dishonor and protest notes and other negotiable instruments, and perform any other act recognized under the law and rules of another jurisdiction if such law or rule authorizes a notary in this state to perform such act.

Prohibits notaries from signing a statement that a document was attested to unless such act occurred in the presence of the notary and either the individual was personally known to the notary as the person named in the document or satisfactory evidence of such fact was received by the notary.

Authorizes a notary to certify the subscription or signature of an individual who has a physical limitation if the name of such individual has been signed by another person at the direction of and in the presence of the individual and certain required language appears under the signature. Authorizes a notary to use mechanical means to take an acknowledgment from a person unable to communicate verbally or in writing.

States that a notary's journal may include information about the notarial act, the document, the person whose acknowledgment or other statement was taken, and the witnesses to the notarial act.

Exempts notaries from recordkeeping requirements if the original or a copy of the document contains the information required to be entered in the journal and is retained by the notary's firm or employer. States that no firm or employer shall prohibit an employee who is a notary public from maintaining a journal in the regular course of business.

Raises the fee a notary may charge from \$2 to \$5. States that such fee shall include incidental services performed by the notary. States that a certificate of acknowledgment shall constitute prima facie evidence of proper execution of the instrument acknowledged.

APPROVED by Governor May 22, 1998

EFFECTIVE January 1, 1999

NOTE: This act shall take effect on January 1, 1999, unless a referendum petition is filed

against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall take effect on the later of January 1, 1999, or the date of the official declaration of the vote thereon by proclamation of the governor, only if approved by the people.

S.B. 98-174 Greyhound racing - purse structure. Allows persons licensed to race greyhounds to enter into agreements with organizations representing the majority of the kennel owners participating in a race meet to specify the purse structure for race meets.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

S.B. 98-192 Greyhound racing - pari-mutuel wagering - takeout percentages. Increases the percentage of gross receipts derived from pari-mutuel wagering on live greyhound races that must be paid as purses in such races from 4% to 5%. Also increases the total percentage of such receipts that may be retained by the owner of a greyhound track from 17.5% to 19.5%.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

H.B. 98-1012 Electricians - continuation of state electrical board under sunset law. Extends the automatic termination date of the state electrical board to July 1, 2001, pursuant to the provisions of the sunset law.

APPROVED by Governor May 22, 1998

EFFECTIVE May 22, 1998

H.B. 98-1014 Plumbers - continuation of examining board of plumbers under sunset law. Extends the automatic termination date of the examining board of plumbers to July 1, 2003, pursuant to the provisions of the sunset law.

APPROVED by Governor April 13, 1998

EFFECTIVE April 13, 1998

H.B. 98-1016 Architects - sunset report recommendations. Clarifies the term "architect's professional services" in the definition of the practice of architecture. Replaces the concept of "responsible charge" with "responsible control". Repeals the requirement that the board maintain a roster of architects. Reduces the 2-year grace period for reinstatement with a 6-month grace period. Replaces the first and second violation fine structure with a single fine of not more than \$5000.

Repeals the prohibition of the use of a title by an unlicensed person that might mislead the public into believing such person is an architect. Deletes language referring to the unauthorized use of any derivative of the title "architect" by unlicensed persons. Allows practice of architecture by persons who are licensed in another state if they associate with a Colorado licensed architect. Allows the board, or its designee, to issue cease and desist orders for violation of the title protection section. Allows the use of stamps on reproducible documents if required for compliance with a contract with the federal government. Requires

the date on which plans are stamped to be included with the architect's signature.

APPROVED by Governor May 22, 1998

EFFECTIVE July 1, 1998

H.B. 98-1017 Racing commission - animal testing requirements - temporary license or registration. Changes the requirement that the Colorado racing commission take saliva, urine, blood, or other body fluid samples or biopsy or necropsy specimens from horses or greyhounds on a random, statistically valid basis to taking such samples and specimens on a random basis. Allows the racing commission to issue temporary or conditional licenses and registrations for a period not to exceed 90 days. Removes the limitations for the uses of investigation and application fees.

APPROVED by Governor March 23, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1018 Architects - continuation of state board of examiners of architects under sunset law. Extends the automatic termination date of the Colorado state board of examiners of architects to July 1, 2008, pursuant to the provisions of the sunset law.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

H.B. 98-1043 Notaries public - creation of notary administration cash fund - training - continuation of the regulation of notaries public by the secretary of state under sunset law. Creates the notary administration cash fund for the administration of the "Notaries Public Act". Allows the office of the secretary of state to contract with a private contractor to conduct notary training programs and charge a fee for such programs. Permits the secretary of state to designate the conduct of revocation proceedings to a person other than the secretary of state. Permits the secretary of state to investigate conduct violating the notary laws on the secretary's own motion as well as on a signed complaint. Removes the requirement that correspondence between notaries and the secretary of state be sent by certified mail.

Extends the automatic termination date of the regulation of notaries public by the secretary of state to July 1, 2009, pursuant to the provisions of the sunset law.

APPROVED by Governor March 16, 1998

EFFECTIVE July 1, 1998

H.B. 98-1072 Psychotherapy - regulation of psychologists, social workers, marriage and family therapists, licensed professional counselors, and unlicensed psychotherapists - transfer of regulation of certified alcohol and drug abuse counselors - continuation of regulatory boards under sunset law - appropriation. Removes disciplinary authority for licensed

psychologists, licensed and registered social workers, licensed marriage and family therapists, and licensed professional counselors from the state grievance board and vests it in their respective licensing boards.

Changes the composition of the state board of psychologist examiners, the state board of social work examiners, the state board of marriage and family therapist examiners, the state board of licensed professional counselor examiners, and the state grievance board so that each board has 4 members of the general public and 3 members who are representatives of the profession regulated by the board in question rather than 2 and 5, respectively, as provided by current law.

Expands the scope of services of the state board of psychologist examiners, the state board of social work examiners, the state board of marriage and family therapist examiners, and the state board of licensed professional counselor examiners. Requires all of the boards to charge a uniform fee for the renewal of a license, registration, or listing in the state grievance board data base. Expands and redefines the title of social worker from licensed clinical social worker to licensed social worker, licensed independent social worker, licensed clinical social worker, and registered social worker.

Creates the confidential letter of concern as a new method of discipline that may be issued by a board to its licensees, registrants, or unlicensed psychotherapists.

Allows the state grievance board to refuse to add an unlicensed psychotherapist to the data base if such unlicensed psychotherapist is in violation of the law. Adds unlicensed psychotherapists to the list of other regulated psychotherapists who must submit to a mental or physical examination if the board has reasonable cause to believe that the unlicensed psychotherapist is unable to practice with reasonable skill and safety to patients. Prohibits unlicensed psychotherapists from registering in the state grievance board data base unless they have completed a jurisprudence workshop approved by the state grievance board. Expands to unlicensed psychotherapists the confidentiality privileges enjoyed by the other psychotherapy disciplines.

Transfers the authority to certify and discipline certified alcohol and drug counselors from the department of human services to the director of the division of registrations in the department of regulatory agencies. Transfers \$96,880 in the alcohol and drug counselor certification fund to the division of registrations cash fund.

Adds licensed marriage and family therapists and licensed professional counselors to the list of persons who may:

- Receive direct reimbursement from insurance providers; and
- Cause a person who appears to be mentally ill and an imminent danger to others or himself or herself to be taken into custody for 72 hours so long as the therapist or counselor has gained knowledge, judgment, and skill in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental disorders through postgraduate education and additional preparation.

Extends the automatic termination date of the state board of psychologist examiners, state board of social work examiners, state board of marriage and family therapist examiners, state board of licensed professional counselor examiners, and the state grievance board until July 1, 2004, pursuant to the provisions of the sunset law.

Appropriates \$34,262 from the division of registrations cash fund to the division of registrations in the department of regulatory agencies for operating expenses. Makes adjustments in the 1998 long bill for the department of human services and the division of registrations in the department of regulatory agencies.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

H.B. 98-1102 Handguns - instant background check - authority - repeal date. Authorizes the Colorado bureau of investigation to apply the instant criminal background check system to the transfer of firearms after November 30, 1998.

Changes the repeal date for the "Instant Criminal Background Check System Act" to coincide with the date on which the federal government will implement the national instant criminal background check system. Instructs the Colorado bureau of investigation to notify the revisor of statutes when the national system becomes operational.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

H.B. 98-1123 Motor vehicle sales transactions - continuation of the functions of the executive director of the department of revenue under sunset law. Extends the functions of the executive director of the department of revenue regarding sales of motor vehicles to July 1, 2003, pursuant to the provisions of the sunset law.

APPROVED by Governor April 21, 1998

EFFECTIVE July 1, 1998

H.B. 98-1128 Motor vehicle sales transactions - motor vehicle dealer board - licensing - hearing procedures - bond requirements - violations by licensees - maintenance of repair facilities by dealers - continuation of the functions of the motor vehicle dealer board under sunset law. Modifies the definition of "advertisement" in the motor vehicle dealer licensing statutes to include a commercial message on a computer network and to exclude any materials that are required to be displayed under federal or state law. Requires that any auctioning of motor vehicles by an auctioneer be incidental to the primary business of auctioning goods. Modifies the definition of "used motor vehicle dealer" to eliminate the exception for a person who owns property where sales are made, but who leases such property to a licensed motor vehicle auctioneer.

Eliminates the office of secretary-treasurer for the motor vehicle dealer board. Requires the board to elect a 1st vice-president and a 2nd vice-president from its membership, instead of a single vice-president. Authorizes the board to delegate its functions to the board's executive secretary. Requires the executive secretary to be accountable to the board and authorizes the executive secretary to discharge any duties of the board that the board has delegated.

Authorizes the motor vehicle dealer board to issue temporary licenses, for periods not to exceed 120 days, while the board is completing its investigation regarding the license application.

Allows the motor vehicle dealer board to conduct hearings using hearing officers from the board's membership, in addition to using administrative law judges. Directs the board

to promulgate rules regarding circumstances in which a board member should not act as a hearing officer because of business competition issues. Limits the sanctions that may be recommended by a hearing officer as follows:

- In a licensing hearing, the denial or grant of a license under such terms as the hearing officer deems appropriate; or
- In a disciplinary hearing, the imposition of a probationary period of no more than 12 months, a fine of no more than \$500, or both such probationary period and fine for each separate violation.

Authorizes the motor vehicle dealer board to issue letters of admonition and letters of reprimand for violations by licensees. Authorizes the board to seek to resolve disputes prior to beginning an investigation or hearing. Indicates that specified discovery available under the Colorado rules of civil procedure is available in proceedings conducted by the board. Eliminates the authority of the board to prescribe forms for the lease of a motor vehicle. Authorizes the board to impose a fine of up to \$1,000 per day for any person found to have acted as a licensee without holding a license.

Authorizes the motor vehicle dealer board to request the attorney general to make civil investigations and enforce civil violations of the board's rules and to bring and defend civil suits.

Provides that licenses expire one year after the month of issuance of the license, instead of expiring on July 1. Provides that any license issued expires upon the voluntary surrender of the license or upon the abandonment of the licensee's place of business for more than 30 days. If a motor vehicle dealer, used motor vehicle dealer, or wholesaler voluntarily surrenders its license or abandons its place of business for more than 30 days, requires the licensee to file a new license application in order to obtain a license renewal.

Prior to the completion of a transaction, requires any used motor vehicle dealer who is negotiating the sale, exchange, or lease of a motor vehicle not owned by such dealer to disclose in writing to all parties the amount of compensation to be received from the consumer and the amount of compensation to be received from the vehicle owner as a result of the transaction.

Requires that the bonds of a licensee be conditioned on the requirement that the licensee comply with such provisions of the motor vehicle dealer licensing statutes as are designated by the motor vehicle dealer board or by the executive director, as appropriate, by rule, rather than being conditioned on compliance with all such requirements.

Eliminates the requirement that the motor vehicle dealer board send a notice to a motor vehicle salesperson who has been discharged or has left his or her place of employment informing such salesperson that his or her license has been returned to the board. Eliminates the requirement that a motor vehicle dealer or used motor vehicle dealer maintain a facility for reconditioning and repairing motor vehicles or maintain a contract with a duly licensed and reputable garage having such facilities.

Authorizes the denial, revocation, or suspension of a license if the licensee violates a lawful order of the motor vehicle dealer board. Authorizes the denial or revocation of a license if the licensee has been convicted of any of the following offenses during the previous 10 years:

- Specified felonies; or
- Crimes involving odometer fraud, salvage fraud, motor vehicle title fraud, or the defrauding of a retail customer.

Extends the functions of the motor vehicle dealer board to July 1, 2008, pursuant to the provisions of the sunset law.

APPROVED by Governor May 1, 1998

EFFECTIVE July 1, 1998

H.B. 98-1217 Pharmacists - unlicensed pharmacy assistants - nonresident prescription drug outlets - registration by pharmacy board - long bill adjustment. Requires a pharmacist manager of a prescription drug outlet employing an unlicensed assistant to file with the state board of pharmacy the name and date of birth of each unlicensed assistant who is employed by the outlet.

Requires persons located outside the state who dispense drugs or devices to persons in this state to register with the state board of pharmacy. Requires such persons to file with the board annually a list of officers, and to certify that it complies with all of the licensing rules of the state in which it is licensed. Specifies that these requirements only apply to persons operating outside the state and shipping drugs into this state. Forbids such persons from doing business in this state until it is registered.

Repeals the board's authority to limit the number of unlicensed persons that a pharmacist may supervise in the practice of pharmacy.

Adjusts the 1998 long bill cash fund appropriation to the department of regulatory agencies, division of registrations, by \$6,681.

APPROVED by Governor May 22, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1224 Bail recovery - prelicensure training for bail bonding agents - hiring or contracting with persons to perform bail recovery services - training requirements - background checks - establishment of training standards - appropriation. Effective January 1, 1999, requires any person applying for licensure as a bail bonding agent to obtain training in bail recovery practices.

On and after October 1, 1998, requires a licensed bail bonding agent to take the following actions before hiring, contracting with, or paying any compensation to any individual other than another licensed bail bonding agent for bail recovery services:

- Contact the Colorado bureau of investigation to confirm that the individual has completed a background check and has not been convicted of or pled guilty or

- nolo contendere to any felony under federal or state law;
For employment commencing on or after January 1, 1999, obtain a certificate of training indicating that the individual has completed training in bail fugitive apprehension; and
- Obtain a statement from the individual attesting, under the penalty of perjury, that such individual is providing true and complete information to the bail bonding agent.

Requires any individual who wishes to be employed by a licensed bail bonding agent to perform bail recovery services to have his or her fingerprints taken by a local law enforcement agency for a background check. Requires that such individual provide payment by certified check or money order for the fingerprints and for the background check. Upon receipt of a set of fingerprints and the payment for costs, directs the Colorado bureau of investigation to determine whether the individual has been convicted of or pled guilty or nolo contendere to any felony under state or federal law during the previous 15 years. Directs the bureau to establish and maintain files regarding the criminal backgrounds of persons seeking to provide bail recovery services.

On and after October 1, 1998, prohibits any licensed bail bonding agent from hiring, contracting with, or paying any compensation to any individual for bail recovery services if the inquiry to the Colorado bureau of investigation indicates that the bureau has not completed a background check or if the bail bonding agent knows, through the inquiry to the bureau or any other source, that the individual has been convicted of or pled guilty or nolo contendere to a felony during the previous 15 years. Requires a bail bonding agent to pay the bureau for the cost of each inquiry. Directs the bureau to obtain the name of each licensed bail bonding agent making an inquiry and such agent's license number. Indicates that the bureau, any local law enforcement agency, and any individual employed by the bureau or such agency is not liable for any damage that may result from good faith compliance with such requirements.

Authorizes a district attorney to contract with any person or entity for the collection of forfeited recognizances and to provide for payment of any fees and costs out of the moneys collected.

Directs the peace officers standards and training board to establish standards for training in bail recovery practices and bail fugitive apprehension on or before October 1, 1998.

Appropriates \$1,000 to the department of law for allocation to the peace officers standards and training board for the implementation of the act.

APPROVED by Governor May 27, 1998

EFFECTIVE May 27, 1998

H.B. 98-1225 Medical practice - peer health assistance program - fee. Effective January 1, 1999, increases the maximum amount of the fee assessed physicians and physician assistants for the peer health assistance program from \$28 to \$50. Authorizes the state board of medical examiners thereafter to adjust annually the maximum amount of the fee to reflect changes in the consumer price index.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1369 Chiropractors - license examinations - long bill adjustment. Allows the board of chiropractic examiners to adopt the practical examination developed and administered by the national board of chiropractic examiners. Specifies that the passing score for that practical examination shall be set by the national board of chiropractic examiners. Eliminates applicants' ability to repeat an examination in one subject if the applicant has received a passing grade in all but one subject.

Adjusts the 1998 long bill to decrease the cash funds appropriation to the division of registrations in the department of regulatory agencies by \$6,850.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

PROPERTY

S.B. 98-38 Unclaimed property - compensation agreements for recovery. Allows the enforcement of agreements to pay compensation to recover or assist in the recovery of unclaimed property in certain circumstances. Makes agreements entered into more than 24 months, but less than 36 months, after the unclaimed property is paid or delivered to the state treasurer enforceable if the agreement is in writing and signed by the owner of the property, describes the property to be recovered, and describes the nature of the services to be provided and if the compensation to be paid under the agreement does not exceed 20% of the market value of the recovered property. Makes agreements entered into 36 months or more after the unclaimed property is paid or delivered to the state treasurer enforceable if the agreement is in writing and signed by the owner of the property, describes the property to be recovered, and describes the nature of the services to be provided and if the compensation to be paid under the agreement does not exceed 30% of the market value of the recovered property. Exempts agreements that are for the recovery of property with a total value less than \$1,000 from the statutory restrictions on compensation agreements.

APPROVED by Governor March 23, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-151 Voluntary mediation of controversies between unit owners' associations and unit owners under the "Colorado Common Interest Ownership Act". Allows any controversy between a unit owners' association and a unit owner arising out of the provisions of the "Colorado Common Interest Ownership Act" on or after July 1, 1998, to be submitted to mediation. Allows the mediation agreement, if reached, to be submitted to the court in the form of a stipulation. Allows either party to the mediation to end the mediation process at any time without prejudice. Provides that once one party violates the mediation stipulation, the other party may apply to the court for relief.

APPROVED by Governor April 21, 1998

EFFECTIVE July 1, 1998

H.B. 98-1086 Foreclosure redemption - evidence that proves property is not agricultural real estate. Changes the types of evidence that may be presented to a public trustee or sheriff to prove that a parcel of land is not "agricultural real estate" for foreclosure redemption purposes from:

- A certified copy of the subdivision plat containing all or a part of the parcel; or
- Both a certificate of the county clerk and recorder of the city, town, or city and county certifying that all or part of the parcel is located within the incorporated limits of the city, town, or city and county on the date of recording of the mortgage or deed of trust or at the time of the foreclosure sale and a certificate from the assessor of the county in which the property is located certifying that all or part of the parcel is not valued

and assessed as agricultural land;

to:

- A certified copy of the subdivision plat containing all or a part of the parcel; or
- A certificate of the county clerk and recorder of the city, town, or city and county certifying that all or a part of the parcel is located within the incorporated limits of the city, town, or city and county on the date of recording of the mortgage or deed of trust or at the time of the foreclosure sale; or
- A certificate from the assessor of the county in which the parcel is located certifying that all or part of the parcel is not valued and assessed as agricultural land.

Specifies that a title insurance company issuing a policy may rely upon such forms of evidence.

APPROVED by Governor April 10, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1215 Mortgage brokers - civil penalties for disclosure violations. Increases the amount of additional damages that a court must award a party that proves actual damages have occurred as a result of a mortgage broker's disclosure violation from \$500 to \$1,000.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

H.B. 98-1283 Spurious liens - municipal lien exclusion. Clarifies that a lien authorized by a resolution or ordinance of a home rule municipality is not a "spurious lien" for purposes of the statute that authorizes county clerks and recorders to reject and invalidate spurious liens.

APPROVED by Governor April 2, 1998

EFFECTIVE April 2, 1998

H.B. 98-1323 Lien on tools, forms, molds. Creates a molders' lien that attaches to all of a customer's molds in the possession of a molder for the balance due from a customer for any manufacturing or fabrication work performed and materials furnished. Defines "mold" to mean a die, tool, mold, form, or pattern.

States that a molder may retain possession of a mold until all charges are paid, unless a claim is made to the mold by the holder of a prior lien or a lien of public record. Provides that a molders' lien shall not have priority over a lien of public record regardless when the financing statement or notice was filed or recorded.

Includes procedures for foreclosure actions on molders' liens. Requires that a lienholder's complaint include an itemized description of the charges for any work performed and materials furnished.

Includes abandoned property provisions applicable to molds. States that a customer has all rights and title to molds used to perform work for such customer, but if a customer does not claim a mold within 3 years, such mold is deemed to be abandoned and all rights to such mold transfer to the molder. Provides that a molder desiring to obtain all rights and title to a mold must notify the customer in writing and include a statement of the customer's rights. Transfers all rights and title to the molder if the customer does not respond within 120 days. States that molders do not have to bring a judicial action to foreclose on a molders' lien when a mold is deemed abandoned.

APPROVED by Governor April 20, 1998

EFFECTIVE September 30, 1998

NOTE: This act shall take effect September 30, 1998, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, shall take effect on the specified date only if approved by the people.

H.B. 98-1337 Common interest communities - "Common Interest Ownership Act" modifications. Expands the exemption from the "Colorado Common Interest Ownership Act" for new small cooperatives and small and limited expense planned communities to include communities created on or after July 1, 1998, of 20 or fewer, rather than 10 or fewer, units. Further expands said exemption to include communities created on or after July 1, 1998, whose declarations provide that the annual average common expense liability may not exceed \$400, rather than \$300. States that the \$400 limit shall be increased annually on July 1 of each year to match increases in the consumer price index for the Denver-Boulder consolidated metropolitan statistical area.

Sets forth procedures for extending in certain circumstances the term of a limited term declaration of a common interest community. States that such term extension shall not exceed 20 years and shall be approved by at least 67% of the votes in the association unless the declaration specifies a larger percentage. Modifies the definition of "master association". Allows a declarant to amend a declaration, plat, or map to correct clerical, typographical, or technical errors or to comply with the requirements, standards, or guidelines of recognized secondary mortgage markets or certain federal agencies. With some exceptions, modifies the percentage of votes of unit owners of a common interest community required to amend a declaration, or convey or encumber common elements.

States that the declaration of a common interest community other than a cooperative need no longer contain both a plat and a map but must contain a plat or a map unless all information required by the act is otherwise contained within the declaration. Requires a declarant to amend a declaration to reflect any real estate changes resulting from the exercise of a development right. Allows a declarant to reserve development rights not previously reserved in real estate added to a common interest community if the amendment to the declaration adding the real estate meets certain requirements. Unless otherwise provided in a declaration, specifies that real estate in a common interest community used as a sales office, management office, or model and is not designated as a unit is a common element. Allows

a unit owners' association of a common interest community to be organized as a limited liability company.

Allows a declaration to provide for class voting for choosing the executive board of a unit owners' association. Requires agendas for meetings of the executive board of a unit owners' association to be made reasonably available to all members of the association or their representatives. States that a quorum of the executive board is present if members entitled to cast 50% of the votes of the executive board are present at the beginning of the meeting or have granted their proxy. Requires a vote of 67% of the unit owners of a common interest community to not rebuild portions of the community required to be covered by insurance under the act.

APPROVED by Governor April 22, 1998

EFFECTIVE July 1, 1998

PUBLIC UTILITIES

S.B. 98-152 Electric utilities - restructuring of retail supply industry - study - appropriation. Declares a need for an objective evaluation of the existing regulatory structure governing the provision of retail electric service in Colorado. Commissions a study of the issues that should be included in such evaluation. Establishes a 30-member advisory panel to conduct the evaluation, provides for technical and research assistance to the advisory panel from the public utilities commission (PUC), and establishes a public hearing process to afford meaningful opportunity for public comment and input into the evaluation.

Creates the retail electricity policy development fund. Transfers \$267,756 from the department of state cash fund to the new fund for purposes of funding the study and report.

Appropriates \$50,000 to the office of consumer counsel and \$161,220 to the PUC for implementation of the act.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

S.B. 98-177 Telecommunications - universal service - high cost funding mechanism - long bill adjustment. Authorizes the public utilities commission (PUC) to create and administer a high cost support mechanism under which providers of telecommunications service directly remit to each other any subsidies required to finance the provision of basic local exchange telephone service to areas of the state in which the cost of service is inordinately high. Allows providers to recover some or all of the cost of such subsidies through use of a rate element.

Repeals the existing high cost fund and transfers the unencumbered balance remaining on July 1, 1998, to a new fund, designated as the high cost administration fund, to pay the costs incurred by the PUC or its contractors in administering the high cost support mechanism. Directs the PUC to estimate, each year, the amount that will be necessary to pay such costs and to establish a nondiscriminatory, competitively neutral assessment on telecommunications providers for purposes of replenishing the administration fund.

Requires annual reporting to the general assembly of accounting information regarding the operation of the high cost support mechanism during the preceding year. Suspends any recommended increases in the rate element assessed upon customers until March 31 of the following year, and requires the PUC to justify any increases in the cost of residential basic service.

Decreases the 1998 long bill appropriation to the PUC for high cost fund payments (under earlier provisions being replaced by this act) by \$17,746,170. Appropriates an additional \$11,541 and 0.2 FTE to the PUC, and redesignates an existing \$158,663 cash fund appropriation to note the change in the name of the cash fund.

APPROVED by Governor May 18, 1998

EFFECTIVE July 1, 1998

S.B. 98-200 Motor carriers - exemptions from regulation - luxury limousines - operational limitations. Augments the current definition of a "luxury limousine", which is strictly a vehicle- or equipment-based definition, with a definition of "luxury limousine service". Sets forth specific requirements for the provision of luxury limousine service, including both

vehicle- and equipment-based requirements, such as seating capacity and television, telephone, and beverage service, and also operational requirements, such as the necessity that transportation be arranged in advance on behalf of a defined group of persons identified in a written manifest or charter order carried in the vehicle. Requires manifests and other documents evidencing compliance with these operational requirements to be provided upon demand to authorized representatives of the public utilities commission (PUC), airport authorities, and law enforcement agencies.

Increases luxury limousine insurance minimums from the current \$1 million combined single limit liability to \$1.5 million for vehicles with a passenger capacity of 15 to 31 and \$5 million for vehicles with a passenger capacity of 32 or more.

Directs the PUC to assess civil penalties against, or revoke the registration of, luxury limousine companies that fail to comply with the requirements of this act. Makes repeat violators ineligible for reregistration for a period of at least 2 years. Authorizes formal complaints by any person and provides for monetary and injunctive relief for persons injured by violations of applicable law and rules.

APPROVED by Governor June 1, 1998

EFFECTIVE July 1, 1998

H.B. 98-1007 Public utilities commission - continuation under sunset law. Extends the automatic termination date of the public utilities commission to July 1, 2003, under the sunset law.

APPROVED by Governor April 21, 1998

EFFECTIVE July 1, 1998

H.B. 98-1074 Utility consumer's board - continuation under sunset law. Extends the automatic termination date of the utility consumers' board to July 1, 2008, pursuant to the provisions of the sunset law.

APPROVED by Governor March 23, 1998

EFFECTIVE July 1, 1998

H.B. 98-1078 Office of consumer counsel - continuation under sunset law. Extends the automatic termination date of the office of consumer counsel to July 1, 2008, pursuant to the provisions of the sunset law.

APPROVED by Governor March 23, 1998

EFFECTIVE July 1, 1998

H.B. 98-1405 Telecommunications - slamming - penalties - appropriation. Prohibits the practice of switching all or part of a telephone customer's account from one carrier to another without giving clear and adequate notice to the customer or receiving the customer's clearly expressed approval for the change, a practice commonly known as "slamming". Makes providers who slam a customer liable for the following damages:

- To the customer, the customer's previously selected provider, or both, for charges incurred by the customer during the period of the unauthorized change; and
- To the customer's local exchange provider for fees and charges relating to the

unauthorized change and to reinstatement of the customer to the original provider.

Requires resellers of long distance service to register with the public utilities commission and authorizes the commission to proceed against such resellers if they engage in slamming. Requires the commission to hire independent contractors as needed to implement this prohibition.

Appropriates \$42,891 to the public utilities commission from the fixed utilities cash fund for the costs of contractual services.

APPROVED by Governor May 26, 1998

EFFECTIVE May 26, 1998

STATE PUBLIC DEFENDER

H.B. 98-1300 Public defender and state alternative defense counsel commissions - membership - duties - evaluation - annual report. Effective January 1, 1999, abolishes and recreates the public defender commission and the alternate defense counsel commission to be appointed by the chief justice of the Colorado supreme court, the governor, the president of the senate, and the speaker of the house of representatives. Specifies qualifications and terms of members for both commissions. Provides that commission members shall serve without compensation except expenses incurred in performance of their duties.

Requires the public defender commission to appoint the state public defender and the alternate defense counsel commission to appoint the alternate defense counsel. Instructs both commissions to select 3 candidates for the respective offices and take public comment concerning the candidates, including testimony taken during at least one public hearing for each office.

Requires the public defender commission to review annually the public defender's performance and the alternate defense counsel commission to review annually the alternate defense counsel's performance. Requires the public defender commission, with the state public defender, and the alternate defense counsel commission, with the alternate defense counsel, to meet annually with the judiciary committees of the senate and the house of representatives to discuss the state public defender's and the alternate defense counsel's respective performance reviews.

Instructs the state public defender commission to review the budget prepared by the state public defender and to make recommendations to the joint budget committee. Instructs the alternate defense counsel commission to review the budget prepared by the alternate defense counsel and to make recommendations to the joint budget committee.

Requires the state public defender to submit an annual report of the operations of the public defender's office to the governor, the joint budget committee, and the judiciary committees of the senate and the house of representatives. Requires the alternate defense counsel to submit an annual report of the operations of the alternate defense counsel office to the governor, the joint budget committee, and the judiciary committees of the senate and the house of representatives.

Requires the public defender commission or the alternate defense counsel commission, whichever is appropriate, and the joint budget committee, rather than the supreme court, to review and approve salaries of persons in the state public defender office and the alternate defense counsel office.

VETOED by Governor April 22, 1998

STATUTES

S.B. 98-90 Colorado Revised Statutes - enactment of 1997 statutes. Establishes the effective date for the Colorado Revised Statutes 1997 and enacts it as the positive and statutory law of the state of Colorado.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

S.B. 98-190 Revisor's bill - revisions to conform, correct, and clarify statutes. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other law, clarifies the language and more accurately reflects the legislative intent of the laws. The specific reasons for each amendment or repeal are set forth in the appendix to this bill.

APPROVED by Governor May 26, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

TAXATION

S.B. 98-7 Income tax - extension of enterprise zone credit for contributions to housing programs for homeless. Continues the credit against state income taxes for monetary or in-kind contributions to promote employment for the homeless in enterprise zones by repealing the provision to repeal the credit on July 1, 1998.

APPROVED by Governor April 10, 1998

EFFECTIVE April 10, 1998

S.B. 98-49 Internet access services - 3-year moratorium on taxes, fees, and regulations. Until April 30, 2001, prohibits the state and local governments from imposing, assessing, or collecting any tax, regulation, fee, or charge upon:

- The direct charges for provision of internet access services; or
- A provider of internet access services as a means of collecting sales or use taxes from persons who purchase taxable property or services through use of the internet unless such provider acts as a vendor of taxable property or services.

Also imposes a 3-year moratorium on the requirement that a provider of internet access services collect sales or use taxes.

Exempts from the moratorium taxes on internet access actually collected and enforced by a home rule city on or before April 15, 1998.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

S.B. 98-74 Sales and use tax exemption - bulk sale of coins and precious metal bullion. Reinstates the sales and use tax exemption for bulk sales of coins and precious metal bullion. Defines "bulk sale" as a single sale of precious metal bullion or coins totaling \$100 or more

This act shall apply to sales of coins and precious metal bullion made on or after January 1, 1999.

VETOED by Governor June 1, 1998

S.B. 98-85 Income tax - rural technology enterprise zone act - tax credit for investment in rural technology infrastructure. Requires the public utilities commission to conduct a technology infrastructure needs assessment and inventory in rural areas of the state to assess the ability to access the internet in such areas. Provides that the commission shall conduct a public hearing on the establishment of rural technology enterprise zones.

Allows the public utilities commission to designate rural areas of the state as rural technology enterprise zones based upon the results of the needs assessment and inventory and the evidence received at the public hearing. Requires the commission to specify certain information concerning each zone, including the boundaries of each zone, and the types of technology investments in each zone that will qualify for a tax credit.

Commencing with the 1999 income tax year through the 2004 income tax year,

provides an income tax credit equal to 10% of the total investments in technology infrastructure made by a taxpayer within a rural technology enterprise zone that improve access to the internet within the zone. Specifies a \$100,000 maximum annual amount claimed under such credit. Allows any unused portion of the credit to be carried forward for up to 10 years.

Requires the public utilities commission to report to the general assembly by September 1, 2003, on the investments made to improve internet access in rural technology enterprise zones.

APPROVED by Governor May 18, 1998

EFFECTIVE May 18, 1998

S.B. 98-93 Property tax - valuation of real property - alternate protest and appeal procedure. Commencing with the 1999 property tax year, authorizes the governing bodies of Boulder, El Paso, and Jefferson counties and the city and county of Denver, upon the request of the assessor from such county, to elect to use an alternate protest and appeal procedure for taxpayers to appeal the valuation of taxable real property for property tax purposes.

Extends the deadline by which the assessor must deny an objection and protest in a county that elects to use the alternate protest and appeal procedure from the last working day in June to the last working day in August. Extends the time period during which the county board of equalization in such county must commence hearings on appeals from July 1 to a date established by the county board of equalization that is not later than September 1. Extends the period of time during which the county board of equalization must receive petitions from all persons whose objections or protests have been refused or denied by the assessor from July 15 to September 15. Extends the deadline to conclude such hearings and render decisions on appeals from August 5 to November 1.

APPROVED by Governor April 21, 1998

EFFECTIVE July 1, 1998

S.B. 98-100 Property tax - classification of property installed through real property. For property tax years commencing on or after January 1, 1998, specifies that:

- Pipelines, telecommunications lines, utility lines, cable television lines, or any other business assets or articles installed through an easement, right-of-way, or leasehold for commercial or industrial operation shall be deemed to be "personal property" for property tax purposes; and
- Other structures and buildings installed on an easement, right-of-way, or leasehold shall be deemed to be improvements.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

S.B. 98-132 Property tax - nongaming real property located in limited gaming districts - valuation. For property tax years beginning on or after January 1, 1999, requires the assessing officer for any county that includes a limited gaming district to:

- Classify real property located within the limited gaming district that is used as residential real property and that is not used for limited gaming as residential property

and, if there is insufficient comparable valuation data from within the limited gaming district to determine adequately the value of residential real property within that district, to consider sales of reasonably comparable residential real property located inside and outside of any limited gaming district for purposes of using the market approach to appraisal in determining the actual value of the residential real property located within the gaming district;

- Classify real property located within the limited gaming district that is not used as residential real property and that is not used for limited gaming as nongaming real property and, if there is insufficient comparable valuation data from within the limited gaming district to determine adequately the value of nongaming real property within that district, to consider reasonably comparable real property located inside and outside of any limited gaming district for purposes of using the market and income approaches to appraisal in determining the actual value of the nongaming real property located within the gaming district.

Specifies what constitutes real property used for limited gaming.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

S.B. 98-154 Income tax - credit for child care contributions. For income tax years commencing on or after January 1, 1999, replaces the income tax credit for monetary and in-kind contributions to promote child care in an enterprise zone with a credit for such contributions made to promote child care anywhere in the state. Specifies that 25% of such contributions may be claimed as a credit, but prohibits the amount of the credit claimed from exceeding \$100,000. Requires contributions to be used directly for the acquisition or improvement of child care facilities, equipment, or services. Prohibits claiming the credit for any contribution made to a child care facility in which the taxpayer or a person related to the taxpayer has a financial interest. Allows unused credits to be carried forward for up to five years. Repeals the credit on January 1, 2005.

Allows monetary and in-kind contributions to promote child care in an enterprise zone that are made pursuant to an agreement entered into prior to January 1, 1999, to be claimed under the terms of the income tax credit allowed for such contributions prior to said date.

APPROVED by Governor June 2, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

S.B. 98-158 Income tax - tax credits for child care expenses and certain children. For income tax years beginning on or after January 1, 1998, allows the following credits against state income tax in lieu of the existing tax credit for child care:

- A credit for child care expenses for any resident individual claiming a credit

for child care expenses on his or her federal income tax return in an amount equal to fifty percent of the amount of the child care expense credit claimed on the federal income tax return minus the amount of any state child tax credit allowed to the individual;

- A child tax credit for any resident individual claiming a child tax credit pursuant to section 24 of the internal revenue code on his or her federal income tax return in the amount of \$200 for each qualifying child who is five years of age or younger at the end of the taxable year for which the credit is claimed.

Allows a resident individual to claim such credits only in an income tax year in which there are state revenues in excess of the constitutional limitation on state fiscal year spending that are required to be refunded in an amount greater than or equal to the total amount of such credits to be allowed. Allows a resident individual to claim the existing credit for child care expenses in any other income tax year.

Precludes any resident individual whose federal adjusted gross income exceeds \$60,000 from claiming the new child care expenses and child tax credits. Prohibits a resident individual who is receiving child care assistance from the state department of human services from claiming any state child care expenses credit or child tax credit except to the extent of the individual's unreimbursed out-of-pocket expenses that result in a federal credit for child care expenses. States that the amount of any state child care expenses tax credit or child tax credit exceeding an individual's state income tax liability shall not be carried forward but shall be refunded to the individual. In the case of a resident for part of a tax year, requires the amount of any child care expenses credit or child tax credit allowed to be apportioned in accordance with the statute pertaining to apportionment of tax in the case of a part-year resident.

APPROVED by Governor June 2, 1998

EFFECTIVE June 2, 1998

H.B. 98-1005 Property tax - exemption of personal property from school district tax. For property tax years commencing on and after January 1, 1999, exempts a taxpayer's first \$25,000 in personal property from the collection of property tax by school districts for school finance moneys and categorical program support funds. Specifies that the exemption applies to the first \$25,000 in personal property owned by the taxpayer in each county; except that, if the taxpayer is a public utility, the exemption applies to the first \$25,000 in personal property owned by the public utility in the state. Clarifies that, in determining the number of mills to be levied for the 1999-2000 budget year, each school district shall include the assessed valuation of the exempt personal property. Allows the state's share of the school district's total program to increase to offset the reduction in property tax revenues caused by the exemption.

VETOED by Governor April 22, 1998

H.B. 98-1030 Property tax - valuation - intangible property - exemption for FCC licenses. For purposes of statewide valuation for assessment of wireless carriers, specifically exempts

the value of licenses granted by the federal communications commission to such carriers.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1065 Sales tax - telephone and telegraph services - repeal. Repeals the state sales tax on intrastate telephone and telegraph services. Preserves the existing authority of local governmental entities to impose a sales tax on such services.

VETOED by Governor April 13, 1998

H.B. 98-1112 Assistance for elderly and disabled - property tax - rent - heat and fuel. For grants claimed for years commencing on or after January 1, 1999, by single persons with income less than \$5,000 and married couples with income less than \$8,700, increases the amount of the property tax or rent assistance grant from \$500 to \$600. Reduces the amount of the phaseout percentage from 20% to 10% as income rises above these amounts. For grants claimed for years commencing on or after January 1, 1999, increases the amount of the heat or fuel expense assistance grant from \$160 to \$192 and reduces the amount of the phaseout percentage from 6.4% to 3.2% as income rises above these amounts. Directs the finance committees of the senate and the house of representatives to review these grant amounts and reduction percentages every 2 years commencing in 2000, considering the federal poverty index and other information, and to determine whether they should be modified.

APPROVED by Governor April 30, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1120 Income tax - voluntary contributions - United States olympic committee - reestablishment. Reestablishes the state individual income tax checkoff program for the United States olympic committee for the income tax year commencing January 1, 1998, and continues the program for 2 additional income tax years. Subjects the olympic tax checkoff program to automatic elimination if the total amount collected for the program during the first 2 income tax years does not meet or exceed 10% of the total amount contributed to all voluntary tax checkoffs during the 2-year period.

APPROVED by Governor March 23, 1998

EFFECTIVE March 23, 1998

H.B. 98-1165 Income tax - tax credits for gleaned agricultural crops and in-kind donations to provide food to needy persons. For income tax years commencing on and after January 1, 1998, allows taxpayers an income tax credit for:

- Agricultural crops donated to a qualified nonprofit organization to be used to feed needy persons in Colorado free of charge when such use is related to the charitable purpose or function of the nonprofit organization;

- In-kind contributions to a qualified nonprofit organization to be used to feed needy persons in Colorado free of charge when such use is related to the charitable purpose or function of the nonprofit organization.

Specifies that the amount of the credits shall be 25% of the wholesale market price of the quantity of gleaned agricultural crop donated and 25% of the total value of the in-kind contribution. Disallows unused amounts of said credits to be carried forward. Requires the receiving nonprofit organization to verify the type and quantity of donated food, the name of the taxpayer donor, and the name and address of the nonprofit organization. Prohibits a taxpayer who has been allowed a credit for crop or livestock donations from claiming a credit for gleaned agricultural crops or an in-kind contribution for the same donated crop. Prohibits a taxpayer who has been allowed a credit for gleaned agricultural crops from claiming a credit for an in-kind contribution for the same donated crop.

VETOED by Governor April 22, 1998

H.B. 98-1169 Income tax - tax credit for alternative fuels vehicles and refueling facilities - alternative fuels vehicles rebate program - appropriation. Modifies the definition of "alternative fuel" in the Colorado clean vehicle fleet program to include ethanol or any fuel mixture containing at least eighty-five percent ethanol.

Modifies the formula for calculating the amount of the income tax credit allowed for purchasing a motor vehicle that uses an alternative fuel or for converting a vehicle's fuel system to a fuel system that uses an alternative fuel. Allows a taxpayer who replaces the power source in a vehicle that uses a traditional fuel with a power source that uses an alternative fuel to claim the credit. Conforms the definition of "alternative fuel" used for purposes of the credit to the definition used for the clean fuel fleet program. Allows the credit only for vehicles that are used for business purposes. Doubles the amount of the credit for any motor vehicle purchase or power source replacement that permanently displaces a motor vehicle or power source that is 10 years old or older. Prohibits the credit from being claimed if a purchase, conversion, or power source replacement is required by the clean fuel fleet program. Extends the period of time that any unused credit can be carried forward from 3 to 5 tax years. Eliminates the existing July 1, 1998, repeal date for the credit, and provides that the credit, as modified, shall apply to tax years commencing on or after July 1, 1998, but prior to July 1, 2006.

For tax years commencing on or after January 1, 1998, but prior to January 1, 2006, provides an income tax credit for a portion of the cost incurred in constructing, reconstructing, or acquiring an alternative fuel refueling facility that is directly attributable to the storage, compressing, charging, or dispensing of alternative fuels for motor vehicles. Increases the amount of the credit allowed for facilities that are generally accessible to persons in addition to the person claiming the credit. Increases the amount of the credit allowed for facilities that dispense renewable alternative fuels derived from a renewable energy source. Provides that any unused credit may be carried forward for 5 tax years.

For costs incurred on or after July 1, 1998, but prior to July 1, 2006, establishes a program to provide cash rebates to state and local governmental entities and to tax-exempt entities for each motor vehicle owned by such entity that uses or is converted to use an alternative fuel or has its power source replaced with a power source that uses an alternative fuel. Specifies the formula for calculating the maximum amount of the rebate. Allows a

rebate only to the extent that a vehicle is used for the business or official activities of the entity. Doubles the amount of the rebate for any motor vehicle purchase or power source replacement that permanently displaces a motor vehicle or power source that is 10 years old or older. Prohibits the rebate from being granted if a purchase, conversion, or power source replacement is required by the clean fuel fleet program. Authorizes the executive director of the department of revenue to grant the rebates and promulgate rules for granting rebates. Establishes the alternative fuels rebate fund from which rebates are made.

Transfers \$500,000 from the AIR account to the alternative fuels rebate fund on July 1, 1998. Appropriates \$654,595 from the alternative fuels rebate fund to the department of revenue for initial implementation costs and for making rebates to qualified entities.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1214 Sales tax - exemption - farm equipment. On and after July 1, 1998, exempts from sales and use tax all sales and purchases of farm equipment and all rentals or leases of farm equipment having a fair market value of at least \$1,000.

Defines "farm equipment" as tractors, implements of husbandry, irrigation systems, and other tangible personal property used primarily and directly in any farming operation and having a per unit or per system purchase price of \$1,000 or more, and baling wire and binders twine, regardless of its purchase price. Excludes the following from the definition of "farm equipment":

- All vehicles other than farm tractors;
- Machinery, equipment, materials, and supplies used in a manner that is incidental to farming;
- Maintenance and janitorial equipment and supplies; and
- Tangible personal property used in any activity other than farming, including office equipment and supplies, equipment and supplies used in the sale or distribution of farm products, research, or transportation.

Defines "farming operation" as the production of raw agricultural products, including raw dairy products, for profit, including a business providing farming work for hire.

Allows local governments to impose sales tax on sales and purchases of farm equipment.

VETOED by Governor April 22, 1998

H.B. 98-1228 Income tax - temporary state income tax rate reduction to refund excess state revenues. Requires the executive director of the department of revenue to temporarily reduce the state income tax rate as necessary to refund all state revenues in excess of the constitutional limitation on state fiscal year spending that are required to be refunded for the most recently closed fiscal year and that are not refunded by another method established by law. Requires the executive director to calculate the income tax rate needed to refund such excess state revenues no later than October 1 of the calendar year in which a fiscal year for

which there are excess state revenues required to be refunded ends. If one or more ballot question seeking authorization for the state to retain some or all of such excess state revenues are submitted to the voters, requires the executive director to wait until the results of the election are known before adjusting the income tax rate. States that the executive director shall utilize the most recent general fund estimates prepared by the staff of the legislative council of the general assembly in calculating any adjusted income tax rate.

Specifies that the executive director shall notify the executive committee of the legislative council of any income tax rate calculated and the basis for such calculation. States that the executive committee shall review and approve or disapprove such calculated income tax rate, but provides for the automatic approval of such adjusted income tax rate or rates by the executive committee under certain circumstances. If the executive committee disapproves of an income tax rate calculated by the executive director, requires the executive committee to specify the adjusted income tax rate to be used by the executive director. Requires the executive director to make any income tax rate adjustment by rule.

Based upon the financial statement prepared to ascertain compliance with section 20 of article X of the state constitution, requires the state controller to certify the amount of state revenues in excess of the constitutional limitation on state fiscal year spending for a given fiscal year by September 1 of the calendar year in which such fiscal year ends. Requires the state auditor to conduct an audit of the certified amount of excess state revenues by a specified date.

VETOED by Governor June 1, 1998

H.B. 98-1250 Income tax - withholding statements - electronic filing. Changes the due date for annual statements by employers concerning state income taxes withheld for employees from March 15 to the due date for similar federal income tax statements. Authorizes the executive director of the department of revenue to require a magnetic media taxpayer to file withholding tax statements by magnetic media or in other machine-readable form.

Applies to filings and remittances made on or after January 1, 1999.

APPROVED by Governor April 17, 1998

EFFECTIVE April 17, 1998

H.B. 98-1266 Income tax - exclusion of interest from taxable income - repeal. For income tax years commencing on or after January 1, 1998:

- Allows an individual to subtract up to \$2,300 of interest income that is included in federal taxable income from federal taxable income for Colorado income tax purposes.
- Allows 2 individuals filing a joint return or a qualifying widow or widower with a dependent child to subtract up to \$4,600 per year of interest income that is included in federal taxable income from federal taxable income for Colorado income tax purposes

Repeals the exclusion of interest income from federal taxable income, effective July 1, 2003.

VETOED by Governor June 1, 1998

H.B. 98-1269 Sales tax - exemption - donations of manufactured goods. Exempts from sales and use tax donations of manufactured goods donated by the manufacturer of such goods to governmental entities and other entities that are exempt from federal income tax pursuant to section 501 (c) (3) of the internal revenue code. States that the sales and use tax exemption only applies to a donation if the aggregate value of all goods included in the donation exceeds \$1,000.

APPROVED by Governor April 22, 1998

EFFECTIVE April 22, 1998

H.B. 98-1271 Estate taxes. Amends the definitions of "federal additional estate tax return" and "qualified heir" for the purposes of the Colorado estate tax laws in order to allow the state to continue to receive its share of the state death tax credit allowable under the federal internal revenue code.

Applies to estates of decedents who die on or after January 1, 1998.

APPROVED by Governor April 17, 1998

EFFECTIVE July 1, 1998

H.B. 98-1317 Property tax - mobile homes moved during tax year - apportionment of value. For property tax years commencing on or after January 1, 1999, eliminates the requirement that assessors list and apportion the value of a mobile home when the mobile home is moved into or out of one county from another county in the state after the assessment date. Provides that a mobile home moved into a county from another county in the state after the assessment date shall be valued as of the next assessment date. Specifies that the value of a mobile home brought into a county from outside the state after the assessment date shall be listed and apportioned based upon the number of months remaining in the year.

When a mobile home is moved from one county to another county in the state, specifies that all property taxes for the current property tax year shall become due and payable without proration. When a mobile home is to be removed from the state, specifies that all property taxes for the current property tax year shall become due and payable but that the taxes shall be prorated.

APPROVED by Governor April 21, 1998

EFFECTIVE August 5, 1998

NOTE:. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1333 Gasoline and special fuel tax - administration - appropriation. Requires any supplier, importer, exporter, carrier, or blender of gasoline and special fuel to obtain a license from the department of revenue. Establishes grounds for which the department may refuse

to issue a license or may revoke or suspend a license. Authorizes the department to reinstate a license, terminate a suspension, or issue a new license to a person whose license had been revoked under certain circumstances.

Requires an applicant for an exporter license to verify to the department that the applicant has the appropriate license that is valid in each state into which the gasoline will be exported. Requires any exporter who diverts gasoline for use or sale within the state to report such diversion to the department within one working day after the diversion. Requires any distributor or supplier who distributes for sale or use in this state gasoline that has been claimed as an export to report diversion of such gasoline within one working day after the diversion.

Establishes fines for any person who does not make a timely report of a diversion within this state of a shipment of gasoline or special fuel that is claimed as an export and for any unlicensed person who imports gasoline into the state. Allows the executive director of the department to waive such fines for good cause. Authorizes the department and its agents to detain a shipment of gasoline or special fuel until applicable fines and excise taxes are collected.

Establishes monthly reporting requirements for licensees. Provides that failure to comply with said reporting requirements is grounds for revoking a licensee's license. Allows the executive director of the department of revenue to require by rule that reports be filed electronically. Allows the department to contract with a private entity for the provision of a computer-based program to monitor and track the data that licensees are required to report to the department. Requires such computer-based program to be funded solely with moneys from the highway users tax fund.

Requires that, for any special fuel that will be sold on a tax-exempt basis, indelible dye meeting federal regulations be added to special fuel before or upon withdrawal at a terminal rack or refinery. Authorizes the executive director of the department of revenue to issue an exemption certificate to a governmental entity that uses special fuel to allow the entity to purchase undyed special fuel without paying excise tax.

Appropriates \$622,857 from the highway users tax fund and 1.5 FTE to the department of revenue for the implementation of this act.

APPROVED by Governor May 27, 1998

EFFECTIVE July 1, 1998

H.B. 98-1398 Property tax - deferral - interest rate reduction. Commencing May 1, 1999, reduces the annual rate of interest on deferred property taxes from 8% to 7%.

APPROVED by Governor May 18, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall

take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

TRANSPORTATION

S.B. 98-148 Department of transportation - projects subject to competitive bidding - cost estimates. Makes the following changes to the "Construction Bidding for Public Projects Act":

- Creates a separate, higher threshold of \$150,000 for department of transportation projects that are excepted from the definition of "public project", instead of the \$50,000 threshold applicable to other state agency projects.
- Creates a separate, higher threshold of \$150,000 for certain projects of the department of transportation that require submittal of a cost estimate, instead of the \$50,000 threshold applicable to other state agencies. Specifies that cost estimates in excess of \$50,000 but less than \$150,000 must be submitted to the Colorado transportation commission at least quarterly for review and approval.

APPROVED by Governor May 27, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1001 Motor fuel tax cooperative agreements - port of entry clearance - electronic bid solicitation - transportation infrastructure financial assistance - rear flaps - limitation on local parking restrictions - change of vehicle primary color - appropriation. Expands the department of revenue's authority to enter into motor fuel tax cooperative agreements with other states by allowing the department to contract with other jurisdictions, including foreign countries. Allows an unladen tractor, semitrailer, or a single trailer combination to have up to 11 axles when used to transport empty trailers.

Eliminates the requirement that certain vehicles be issued a clearance certificate upon securing a valid clearance at port of entry weigh stations. Requires only vehicles having an empty weight exceeding 16,000 pounds, rather than all vehicles subject to registration fees, to secure a valid clearance at port of entry weigh stations. Specifies that vehicles not certificated or permitted by the public utilities commission or not otherwise approved by the department of revenue are issued a clearance receipt, rather than a clearance certificate, at port of entry weigh stations upon payment of state fees, licenses, or taxes.

Authorizes the executive director of the department of transportation to solicit bids using electronic on-line access, including the internet, for purposes of obtaining construction contracts for public projects. Clarifies that the United States secretary of transportation, rather than the United States secretary of commerce, is the appropriate official to approve the use of federal funds by the department of transportation to acquire land adjacent to federal-aid highways. Modifies the provision governing the disposition of tolls enacted by House Bill 96-1144 to require that any fees, fares, and tolls charged for the use of any turnpike must be sufficient to pay for the reasonable return on investment of any private entity financing the turnpike project or to reimburse the department of transportation for costs

relating to the turnpike project, as applicable.

Changes the date from May 1 to June 30 by which counties and municipalities must file with the highway operations and maintenance division of the department of transportation a report of the expenditures of all moneys applied to county road systems and city street systems, respectively, during the previous calendar year. Establishes the transportation infrastructure revolving fund, to be maintained and administered by the executive director of the department of transportation. Allows proceeds from the fund to be used to provide financial assistance for certain transportation projects within the state.

Prohibits a vehicle from transporting aggregate material on any highway for a distance of more than 2 miles unless such vehicle is equipped with rear flaps to protect such aggregate material from spraying on other vehicles. Defines "aggregate material". Prohibits a political subdivision from adopting or enforcing an ordinance or regulation that prohibits the parking of more than one motorcycle within a space served by a single parking meter.

If the primary body color of a motor vehicle that is newly registered on or after July 1, 1999, is subsequently changed from the primary body color identified in the application for registration, requires the owner of the vehicle to notify the department of revenue of the new primary body color of the vehicle within thirty days after such color change. Requires the department to establish a set of standard color descriptions for use in identifying the primary body color of a motor vehicle. Allows the department of revenue to impose a fee to cover the direct and indirect costs of issuing probationary licenses.

Appropriates \$63,500 from the distributive data processing fund to the department of revenue for allocation to the division of motor vehicles for the implementation of this act.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1047 Department of transportation - highway signs - specific information signs - tourist-oriented directional signs - public-private initiatives. Expands the existing program under which businesses may, for a fee, sponsor the placement of specific information signs including their identifying names or marks (the "logo sign" program) to include the following:

- An additional category for tourist-oriented attractions of regional interest to the traveling public;
- Placement of signs in "urbanized areas", as defined with reference to U.S. census figures and maps.

Removes a provision limiting the fee charged to a business for sponsorship of such a sign to the actual cost of erecting the sign, maintaining the sign, and administration of the program. Allows the department of transportation to contract with private businesses to implement all or part of the specific information and tourist-oriented directional sign programs through public-private initiatives.

APPROVED by Governor April 6, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for

submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1304 Transportation funding - investment in public-private transportation projects - authority to privatize county highways and bridges - public-private initiative agreements for transportation projects. Authorizes the department of transportation or the private entity responsible for funding a public-private transportation project initiative, issuing bonds for turnpikes, or issuing anticipation warrants for toll tunnels to forward a copy of the public-private initiative agreement, bonds, or anticipation warrants, as applicable, and a description of the investment opportunity for such an initiative, bonds, or anticipation warrants to the board of trustees of the public employees' retirement association, the state deferred compensation committee and its administrator, the board of directors of the fire and police pension association, the board of trustees of the firefighters' and police officers' old hire pension funds, the board of trustees of the volunteer firefighter pension fund, the boards of education of school districts, the board of directors of the university of Colorado hospital authority, the state treasurer, the county boards of retirement, the governing boards of state colleges and universities, and any employer who has established a defined contribution plan.

Authorizes the state treasurer to invest university of Colorado fund moneys in public-private initiatives with the department of transportation, bonds issued for turnpikes, and anticipation warrants issued for toll tunnels. Authorizes the board of trustees of the volunteer firefighter pension fund to invest in public-private initiatives with the department of transportation, bonds issued for turnpikes, anticipation warrants for toll tunnels, and any other authorized public-private initiative program for transportation system projects.

Authorizes the public utilities commission to approve a petition from a public utility that proposes an investment in certain transportation system projects and public-private initiatives for such projects if the commission determines that such investment is not otherwise inconsistent with the public interest or that such investment is not otherwise inconsistent with the statutory provisions related to public utility securities.

Authorizes the board of directors of a cooperative electric association to consider investing in certain transportation system projects or public-private initiatives for such projects. Authorizes the board to give preference to such investments if they are in the interest of the cooperative electric association's members and are consistent with sound investment policy.

Authorizes a railroad corporation to invest in certain transportation system projects or public-private initiatives for such projects if such investments are consistent with sound investment policy.

Authorizes the board of county commissioners of a county to enter public-private initiatives for county highways and bridges, to enter into contracts or agreements to privatize such highways and bridges, or to charge a toll therefor. Authorizes a board of county commissioners to charge a toll for any county highway or bridge for the purpose of constructing, operating, or maintaining such bridge or highway.

Allows the department of transportation to agree in a public-private initiative

agreement that a private entity may pledge a transportation system project or the right-of-way involved in the transportation system project if such a pledge is in the public interest and is entirely funded by private moneys. Prohibits the private entity from pledging or causing a lien to be created on a transportation system project or right-of-way involved in such project if public funds were used to purchase the project or right-of-way or the department of transportation owns the project or right-of-way. Authorizes the department to agree to transfer ownership of a transportation system project or the right-of-way involved in the project if the department determines that such a transfer is in the public interest and is entirely funded by private moneys. Prohibits the department from transferring ownership in such project or right-of-way if public funds were used to purchase the project or right-of-way or the department owns such project or right-of-way.

APPROVED by Governor April 21, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1335 Colorado intermountain fixed guideway authority. Creates the Colorado intermountain fixed guideway authority (the "authority") which shall be governed by a 12-member board of directors. Establishes the mechanism for appointing the members of the board of directors. Defines the geographical scope of the authority.

Establishes the powers and duties of the board of directors, including the duty to analyze available models of fixed guideway technology or other functionally similar technologies for the transport of persons in suspended or guided vehicles and the duty to develop a plan for the design, financing, development, and construction of a fixed guideway system for Interstate Highway 70 from the Denver international airport to the Eagle county airport. Requires the board of directors to file an annual report on its progress and expenditures with the general assembly.

Allows the authority to submit a proposal to the general assembly for a plan under which the authority would research, develop, test, and demonstrate a portion of the fixed guideway system at a total cost not to exceed \$100 million for a period of time that shall not exceed 2 years starting on January 1, 2001.

Repeals the act, effective January 1, 2004.

APPROVED by Governor May 26, 1998

EFFECTIVE July 1, 1998

H.B. 98-1375 Transportation planning regions - region boundaries - maximum number of regions. Requires that each metropolitan planning organization's metropolitan area shall, at a minimum, comprise a transportation planning region, rather than requiring that 5 of the transportation planning regions be the existing metropolitan planning organizations. Increases the maximum number of transportation planning regions that may be established by the transportation commission if new metropolitan planning organizations are designated.

APPROVED by Governor April 21, 1998

EFFECTIVE April 21, 1998

H.B. 98-1395 State rail bank - state acquisition of the Towner line - appropriation. Requires the general assembly to ensure that sufficient moneys are transferred, appropriated, or otherwise made available in the state rail bank fund to enable the department of transportation (department) to acquire the Towner railroad line. Authorizes the department to immediately acquire the Towner railroad line as part of the state rail bank.

Requires the department to use its best efforts to sell the Towner line, in order to continue rail service, to a financially responsible railroad operator by June 30, 2000, for at least the price paid by the department plus interest. Provides for the use of competitive bidding in selecting a purchaser. If the department is unable to sell the Towner line by June 30, 2000, requires the department to complete the abandonment of the line and salvage the railroad tracks.

Appropriates \$10,400,000 in the 1997-98 fiscal year to the department of transportation from the state rail bank fund for the acquisition of the line. Adjusts the 1998-99 appropriation to the department of education for school finance that is necessitated by such acquisition.

APPROVED by Governor April 22, 1998

EFFECTIVE April 22, 1998

WATER AND IRRIGATION

S.B. 98-15 Ground water commission - per diem limit. Removes the \$1,200 yearly limit on per diems paid to the members of the ground water commission. Increases the members per diems from \$25 per day to \$50 per day.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

S.B. 98-78 Water resources and power development authority - financing of projects - review - exemptions. Amends the definition of governmental agencies under the "Colorado Water Resources and Power Development Authority Act" (Act) to include enterprises and other entities established by governmental agencies and removes the existing limitation that such other entities be established pursuant to interstate compact or agreement.

Amends the definition of hydroelectric facilities under the Act to include all facilities for the hydrogeneration or transmission of electric power and energy, not just those developed in connection with a water management facility.

Amends the definition of small water resources projects under the Act to include facilities with an estimated cost of \$25 million, including planning, environmental costs, and water rights, in place of the current limitation of \$10 million not including such costs.

Deletes the requirement that the authority use no more than one fourth of its cash or investments on hand on January 1 of each year in connection with the issuance of bonds for small water resources projects. Eliminates an obsolete prohibition on the use of more than \$8,970,000 at any one time between January 1, 1989, and January 1, 1994, for such purposes. In cases in which a small water resources project consists of or includes raw water diversion or storage facilities, allows the authority simply to forward a copy of the loan application to the Colorado water conservation board rather than preparing a summary and awaiting the board's formal recommendations.

Changes the date for submission of the authority's annual report from March 31 to April 30.

In the legislative declaration of the purposes of the Act, removes the existing limitation that the only generation of electric energy authorized by the Act is generation from hydroelectric facilities "supportive of a project".

APPROVED by Governor April 2, 1998

EFFECTIVE April 2, 1998

S.B. 98-103 Grand Junction drainage district - operations and functions. Authorizes the Grand Junction drainage district to participate in nonpoint pollution activities. Raises the daily compensation range for directors of the district from \$35 per day to \$75 per day and the annual limit on such compensation from \$960 to \$1,200 to make such compensation equivalent to directors of other special districts and water conservancy districts. Updates statutory language relating to bonds and bond sales.

APPROVED: March 24, 1998

EFFECTIVE March 24, 1998

S.B. 98-201 Denver basin aquifer - water well pumping - effective dates for water replacement standards - special water committee. Delays for one year the effective date of a stricter temporary standard for the replacement of actual out-of-priority stream depletions caused by the operation of wells in the Dawson, Denver, Arapahoe, or Laramie-Fox Hills aquifers in order to allow the state engineer and the director of the Colorado water conservation board to complete a study of water use in the Denver basin. Extends the repeal date of such stricter standard from July 1, 2001, to July 1, 2002, thereby delaying the return to the standard of replacement that existed prior to July 1, 1999.

Extends the repeal date of the special water committee from July 1, 1998, to July 1, 1999.

APPROVED by Governor June 1, 1998

EFFECTIVE June 1, 1998

H.B. 98-1011 Groundwater - permits to construct wells - confined and unconfined aquifer in the San Luis Valley - judicially approved augmentation plan. Declares that the hydrologic system in water division 3 is unique and complex. Requires that any well permit in water division 3 that involves new withdrawals of groundwater that affect the rate or direction of movement of water in the confined aquifer be permitted pursuant to a judicially approved plan for augmentation that is subject to rules promulgated by the state engineer. Authorizes the state engineer to promulgate rules based upon a specific study of the confined aquifer system. Requires such rules to be promulgated prior to July 1, 2001. Mandates that the rules permit the development of water resources in a manner that will protect Colorado's ability to meet its interstate compact obligations and to prevent injury to senior appropriators. Requires the state engineer to recognize that unappropriated water is not made available and injury is not prevented as a result of the reduction of water consumption by nonirrigated native vegetation.

Requires the court in water division 3 to apply this standard as well in any application that involves new withdrawals of groundwater that affects the rate or direction of movement of water in the confined aquifer. Allows the court to retain jurisdiction in an augmentation plan for the purpose of revising such decree to comply with the rules promulgated by the state engineer.

Applies to all new and pending applications for well permits, except exempt wells, in water division 3, and to all new or pending applications concerning water rights filed with the water clerk for water division 3.

APPROVED by Governor May 26, 1998

EFFECTIVE See Note

NOTE: This act shall become effective on the effective date of the appropriation for the Rio Grande compact decision support system in House Bill 98-1189. This act shall apply on or after said date to all new and pending applications for well permits, except applications for those wells defined in section 37-90-103 (1), (13), and (17), Colorado Revised Statutes, and in section 37-92-602, Colorado Revised Statutes, filed with the division of water resources in the department of natural resources for wells to be located in water division 3, and shall apply to all new or pending applications concerning water rights filed with the water clerk for water division 3.

H.B. 98-1151 Water resources - regulation of ground water - administrative functions - long

bill adjustment. Clarifies which well permit fees are deposited into the division of water resources ground water management cash fund and into the general fund.

Adds a definition of "replacement plan" to the statutes related to designated ground water basins.

Increases the per diem amounts payable to ground water commission members from \$25 to \$50 per day and the total annual limit from \$1,200 to \$2,400. Permits the commission to delegate to the executive director of the commission the authority to establish the priority dates of ground water claims.

With respect to small capacity wells: Adds a definition of "commercial business"; allows such wells for fire-fighting purposes; authorizes the state engineer to promulgate rules; limits new permits to an annual use of 5 acre-feet; adds cumulative effect criteria for subdivision water supply plans similar to that for such uses outside of designated ground water basins; specifies that permits expire in 2 years unless extended; makes technical changes to language for late registration of existing wells in use prior to May 8, 1972, to move such language to a more appropriate location in the statutes; enacts a grandfather provision to grant new permits for wells in use in a feedlot prior to January 1, 1996, based upon evidence of use from such wells; clarifies that the appeal of the state engineer's decision to grant or deny a permit goes to the district court in the county where the well is located and not to the Denver district court.

Authorizes new well permits to be granted pursuant to a replacement plan and adds new provisions to the law governing the specifics of such plans.

With respect to appropriations of designated ground water from the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers: Provides for determinations of such rights; specifies that such a determination shall be considered a final determination subject to the ground water commission's retained jurisdiction for adjustment of acre-feet amounts based upon actual geophysical information from such wells; requires that an application for a well permit must already have or shall be accompanied by an application for a determination of such water; specifies that, in order to grant a well permit if a replacement plan would be needed to replace depletions to alluvial aquifers, such plan shall be published unless one is already approved by the ground water commission under a prior publication. Deletes requirements for final permits for permits issued on or after July 1, 1991.

Clarifies and reaffirms that a fee of \$30 for late filing of a statement of beneficial use is not required if a permit was issued prior to July 14, 1975. Authorizes the ground water commission to promulgate rules to grant temporary approvals of permits without publication.

With respect to ground water commission hearings, specifies that appeals of a hearing officer's decision shall be heard by the commission at its regular or special meetings. Requires such hearings to be held within 180 days after receipt of a request therefor.

Specifies that publication costs for final permits will be paid by the state engineer from the division of water resources ground water management cash fund. Permits the ground water commission to authorize applicants to pay publication expenses directly to newspapers rather than to the commission. Imposes a \$60 fee for requests to extend the expiration date on a large capacity well permit.

Expands the authority of ground water management districts to cover wells with a

conditional permit as well as with a final permit. Authorizes such districts to enforce violations by small capacity wells. Removes the notification requirement to all water users within a ground water management district by 1st-class mail, but still requires notice by publication. Requires such districts to hold hearings within 180 days after a request therefor.

Adjusts the 1998 long bill to reduce the cash fund appropriation to the department of natural resources, water resources division, ground water management, by \$760.

APPROVED by Governor June 1, 1998

EFFECTIVE August 5, 1998

NOTE: This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

H.B. 98-1189 Water conservation board - project loan authorization - changes in loan amounts to previously authorized projects - studies - appropriations. Authorizes the water conservation board to expend moneys from the water conservation board construction fund and the severance tax trust fund perpetual base account on the following:

- Certain enumerated water projects;
- The Rio Grande river compact decision support system;
- Satellite monitoring system maintenance;
- Arkansas river well measurement program continuation;
- The Chatfield reservoir reallocation study;
- South Platte river multi-objective management plan continuation;
- Lower Elk river floodplain management planning; and
- Geo-hydrologic investigation of the Denver basin aquifers.

Deauthorizes certain projects authorized in previous years. Changes the amount authorized for certain projects in a previous year.

Creates the Colorado river recovery program loan account and transfers \$2,000,000 from the water conservation board construction fund to that account. Appropriates \$4,000,000 from the severance tax trust fund perpetual base account to the department of natural resources for the Eagle Park Reservoir Rehabilitation project.

APPROVED by Governor April 30, 1998

EFFECTIVE April 30, 1998

PROPOSED STATE CONSTITUTIONAL AMENDMENTS

S.C.R. 98-13 City and county of Broomfield - creation. Requires that all territory within the municipal boundaries of the city of Broomfield be detached from the counties of Adams, Boulder, Jefferson, and Weld and consolidated into a single county and municipal corporation with the name of the city and county of Broomfield on and after November 15, 2001. Provides that the existing charter of the city of Broomfield shall be the charter of the city and county of Broomfield. Prohibits the city of Broomfield from extending its boundaries beyond the annexation boundary map approved by the Broomfield city council on April 28, 1998. Grants the new city and county perpetual succession, the right to own, possess, and hold all real and personal property, including water rights, the right to use water, and contracts for water, currently owned, possessed, or held by the city of Broomfield.

Allows the city and county of Broomfield to assume, manage, and dispose of all trusts connected with the city of Broomfield; succeed to all the rights, liabilities, and benefits of the city of Broomfield; and pay all bonds, obligations, and indebtedness of the city of Broomfield and its proportionate share of the general obligation indebtedness and, as provided by intergovernmental agreement, its proportionate share of revenue bond obligations of the counties of Adams, Boulder, Jefferson, and Weld on and after November 15, 2001. Gives the new city and county the power within or without its territorial limits to construct, condemn, purchase, acquire, lease, add to, maintain, conduct, and operate public works systems that are local in use and extent, in whole or in part.

Allows the city and county of Broomfield to take land for public use by right of eminent domain, issue bonds according to its charter in any amount necessary to carry out its powers and purposes and as the city and county charter may provide and limit, and make, amend, add to, or replace its charter provisions. Mandates that the city and county charter provisions shall supersede any constitutional or statutory limitations and procedures regarding financial obligations. Grants the new city and county all constitutional and statutory powers conferred to home rule municipalities and home rule counties that are not inconsistent with the constitutional provisions creating the city and county of Broomfield.

Requires that on and before November 15, 2001, the charter and ordinances of the city of Broomfield shall govern all local and municipal matters of the city and that on and after that date, the constitutional provisions creating and governing the city and county of Broomfield, the charter adopted in accordance with those constitutional provisions, and any ordinances existing and adopted by said city and county shall govern all local and municipal matters of the city and county of Broomfield.

Makes the constitutional and statutory requirements concerning the annexation and consolidation of counties applicable to the city and county of Broomfield on and after November 15, 2001. Requires that any contiguous territory, together with all property belonging thereto, that is annexed to or consolidated with the city and county of Broomfield on and after November 15, 2001, shall be detached from the other county and become a municipal and territorial part of the city and county of Broomfield. Establishes a 7-member boundary control commission to review and approve any proposed annexation to or consolidation with the city and county of Broomfield.

Requires that the officers of the city and county of Broomfield be as provided in the city and county's charter and ordinances. Requires that the jurisdiction, term of office, and duties of elected officers begin on November 15, 2001. Requires that the qualifications and duties of such officers be provided by the city and county charter or ordinances, but provides

that the ordinances must designate the officers who will perform the duties required of county officers pursuant to the Colorado constitution or state statute. Requires that city and county elected officials' compensation be a stated salary fixed by ordinance, rather than state statute, within the limits of the charter or by a resolution approving the city and county budget, and paid in equal monthly payments. Prohibits elected officials from receiving an increase or decrease in compensation under any ordinance passed during the term for which such officer is elected.

Establishes a procedure for the transfer of government to the city and county of Broomfield. Specifies when the terms of the city of Broomfield's officers terminate and when the duties and terms of the officers of the four affected counties will no longer be applicable with regard to the city and county of Broomfield. Specifies that the mayor and city council of the city of Broomfield shall become the initial officers of the new city and county. Requires the mayor and city council of the new city and county to function as a board of county commissioners and allows those duties to be delegated to various boards and commissions by such council. Grants the new city and county authority to continue to impose and collect sales, use, and property taxes that were imposed by the city of Broomfield and Adams, Boulder, Jefferson, and Weld counties until changed by voter approval. Provides that the city and county of Broomfield is a successor district of the city of Broomfield for the purposes of the Taxpayer's Bill of Rights (TABOR), with any voter approval granted to said city to be considered voter approval for the city and county of Broomfield. Provides that any violation of criminal statutes occurring on or before November 14, 2001, shall continue to be prosecuted within the county where the violation originally occurred.

Authorizes the general assembly to appropriate funds, if necessary, in cooperation with the city and county of Broomfield to implement the constitutional provisions creating the city and county at the state level.

EFFECTIVE November 15, 2001; except that certain provisions in sections 10 through 13 are effective upon the Governor's proclamation or thirty days after a canvas of the votes is completed, whichever occurs earlier.

H.C.R. 98-1008 Local government - ability to provide health care in joint ownership with any person. Allows a local government to provide any lawfully authorized health care function as a joint owner, shareholder with, or member of, any public or private entity if such local government does not incur debt or pledge its credit or faith. Requires a local government to own its just proportion of such arrangement. Specifies that any private entity or relationship established for such purpose shall not be deemed a political subdivision, local government, or local public body for such purpose.

EFFECTIVE upon the Governor's proclamation or thirty days after a canvas of the votes is completed, whichever occurs earlier.

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