

DIGEST OF BILLS

Enacted at the Second Regular Session
Of the Sixty-sixth General Assembly



The colors used in the Colorado State Flag represent environmental features of the state. The gold represents the abundant sunshine enjoyed by the state. The blue symbolizes the clear blue skies of Colorado. White represents the snow capped mountains of the state and red represents the color of much of the state's soil.

June 2008

Prepared by
the Office of Legislative Legal Services

DIGEST

SENATE AND HOUSE BILLS ENACTED
BY THE
SIXTY-SIXTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO
(2008 - Second Regular Session)

NOTE: The Digest is available on the Official Colorado State Legislative
Home Page at: www.leg.state.co.us

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PREFACE

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-sixth General Assembly at its Second Regular Session ending May 6, 2008. The summaries include the dates bills are approved and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Conversion Table, beginning on page xvi.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Conversion Table, beginning on page xvi.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Conversion Table, beginning on page xvi.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.
6. To identify bills that were enacted without a safety clause, refer to page viii and ix.
7. To identify bills that were originally recommended by a 2007 interim committee, refer to page x and xi.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2008 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

9. To identify bills that have effective dates of July 1 and later, see the listings beginning on page xii.

10. The general assembly adjourned sine die on the 119th legislative day, May 6, 2008. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Monday, August 4, 2008. The effective date for such bills is therefore 12:01 a.m., on Tuesday, August 5, 2008, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Monday, August 4, 2008.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2008.

Charley Pike, Director
Office of Legislative Legal Services
Room 091
State Capitol Building
Denver, CO 80203-1782
(303) 866-2045

LEGISLATIVE STATISTICAL SUMMARY

	2008		2007		2006	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	415	309	379	270	239	164
Senate Bills	247	172	263	204	412	276
Concurrent Resolutions	23	3	4	1	22	2
Bills signed by Governor	473		464		381	
Bills becoming law without Governor's signature	0		1		9	
Bills partially vetoed by the Governor	1		1		4	
Bills vetoed by the Governor	7		8		44	
Bills referred to the People	0		0		2	

BILLS VETOED BY THE GOVERNOR:

H.B. 08-1032 H.B. 08-1170 H.B. 08-1208 H.B. 08-1408

H.B. 08-1150 H.B. 08-1186 H.B. 08-1406

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

None

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

H.B. 08-1375

BILLS ENACTED WITHOUT A SAFETY CLAUSE:*

HOUSE BILLS

H.B. 08-1003	H.B. 08-1070	H.B. 08-1136	H.B. 08-1221	H.B. 08-1336
H.B. 08-1006	H.B. 08-1073	H.B. 08-1139	H.B. 08-1222	H.B. 08-1337
H.B. 08-1008	H.B. 08-1074	H.B. 08-1147	H.B. 08-1223	H.B. 08-1339
H.B. 08-1013	H.B. 08-1075	H.B. 08-1150-v	H.B. 08-1224	H.B. 08-1345
H.B. 08-1014	H.B. 08-1076	H.B. 08-1151	H.B. 08-1225	H.B. 08-1348
H.B. 08-1017	H.B. 08-1078	H.B. 08-1160	H.B. 08-1226	H.B. 08-1349
H.B. 08-1027	H.B. 08-1079	H.B. 08-1170-v	H.B. 08-1228	H.B. 08-1352
H.B. 08-1028	H.B. 08-1083	H.B. 08-1171	H.B. 08-1229	H.B. 08-1354
H.B. 08-1031	H.B. 08-1084	H.B. 08-1174	H.B. 08-1231	H.B. 08-1356
H.B. 08-1033	H.B. 08-1085	H.B. 08-1175	H.B. 08-1234	H.B. 08-1358
H.B. 08-1035	H.B. 08-1087	H.B. 08-1176	H.B. 08-1236	H.B. 08-1359
H.B. 08-1038	H.B. 08-1089	H.B. 08-1178	H.B. 08-1241	H.B. 08-1364
H.B. 08-1040	H.B. 08-1097	H.B. 08-1179	H.B. 08-1249	H.B. 08-1365
H.B. 08-1042	H.B. 08-1098	H.B. 08-1181	H.B. 08-1255	H.B. 08-1366
H.B. 08-1045	H.B. 08-1099	H.B. 08-1183	H.B. 08-1261	H.B. 08-1376
H.B. 08-1047	H.B. 08-1101	H.B. 08-1185	H.B. 08-1264	H.B. 08-1378
H.B. 08-1048	H.B. 08-1102	H.B. 08-1192	H.B. 08-1265	H.B. 08-1380
H.B. 08-1049	H.B. 08-1109	H.B. 08-1193	H.B. 08-1266	H.B. 08-1383
H.B. 08-1051	H.B. 08-1110	H.B. 08-1194	H.B. 08-1270	H.B. 08-1385
H.B. 08-1053	H.B. 08-1111	H.B. 08-1196	H.B. 08-1275	H.B. 08-1386
H.B. 08-1055	H.B. 08-1116	H.B. 08-1200	H.B. 08-1276	H.B. 08-1394
H.B. 08-1057	H.B. 08-1120	H.B. 08-1201	H.B. 08-1280	H.B. 08-1395
H.B. 08-1059	H.B. 08-1125	H.B. 08-1202	H.B. 08-1314	H.B. 08-1406-v
H.B. 08-1060	H.B. 08-1127	H.B. 08-1203	H.B. 08-1317	H.B. 08-1407
H.B. 08-1061	H.B. 08-1130	H.B. 08-1207	H.B. 08-1318	H.B. 08-1412
H.B. 08-1062	H.B. 08-1131	H.B. 08-1208-v	H.B. 08-1325	
H.B. 08-1065	H.B. 08-1134	H.B. 08-1216	H.B. 08-1334	

* These bills become effective on August 5, 2008, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

v - vetoed

BILLS ENACTED WITHOUT A SAFETY CLAUSE:* (cont.)

SENATE BILLS

S.B. 08-009	S.B. 08-035	S.B. 08-078	S.B. 08-129	S.B. 08-169
S.B. 08-010	S.B. 08-039	S.B. 08-091	S.B. 08-131	S.B. 08-170
S.B. 08-011	S.B. 08-041	S.B. 08-096	S.B. 08-138	S.B. 08-174
S.B. 08-012	S.B. 08-046	S.B. 08-097	S.B. 08-139	S.B. 08-178
S.B. 08-014	S.B. 08-050	S.B. 08-105	S.B. 08-144	S.B. 08-183
S.B. 08-015	S.B. 08-052	S.B. 08-107	S.B. 08-145	S.B. 08-186
S.B. 08-016	S.B. 08-058	S.B. 08-108	S.B. 08-147	S.B. 08-192
S.B. 08-026	S.B. 08-059	S.B. 08-110	S.B. 08-148	S.B. 08-196
S.B. 08-027	S.B. 08-062	S.B. 08-114	S.B. 08-150	S.B. 08-202
S.B. 08-029	S.B. 08-063	S.B. 08-120	S.B. 08-151	S.B. 08-204
S.B. 08-030	S.B. 08-068	S.B. 08-122	S.B. 08-153	S.B. 08-207
S.B. 08-032	S.B. 08-069	S.B. 08-123	S.B. 08-159	S.B. 08-220
S.B. 08-034	S.B. 08-073	S.B. 08-128	S.B. 08-166	S.B. 08-227

* These bills become effective on August 5, 2008, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

v - vetoed

BILLS RECOMMENDED BY 2007 INTERIM AND STATUTORY COMMITTEES THAT WERE ENACTED:

CAPITAL DEVELOPMENT COMMITTEE

H.B. 08-1197 S.B. 08-180
H.B. 08-1205

COMMITTEE ON LEGAL SERVICES

H.B. 08-1095 S.B. 08-075
H.B. 08-1412

HEALTH CARE TASK FORCE

H.B. 08-1032-v S.B. 08-003
H.B. 08-1062 S.B. 08-011

JOINT BUDGET COMMITTEE (OTHER THAN SUPPLEMENTALS)

H.B. 08-1220 H.B. 08-1373
H.B. 08-1221 H.B. 08-1374
H.B. 08-1250 H.B. 08-1376
H.B. 08-1253 H.B. 08-1398
H.B. 08-1268
H.B. 08-1305
H.B. 08-1307 S.B. 08-118
H.B. 08-1320 S.B. 08-126
H.B. 08-1321 S.B. 08-127
H.B. 08-1333 S.B. 08-131
H.B. 08-1337 S.B. 08-216
H.B. 08-1366 S.B. 08-230

LEGISLATIVE AUDIT COMMITTEE

H.B. 08-1027 S.B. 08-017
H.B. 08-1051 S.B. 08-051
H.B. 08-1063 S.B. 08-091
H.B. 08-1103 S.B. 08-092
H.B. 08-1125 S.B. 08-107
H.B. 08-1192

LONG-TERM HEALTH CARE SERVICES AND SUPPORT TO PERSONS WITH DEVELOPMENTAL DISABILITIES

H.B. 08-1031 S.B. 08-002
H.B. 08-1047 S.B. 08-004
H.B. 08-1072 S.B. 08-005
H.B. 08-1101

TREATMENT OF PERSONS WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE JUSTICE SYSTEM

H.B. 08-1016 S.B. 08-006
H.B. 08-1046 S.B. 08-007
S.B. 08-008

POLICE OFFICER'S AND FIREFIGHTER'S PENSION REFORM COMMISSION

H.B. 08-1070 S.B. 08-009

v - vetoed

**BILLS RECOMMENDED BY 2007 INTERIM AND STATUTORY
COMMITTEES THAT WERE ENACTED: (cont.)**

**STUDY THE ALLOCATION OF
SEVERANCE TAX AND FEDERAL
MINERAL LEASE REVENUES**

**H.B. 08-1083 S.B. 08-013
H.B. 08-1084**

**TRANSPORTATION LEGISLATION
REVIEW COMMITTEE**

**H.B. 08-1010 S.B. 08-012
H.B. 08-1036 S.B. 08-014
H.B. 08-1057
H.B. 08-1074**

**SUNSET/SUNRISE REVIEW
PROCESSES**

**H.B. 08-1144
H.B. 08-1210
H.B. 08-1212
H.B. 08-1213
H.B. 08-1215
H.B. 08-1227
H.B. 08-1232
H.B. 08-1240
H.B. 08-1244
H.B. 08-1273
H.B. 08-1309**

**WATER RESOURCES REVIEW
COMMITTEE**

S.B. 08-010

v - vetoed

ACTS WITH JULY 1, 2008, AND LATER EFFECTIVE DATES:

JULY 1, 2008

HOUSE BILLS

H.B. 08-1010	H.B. 08-1069	H.B. 08-1114*	H.B. 08-1156	H.B. 08-1329
H.B. 08-1015	H.B. 08-1072*	H.B. 08-1115	H.B. 08-1166	H.B. 08-1335*
H.B. 08-1016	H.B. 08-1082	H.B. 08-1121	H.B. 08-1209	H.B. 08-1342*
H.B. 08-1020	H.B. 08-1094	H.B. 08-1135	H.B. 08-1227	H.B. 08-1353
H.B. 08-1043	H.B. 08-1105	H.B. 08-1138	H.B. 08-1240	H.B. 08-1382
H.B. 08-1050	H.B. 08-1108	H.B. 08-1144	H.B. 08-1244	H.B. 08-1389*
H.B. 08-1054	H.B. 08-1112	H.B. 08-1148	H.B. 08-1260	H.B. 08-1390
H.B. 08-1058	H.B. 08-1113	H.B. 08-1153	H.B. 08-1304	H.B. 08-1392

SENATE BILLS

S.B. 08-044	S.B. 08-082	S.B. 08-101	S.B. 08-221	S.B. 08-235
S.B. 08-054	S.B. 08-088	S.B. 08-134	S.B. 08-224	S.B. 08-236
S.B. 08-060	S.B. 08-089	S.B. 08-152	S.B. 08-231	S.B. 08-239
S.B. 08-076	S.B. 08-092	S.B. 08-194	S.B. 08-234	S.B. 08-241
S.B. 08-077	S.B. 08-099	S.B. 08-219		

* - portions only

v - vetoed

ACTS WITH JULY 1, 2008, AND LATER EFFECTIVE DATES (cont.):

AUGUST 5, 2008**

HOUSE BILLS

H.B. 08-1003	H.B. 08-1073	H.B. 08-1136	H.B. 08-1221	H.B. 08-1318
H.B. 08-1006	H.B. 08-1074	H.B. 08-1139	H.B. 08-1222	H.B. 08-1325
H.B. 08-1013	H.B. 08-1075	H.B. 08-1147	H.B. 08-1223	H.B. 08-1334
H.B. 08-1017	H.B. 08-1076	H.B. 08-1150-v	H.B. 08-1224	H.B. 08-1336
H.B. 08-1027	H.B. 08-1078	H.B. 08-1160	H.B. 08-1225	H.B. 08-1337
H.B. 08-1028	H.B. 08-1079	H.B. 08-1170-v	H.B. 08-1226	H.B. 08-1339
H.B. 08-1031	H.B. 08-1083	H.B. 08-1174	H.B. 08-1228	H.B. 08-1345
H.B. 08-1033	H.B. 08-1084	H.B. 08-1175	H.B. 08-1229	H.B. 08-1348
H.B. 08-1035	H.B. 08-1085	H.B. 08-1176	H.B. 08-1231	H.B. 08-1349
H.B. 08-1038	H.B. 08-1087	H.B. 08-1178	H.B. 08-1234	H.B. 08-1352
H.B. 08-1040	H.B. 08-1089	H.B. 08-1179	H.B. 08-1236	H.B. 08-1354
H.B. 08-1042	H.B. 08-1097	H.B. 08-1183	H.B. 08-1241	H.B. 08-1359
H.B. 08-1045	H.B. 08-1098	H.B. 08-1192	H.B. 08-1249	H.B. 08-1364
H.B. 08-1047	H.B. 08-1099	H.B. 08-1193	H.B. 08-1255	H.B. 08-1365
H.B. 08-1048	H.B. 08-1101	H.B. 08-1194*	H.B. 08-1261	H.B. 08-1366
H.B. 08-1049	H.B. 08-1102	H.B. 08-1196	H.B. 08-1264	H.B. 08-1376
H.B. 08-1051	H.B. 08-1110	H.B. 08-1200	H.B. 08-1265	H.B. 08-1378
H.B. 08-1053	H.B. 08-1116	H.B. 08-1201	H.B. 08-1266*	H.B. 08-1383
H.B. 08-1055	H.B. 08-1120	H.B. 08-1202	H.B. 08-1270	H.B. 08-1386
H.B. 08-1057	H.B. 08-1125	H.B. 08-1203	H.B. 08-1275	H.B. 08-1394
H.B. 08-1059	H.B. 08-1127	H.B. 08-1204*	H.B. 08-1276	H.B. 08-1395
H.B. 08-1062	H.B. 08-1130	H.B. 08-1207	H.B. 08-1280	H.B. 08-1407
H.B. 08-1065	H.B. 08-1131	H.B. 08-1208-v	H.B. 08-1314	H.B. 08-1412
H.B. 08-1070	H.B. 08-1134	H.B. 08-1216	H.B. 08-1317	

** These bills do not have a safety clause and do not have an effective date specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

* - portions only

v - vetoed

ACTS WITH JULY 1, 2008, AND LATER EFFECTIVE DATES (cont.):

AUGUST 5, 2008**

SENATE BILLS

S.B. 08-009	S.B. 08-039	S.B. 08-091	S.B. 08-129	S.B. 08-170
S.B. 08-010	S.B. 08-041	S.B. 08-096	S.B. 08-131	S.B. 08-174
S.B. 08-012	S.B. 08-046	S.B. 08-097	S.B. 08-139	S.B. 08-178
S.B. 08-014	S.B. 08-050	S.B. 08-105	S.B. 08-145	S.B. 08-186
S.B. 08-015	S.B. 08-052	S.B. 08-107	S.B. 08-147	S.B. 08-192
S.B. 08-016	S.B. 08-058	S.B. 08-108	S.B. 08-148	S.B. 08-196
S.B. 08-027	S.B. 08-059	S.B. 08-110	S.B. 08-150	S.B. 08-202
S.B. 08-029	S.B. 08-062	S.B. 08-114	S.B. 08-151	S.B. 08-204
S.B. 08-030	S.B. 08-068	S.B. 08-120	S.B. 08-153	S.B. 08-207
S.B. 08-032	S.B. 08-069	S.B. 08-122	S.B. 08-159	S.B. 08-220
S.B. 08-034	S.B. 08-073	S.B. 08-123	S.B. 08-166	S.B. 08-227
S.B. 08-035	S.B. 08-078	S.B. 08-128	S.B. 08-169	

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AUGUST 6, 2008

HOUSE BILLS	SENATE BILLS
H.B. 08-1406-v	

AUGUST 15, 2008

HOUSE BILLS	SENATE BILLS
	S.B. 08-183

SEPTEMBER 1, 2008

HOUSE BILLS	SENATE BILLS
H.B. 08-1008	S.B. 08-138
H.B. 08-1109	
H.B. 08-1171	
H.B. 08-1173	
H.B. 08-1194*	
H.B. 08-1356	
H.B. 08-1358	

JANUARY 1, 2009

HOUSE BILLS	SENATE BILLS
H.B. 08-1014	S.B. 08-011
H.B. 08-1060	S.B. 08-026
H.B. 08-1061*	S.B. 08-144
H.B. 08-1151	S.B. 08-160*
H.B. 08-1181	S.B. 08-177*
H.B. 08-1185	
H.B. 08-1194*	
H.B. 08-1342*	
H.B. 08-1380	
H.B. 08-1385	

* - portions only
v - vetoed

ACTS WITH JULY 1, 2008, AND LATER EFFECTIVE DATES (cont.):

MARCH 1, 2009

HOUSE BILLS **SENATE BILLS**
 S.B. 08-160*

APRIL 1, 2009

HOUSE BILLS **SENATE BILLS**
H.B. 08-1114*

JULY 1, 2009

HOUSE BILLS **SENATE BILLS**
H.B. 08-1061* **S.B. 08-057**
 S.B. 08-063*

SEPTEMBER 11, 2009

HOUSE BILLS **SENATE BILLS**
H.B. 08-1111

OCTOBER 1, 2009

HOUSE BILLS **SENATE BILLS**
 S.B. 08-160*

JULY 1, 2010

HOUSE BILLS **SENATE BILLS**
 S.B. 08-063*

REFERRED MEASURES:

HOUSE	SENATE
H.C.R. 08-1008	S.C.R. 08-003
H.C.R. 08-1009	

* - portions only

v - vetoed

TABLE OF ENACTED HOUSE BILLS -- 2008

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1001	RIESBERG, BACON	BIOSCIENCE RESEARCH GRANT PROGRAM	APPROVED 4/24/2008	4/24/2008	173	100
1002	KING, BACON	INVESTMENT AUTHORITY HIGHER EDUCATION	APPROVED 4/10/2008	4/10/2008	110	66
1003	BALMER, TUPA	SPECIAL CONGRESSIONAL VACANCY ELECTION	APPROVED 4/14/2008	NO SAFETY CLAUSE	132	72
1005	FRANGAS, BOYD	COLLABORATIVE MGMT SERV HUMAN SERV	APPROVED 5/28/2008	5/28/2008	328	145
1006	JAHN, SANDOVAL	FOSTER CARE SIBLING VISITS	APPROVED 2/7/2008	NO SAFETY CLAUSE	1	14
1007	LOOPER, TAPIA	MODIFY TOLL ROAD NOTICE REQUIREMENTS	APPROVED 6/2/2008	6/2/2008	364	216
1008	HODGE, PENRY	NOTIFICATION MUNICIPAL INCORPORATION	APPROVED 3/17/2008	NO SAFETY CLAUSE 9/1/2008	23	87
1010	McFADYEN, TAKIS	MOTOR VEHICLE TRAFFIC FINES	APPROVED 6/3/2008	7/1/2008	413	166
1013	SONNENBERG, MORSE	SCHOOL-RELATED SALES TAX EXEMPTION	APPROVED 5/21/2008	NO SAFETY CLAUSE	257	204
1014	LOOPER, GORDON	TRACK RESIDENTIAL WELL OWNERSHIP RECORDS	APPROVED 3/26/2008	NO SAFETY CLAUSE 1/1/2009	66	193
1015	MAROSTICA, JOHNSON	AUTHORIZE LOC GOV MARKETING ACTIVITY	APPROVED 2/13/2008	7/1/2008	3	84
1016	SOLANO, BOYD	JUVENILE JUSTICE MENTAL HEALTH PROCESS	APPROVED 4/10/2008	7/1/2008	111	15
1017	PENISTON, VEIGA	WESTERN PAINTED TURTLE STATE REPTILE	APPROVED 3/18/2008	NO SAFETY CLAUSE	32	101
1018	PRIMAVERA, TAYLOR	COURT-APPOINTED SPECIAL ADVOCATE PROGRAM	APPROVED 3/13/2008	3/13/2008	12	15
1019	CASSO, SANDOVAL	TRANSFER ED RECORDS FOR FOSTER CHILDREN	APPROVED 4/17/2008	4/17/2008	147	42
1020	MADDEN, VEIGA	COSTS IN CIVIL ACTIONS	APPROVED 2/21/2008	7/1/2008	5	26
1021	PENISTON, SPENCE	EARLY KINDERGARTEN GIFTED CHILDREN	APPROVED 5/14/2008	5/14/2008	210	43
1024	MERRIFIELD, WINDELS	CSAP LONGITUDINAL ANALYSIS MODELS	APPROVED 2/14/2008	2/14/2008	4	44
1025	WEISSMANN, TUPA	GOVERNOR'S ENERGY OFFICE	APPROVED 3/18/2008	3/18/2008	33	101
1026	FISCHER, SCHWARTZ	COLORADO WATER INSTITUTE	APPROVED 3/20/2008	3/20/2008	53	67
1027	MITCHELL V., TAYLOR	SCHOOL COLLEGE CONSTRUCTION INSPECTION	APPROVED 5/22/2008	NO SAFETY CLAUSE	282	44
1028	MITCHELL V., SANDOVAL	EXTEND ALZHEIMER'S ASSOC FUND CHECKOFF	APPROVED 3/17/2008	NO SAFETY CLAUSE	24	205
1029	McFADYEN, TAPIA	LOTTERY PRIZE RESERVE FUNDING	APPROVED 3/17/2008	3/17/2008	25	101
1031	POMMER, KELLER	DEV DISABLED WAITING LIST NAVIGATOR	APPROVED 6/5/2008	NO SAFETY CLAUSE	430	145
1032	MASSEY, MORSE	MEDICAID PHARMACY PAYMENTS	VETOED 6/2/2008			138
1033	LEVY, SANDOVAL	HISTORIC PRESERVATION INCOME TAX CREDIT	APPROVED 6/5/2008	NO SAFETY CLAUSE	442	205
1034	GARZA-HICKS, VEIGA	CLARIFY EMPLOYER TAX CREDIT LEASING CO	APPROVED 3/6/2008	3/6/2008	8	205
1035	CARROLL M., MORSE	MILITARY FAMILY RELIEF FUND CHECKOFF	APPROVED 3/17/2008	NO SAFETY CLAUSE	26	206
1036	McFADYEN, WILLIAMS	CHARLES MATHER HIGHWAY SAFETY ACT	APPROVED 6/3/2008	6/3/2008	412	167
1037	MADDEN, GORDON	LEGISLATIVE EXPENDITURES	APPROVED 2/7/2008	2/7/2008	449	6
1038	RIESBERG, WARD	ASSISTED LIVING RESIDENCE REGULATION FEE	APPROVED 4/25/2008	NO SAFETY CLAUSE	188	125
1040	KERR A., BOYD	RECODIFY REGULATION ADDICTION COUNSELORS	APPROVED 4/14/2008	NO SAFETY CLAUSE	133	184

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1041	CARROLL M., GORDON	CAMPAIGN FINANCE ENFORCEMENT	APPROVED 4/10/2008	4/10/2008	112	73
1042	MCKINLEY, BROPHY	ANIMAL MASSAGE THERAPY EXEMPTION	APPROVED 4/3/2008	NO SAFETY CLAUSE	90	185
1043	BUTCHER, SANDOVAL	CONSUMER INSURANCE COUNCIL CODIFICATION	APPROVED 3/24/2008	7/1/2008	58	154
1045	RICE, HAGEDORN	OBSOLETE & COLLECTOR'S LICENSE PLATES	APPROVED 3/31/2008	NO SAFETY CLAUSE	77	168
1046	STAFFORD, WINDELS	OFFENDERS APPLY FOR PUBLIC BENEFITS	APPROVED 6/2/2008	6/2/2008	381	22
1047	GARDNER B., BOYD	STATE SET ASIDES FOR SEVERELY DISABLED	APPROVED 6/5/2008	NO SAFETY CLAUSE	427	101
1048	ROSE, CADMAN	SIZE OF THE STATE SEAL	APPROVED 3/18/2008	NO SAFETY CLAUSE	34	102
1049	BENEFIELD, GROFF	EXTEND CHILD CARE INCOME TAX CREDIT	APPROVED 6/5/2008	NO SAFETY CLAUSE	443	206
1050	MAROSTICA, TOCHTROP	MOTORCYCLE DRIVER'S LICENSE ENDORSEMENTS	APPROVED 3/18/2008	7/1/2008	35	168
1051	MARSHALL, SPENCE	CORE SERVICES FOR FAMILIES	APPROVED 2/21/2008	NO SAFETY CLAUSE	6	145
1052	MCGIHON, SHAFFER	STATUS UNIFORM STATE LAWS COMMN MEMBERS	APPROVED 3/13/2008	3/13/2008	13	80
1053	MCNULTY, HARVEY	ELECTRONIC SUBMISSION OF PLATS	APPROVED 3/17/2008	NO SAFETY CLAUSE	27	84
1054	HODGE, SANDOVAL	WHOLESALE FOOD MFG STORAGE REGIS FEES	APPROVED 5/21/2008	7/1/2008	267	125
1055	WITWER, SHAFFER	ADMINISTER BUSINESS ENTITIES REGULATION	APPROVED 3/6/2008	NO SAFETY CLAUSE	9	20
1056	WHITE, MORSE	EMERGENCY CONTACT INFO DRIVER'S LICENSE DATABASE	APPROVED 5/28/2008	5/28/2008	325	102
1057	SONNENBERG, WILLIAMS	TOURIST-ORIENTED SIGNS ALONG RURAL HWYS	APPROVED 4/3/2008	NO SAFETY CLAUSE	91	217
1058	MCGIHON, GORDON	UNIFORM ATHLETE AGENTS ACT	APPROVED 5/21/2008	7/1/2008	268	67
1059	LISTON, ROMER	PROPERTY TAX REVENUE DISTRIBUTION TIMING	APPROVED 3/6/2008	NO SAFETY CLAUSE	10	206
1060	GAGLIARDI, HAGEDORN	ADVANCED PRACTICE NURSE NETWORK PROVIDER	APPROVED 3/20/2008	NO SAFETY CLAUSE 1/1/2009	50	154
1061	ROBERTS, HAGEDORN	ADVANCED PRACTICE NURSE AFFIDAVIT CERT	APPROVED 3/20/2008	NO SAFETY CLAUSE PORTIONS ON 1/1/2009 AND 7/1/2009	51	185
1062	GREEN, BOYD	MEDICATION THERAPY MANAGEMENT	APPROVED 3/31/2008	NO SAFETY CLAUSE	78	138
1063	PRIMAVERA, ISGAR	MENTAL HEALTH MCO CAPITATED PAYMENTS	APPROVED 4/3/2008	4/3/2008	92	138
1065	MAY M., TOCHTROP	COUNTY ORDINANCE ENFORCEMENT	APPROVED 3/17/2008	NO SAFETY CLAUSE	28	82
1067	GARDNER B., KESTER	IMMUNITY PAROLE ADMIN HEARING OFFICERS	APPROVED 3/13/2008	3/13/2008	14	22
1069	CURRY, TOCHTROP	MOTOR VEHICLE PUBLIC LAND PROHIBITION	APPROVED 3/20/2008	7/1/2008	54	177
1070	RIESBERG, TOCHTROP	FPPA STATEWIDE DEFINED BENEFITS	APPROVED 2/21/2008	NO SAFETY CLAUSE	7	88
1072	SOPER, WILLIAMS	MEDICAID BUY-IN FOR DISABLED PERSONS	APPROVED 6/5/2008	PORTIONS ON 6/5/2008 AND 7/1/2008	428	139
1073	MASSEY, SHAFFER	EXEMPT WASTEWATER FACILITY CERT OPERATOR	APPROVED 4/10/2008	NO SAFETY CLAUSE	113	126
1074	BORODKIN, HAGEDORN	NONCONFORMING ADVERTISING DEVICES ON HWY	APPROVED 3/31/2008	NO SAFETY CLAUSE	80	217
1075	KEFALAS, SCHULTHEIS	PEER REVIEW AMBULATORY SURGICAL CENTERS	APPROVED 4/1/2008	NO SAFETY CLAUSE	86	185

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1076	FERRANDINO, GORDON	FEES FOR COPIES CRIMINAL JUSTICE RECORDS	APPROVED 4/14/2008	NO SAFETY CLAUSE	134	103
1078	BUESCHER, MORSE	REPAY CO STATE VETERANS TRUST FUND	APPROVED 5/16/2008	NO SAFETY CLAUSE	230	103
1079	JAHN, BACON	COLORADO VOCATIONAL ACT CAREER TECHNICAL	APPROVED 4/7/2008	NO SAFETY CLAUSE	101	68
1082	FERRANDINO, BACON	SEALING CRIMINAL JUSTICE RECORDS	APPROVED 6/2/2008	7/1/2008	393	104
1083	CURRY, PENRY	MINERAL REVENUE LOCAL GOVT DISTRIBUTION	APPROVED 6/2/2008	NO SAFETY CLAUSE	358	206
1084	BUESCHER, PENRY	IMPACT ASSISTANCE PREPAYMENT OPTION	APPROVED 5/20/2008	NO SAFETY CLAUSE	240	207
1085	KING, BACON	CBI IDENTIFICATION FUND	APPROVED 3/18/2008	NO SAFETY CLAUSE	36	31
1087	KERR J., MORSE	FIRST-LEVEL APPEAL DENTIST CLINICAL PEER	APPROVED 3/18/2008	NO SAFETY CLAUSE	37	154
1088	MASSEY, VEIGA	CONTINUOUS APPROP FOR CERTAIN CASH FUNDS	APPROVED 3/13/2008	3/13/2008	15	105
1089	BALMER, VEIGA	NONPROFIT CORP BOARD ACTION FLEXIBILITY	APPROVED 3/13/2008	NO SAFETY CLAUSE	16	20
1094	GAGLIARDI, HAGEDORN	ADVANCED PRACTICE NURSES REIMBURSEMENT	APPROVED 3/20/2008	7/1/2008	52	139
1095	GARDNER B., BROPHY	ENACTMENT OF 2007 C.R.S	APPROVED 3/17/2008	3/17/2008	29	202
1097	LAMBERT, ROMER	PROTECTIONS FOR EMERGENCY VOLUNTEERS	APPROVED 4/24/2008	NO SAFETY CLAUSE	174	105
1098	PRIMAVERA, KELLER	REPEAL PARKING FEES PERSON DISABILITIES	APPROVED 3/26/2008	NO SAFETY CLAUSE	67	168
1099	M McNULTY, TOCHTROP	CLEANUP ENVTL CONTROL WATER SOLID WASTE	APPROVED 4/14/2008	NO SAFETY CLAUSE	135	126
1100	GAGLIARDI, KELLER	OFFICE OF STATE REGISTRAR ADJUSTED FEES	APPROVED 6/3/2008	6/3/2008	408	126
1101	GARDNER B., RENFROE	DEV DISABILITIES WAIT LIST FOR SERVICES	APPROVED 6/5/2008	NO SAFETY CLAUSE	431	146
1102	LABUDA, JOHNSON	LIQ ENF DIV & STATE LIC AUTH CASH FUND	APPROVED 3/31/2008	NO SAFETY CLAUSE	81	106
1103	KERR J., ISGAR	AMUSEMENT RIDE & DEVICE REGULATION	APPROVED 5/21/2008	5/21/2008	269	162
1105	FRANGAS, SANDOVAL	ART GALLERY LIQUOR PERMIT SERVE ALCOHOL	APPROVED 5/28/2008	7/1/2008	336	185
1106	CARROLL T., TUPA	HIGHER EDUCATION POLICE OFFICERS	APPROVED 3/18/2008	3/18/2008	38	68
1108	RIESBERG, MORSE	INCREASE FUNDS FOR OLDER CO CASH FUND	APPROVED 5/20/2008	7/1/2008	231	107
1109	BALMER, WILLIAMS	INCREASE AUTH CHARITABLE SOLICITATIONS	APPROVED 5/14/2008	NO SAFETY CLAUSE 9/1/2008	216	18
1110	WITWER, KOPP	INC TAX DEDUCTION FOR WILDFIRE MITIGATION	APPROVED 5/28/2008	NO SAFETY CLAUSE	334	207
1111	BUTCHER, TOCHTROP	GOV ENTITY DISPLAY US FLAG MADE IN US	APPROVED 3/19/2008	NO SAFETY CLAUSE 9/11/2009	39	84
1112	KERR A., BOYD	VICTIM & LAW ENFORCEMENT FUND	APPROVED 3/13/2008	7/1/2008	17	107
1113	MASSEY, SANDOVAL	LIMITED GAMING CASINOS STATUTORY CLEANUP	APPROVED 4/21/2008	7/1/2008	162	186
1114	WHITE, ISGAR	MEDICAID NURSING FACILITY REIMBURSEMENTS	APPROVED 6/2/2008	PORTIONS ON 7/1/2008 AND 4/1/2009	383	139
1115	LISTON, RENFROE	RETALIATION AGAINST A JUDGE	APPROVED 5/21/2008	7/1/2008	272	31
1116	GALLEGOS, SHAFFER	RULES DENTAL ASSISTANCE PROGRAM SENIORS	APPROVED 4/10/2008	NO SAFETY CLAUSE	114	127
1117	MERRIFIELD, MORSE	JUVENILE RESTORATIVE JUSTICE PROGRAMS	APPROVED 3/31/2008	3/31/2008	76	15
1119	MARSHALL, GORDON	REVIEW STUDIES OF DISPARITY CRIM JUSTICE	APPROVED 3/19/2008	3/19/2008	40	31
1120	GREEN, BOYD	DIRECTORS CU HOSPITAL AUTHORITY BOARD	APPROVED 3/6/2008	NO SAFETY CLAUSE	11	69

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1121	MAROSTICA, TAKIS	COMMERCIAL DRIVER'S LICENSES	APPROVED 4/17/2008	7/1/2008	148	169
1125	MARSHALL, ISGAR	AUDIT SPECIAL DISTRICT UNISSUED DEBT	APPROVED 3/17/2008	NO SAFETY CLAUSE	30	84
1127	LISTON, GIBBS	DEV DISABLED EMPLOYEE INCOME TAX CREDIT	APPROVED 6/5/2008	NO SAFETY CLAUSE	429	208
1128	MAROSTICA, GORDON	SIGNATURE VERIFICATION TECH IN ELECTION	APPROVED 4/10/2008	4/10/2008	115	73
1130	GARZA-HICKS, TAPIA	INTERCEPTION OF COMMUNICATIONS EXTENSION	APPROVED 3/17/2008	NO SAFETY CLAUSE	22	31
1131	MCGIHON, HAGEDORN	MERGERS OF HEALTH INSURANCE COMPANIES	APPROVED 4/25/2008	NO SAFETY CLAUSE	189	155
1132	STAFFORD, KELLER	YOUTHFUL OFFENDER SYSTEM TREATMENT	APPROVED 3/13/2008	3/13/2008	18	22
1134	KERR J., MORSE	DENTAL OR DENTAL HYGIENE PRACTICE OWNER	APPROVED 3/20/2008	NO SAFETY CLAUSE	55	186
1135	CARROLL M., HAGEDORN	CICs HOAs DUE PROCESS DISPUTE RESOLUTION	APPROVED 4/21/2008	7/1/2008	163	193
1136	SUMMERS, BOYD	STOLEN MOTOR VEHICLE IDENTIFICATION	APPROVED 5/21/2008	NO SAFETY CLAUSE	270	169
1138	BORODKIN, ISGAR	TAX RETURN PREPARERS LIABILITY PENALTY	APPROVED 4/14/2008	7/1/2008	136	208
1139	MAY M., KOPP	TOLL HWY EVAL BY COLORADO TOLLING ENTER	APPROVED 5/22/2008	NO SAFETY CLAUSE	277	217
1141	CURRY, BACON	REQUIRE SUFFICIENT WATER SUPPLY	APPROVED 5/29/2008	5/29/2008	337	85
1144	ROBERTS, CADMAN	SUNSET HEALTH CARE CREDENTIALS APP	APPROVED 5/1/2008	7/1/2008	196	127
1147	TODD, SPENCE	WITNESS PROTECTION TRAINING REPORT	APPROVED 4/3/2008	NO SAFETY CLAUSE	93	26
1148	WITWER, TUPA	ADVERSE POSSESSION	APPROVED 4/25/2008	7/1/2008	190	194
1150	TODD, WILLIAMS	MEDICAID ALTERNATIVE THERAPIES PROGRAM	VETOED 6/5/2008			140
1151	LAMBERT, SCHULTHEIS	BOY SCOUTS CENTENNIAL LICENSE PLATES	APPROVED 6/5/2008	NO SAFETY CLAUSE	444	169
				1/1/2009		
1153	ROBERTS, MORSE	PROBATE CODE FIDUCIARY OVERSIGHT	APPROVED 4/17/2008	7/1/2008	149	180
1155	BALMER, GORDON	VOTING SYSTEMS CERTIFICATION FOR 2008	APPROVED 2/11/2008	2/11/2008	2	74
1156	CASSO, GIBBS	CHANGES JUVENILE PAROLE	APPROVED 5/22/2008	7/1/2008	283	16
1157	ROBERTS, WINDELS	YOUTH ADVISORY COUNCIL	APPROVED 5/29/2008	5/29/2008	356	45
1159	FISCHER, BACON	STATE CHARTER SCHOOL INSTITUTE	APPROVED 4/17/2008	4/17/2008	150	45
1160	SOLANO, SHAFFER	NET METER MUN & RURAL ELECTRIC UTILITIES	APPROVED 3/26/2008	NO SAFETY CLAUSE	65	200
1161	KEFALAS, JOHNSON	STRENGTHEN MINING RECLAMATION STANDARDS	APPROVED 5/20/2008	5/20/2008	252	178
1162	STEPHENS, BACON	MILITARY SPOUSE INTERIM ED AUTHORIZATION	APPROVED 3/19/2008	3/19/2008	41	46
1164	SOLANO, SCHWARTZ	NEW SOLAR ENERGY TECHNOLOGIES	APPROVED 6/2/2008	6/2/2008	359	200
1166	JUDD, HAGEDORN	DUI OFFENSE ADMINISTRATIVE REVOCATION	APPROVED 3/31/2008	7/1/2008	79	169
1167	FRANGAS, BOYD	HEALTH CARE FOR VULNERABLE POPULATIONS	APPROVED 5/27/2008	5/27/2008	287	127
1168	MARSHALL, ROMER	FINANCIAL LITERACY CONTENT STANDARDS	APPROVED 6/5/2008	6/5/2008	445	46
1170	SOPER, TOCHTROP	ELECTRICIANS LICENSING APPRENTICE EDUC	VETOED 6/5/2008			186
1171	CASSO, GIBBS	PURCHASE PRICE EXCLUDE FED EXCISE TAX	APPROVED 5/14/2008	NO SAFETY CLAUSE	218	209
				9/1/2008		
1173	MCGIHON, SHAFFER	PRUDENT MANAGEMENT INSTITUTIONAL FUNDS	APPROVED 4/21/2008	9/1/2008	164	180
1174	MCGIHON, GORDON	UNIF INTERSTATE DEPOSITIONS & DISCOVERY	APPROVED 3/26/2008	NO SAFETY CLAUSE	68	26

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1175	GARZA-HICKS, KOPP	FOURTH INFANTRY SPECIAL LICENSE PLATES	APPROVED 5/21/2008	NO SAFETY CLAUSE	271	170
1176	LABUDA, WARD	CUSTODY ORDERS MILITARY DEPLOYMENT	APPROVED 4/7/2008	NO SAFETY CLAUSE	107	16
1178	CARROLL M., HAGEDORN	SPAM REDUCTION ACT OF 2008	APPROVED 4/23/2008	NO SAFETY CLAUSE	172	19
1179	GARDNER C., SANDOVAL	PERA FUNDS SUBJECT TO LEGAL PROCESS	APPROVED 3/17/2008	NO SAFETY CLAUSE	31	107
1180	STEPHENS, SHAFFER	UI BENEFITS ACTIVE MILITARY TRANSFER	APPROVED 6/2/2008	6/2/2008	369	162
1181	ROSE, GIBBS	STATE COMPOST PURCH REQMNTS	APPROVED 4/10/2008	NO SAFETY CLAUSE 1/1/2009	116	107
1183	HODGE, VEIGA	NEW JOBS PERFORMANCE-BASED INCENTIVE	APPROVED 5/20/2008	NO SAFETY CLAUSE	253	108
1185	PENISTON, TAYLOR	SPAY & NEUTER SHELTER RESCUE DOGS & CATS	APPROVED 3/26/2008	NO SAFETY CLAUSE 1/1/2009	69	3
1186	SOLANO, WINDELS	NO PENALTY FOR STUDENTS MISSING CSAPs	VETOED 6/5/2008			47
1189	RIESBERG, GIBBS	PROHIBIT PERSONNEL SYS EMPLOYEE STRIKES	APPROVED 4/3/2008	4/3/2008	94	108
1192	MITCHELL V., SPENCE	DOC INMATE COPAYMENT MEDICAL SERVICES	APPROVED 4/3/2008	NO SAFETY CLAUSE	95	23
1193	LEVY, SHAFFER	COURT JUDGE PARTY PRESIDE PROHIBITED	APPROVED 4/14/2008	NO SAFETY CLAUSE	137	26
1194	JUDD, VEIGA	INCREASING PENALTIES FOR DRUNK DRIVING	APPROVED 5/14/2008	NO SAFETY CLAUSE PORTIONS ON 8/5/2008, 9/1/2008, AND 1/1/2009	221	170
1195	MITCHELL V., TAYLOR	RETURN RELEASE OF DEED OF TRUST	APPROVED 4/21/2008	4/21/2008	165	82
1196	RIESBERG, GIBBS	TRUTH IN MUSIC ADVERTISING	APPROVED 4/10/2008	NO SAFETY CLAUSE	117	19
1197	McFADYEN, WINDELS	EXTEND FITZSIMONS TRUST FUND REPEAL	APPROVED 4/3/2008	4/3/2008	96	69
1199	FERRANDINO, WILLIAMS	UPDATE TUBERCULOSIS CONTROL STATUTES	APPROVED 4/7/2008	4/7/2008	102	128
1200	SOPER, TOCHTROP	COMPUTER-ASSISTED REMOTE HUNTING	APPROVED 4/3/2008	NO SAFETY CLAUSE	89	179
1201	KERR A., KOPP	COLLEGEINVEST CLEAN-UP AND CLARIFICATION	APPROVED 3/26/2008	NO SAFETY CLAUSE	70	69
1202	McGIHON, SHAFFER	UNIF FOREIGN MONEY JDGMTS RECOGNITION	APPROVED 3/19/2008	NO SAFETY CLAUSE	42	27
1203	CARROLL M., BOYD	MATERIAL CHANGE HOSPITAL TRANSACTIONS	APPROVED 5/27/2008	NO SAFETY CLAUSE	305	140
1204	PENISTON, WILLIAMS	EDUC SERVICES FOR STUDENTS IN FACILITIES	APPROVED 5/27/2008	PORTIONS ON 5/27/2008 AND 8/5/2008	311	47
1205	RIESBERG, WINDELS	INCREASE HIGHER ED CDC EXCEPTIONS	APPROVED 3/31/2008	3/31/2008	82	70
1207	KEFALAS, BACON	PROCURE ENVTL PREFERABLE PRODUCTS	APPROVED 4/21/2008	NO SAFETY CLAUSE	166	108
1208	LEVY, SHAFFER	LIMITATIONS ON DIRECT FILE JUVENILE CASE	VETOED 5/22/2008			32
1209	VAAD, CADMAN	LICENSE PLATES TABS & DESTRUCTION	APPROVED 4/7/2008	7/1/2008	103	171
1210	RIESBERG, WILLIAMS	SUNSET IN-HOME SUPPORT SERVICES	APPROVED 4/7/2008	4/7/2008	104	146
1212	CARROLL M., TAPIA	SUNSET REAL ESTATE COMMISSION	APPROVED 4/17/2008	4/17/2008	151	187
1213	LISTON, TOCHTROP	SUNSET REVIEW REG INSURANCE PRODUCERS	APPROVED 3/26/2008	3/26/2008	71	155
1215	ROBERTS, BOYD	SUNSET COMMUNITY CONTRACTED HEALTH CARE	APPROVED 3/26/2008	3/26/2008	72	88

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1216	FERRANDINO, ROMER	CONSUMER OUTREACH & EDUCATION PROGRAM	APPROVED 6/5/2008	NO SAFETY CLAUSE	438	109
1217	ROBERTS, SHAFFER	SEXUAL ASSAULT VICTIM PROTECTIONS	APPROVED 3/31/2008	3/31/2008	83	32
1220	BUESCHER, KELLER	DEVELOP DISABILITIES STATUTORY CLEANUP	APPROVED 6/5/2008	6/5/2008	433	146
1221	BUESCHER, KELLER	CLARIFY POLICY IN DHS PUBLIC ASSISTANCE	APPROVED 4/14/2008	NO SAFETY CLAUSE	138	146
1222	MCNULTY, HARVEY	EXPAND RENEWABLE ENERGY HYDROELECTRICITY	APPROVED 5/21/2008	NO SAFETY CLAUSE	275	200
1223	MERRIFIELD, WILLIAMS	TRAINING AROUND LITERACY CHALLENGES K-12	APPROVED 5/27/2008	NO SAFETY CLAUSE	312	48
1224	BENEFIELD, TUPA	SCHOOL DISTRICT STUDENT WELLNESS PROGRAM	APPROVED 4/25/2008	NO SAFETY CLAUSE	191	48
1225	RICE, WILLIAMS	BUSINESS PERSONAL PROPERTY TAX EXEMPTION	APPROVED 5/20/2008	NO SAFETY CLAUSE	254	209
1226	MAY M., VEIGA	MOBILITY OF PRACTICE NON-COLORADO CPAs	APPROVED 5/1/2008	NO SAFETY CLAUSE	197	187
1227	MADDEN, TAPIA	SUNSET CONTINUE PUBLIC UTILITIES COMMN	APPROVED 6/2/2008	7/1/2008	384	201
1228	GREEN, GORDON	INS RESPONSIBILITY UNFAIR BUS PRACTICES	APPROVED 4/21/2008	NO SAFETY CLAUSE	169	155
1229	WEISSMANN, BOYD	SUB PROVIDER FAMILY CHILD CARE HOME	APPROVED 4/10/2008	NO SAFETY CLAUSE	118	147
1231	HODGE, BROPHY	FERTILIZER REGULATION	APPROVED 5/29/2008	NO SAFETY CLAUSE	343	3
1232	STAFFORD, BACON	SUNSET DOMESTIC VIOLENCE BOARD	APPROVED 6/2/2008	6/2/2008	370	32
1233	JUDD, TUPA	ATTRIBUTE CONTRIBUTIONS LLCs	APPROVED 4/14/2008	4/14/2008	139	74
1234	PRIMAVERA, GORDON	DEEMED STATUS AMBULATORY SURGICAL CENTER	APPROVED 5/27/2008	NO SAFETY CLAUSE	288	128
1236	CURRY, ISGAR	AG DEPT LIVESTOCK INFO SECURITY ACT	APPROVED 4/25/2008	NO SAFETY CLAUSE	192	4
1240	BUTCHER, SANDOVAL	SUNSET DEBT COLLECTION BOARD	APPROVED 6/2/2008	7/1/2008	371	188
1241	SCANLAN, SCHWARTZ	CO WATERSHED PROTECTION FUND CHECKOFF	APPROVED 5/28/2008	NO SAFETY CLAUSE	333	209
1244	SCANLAN, GIBBS	SUNSET PASSENGER TRAMWAY SAFETY BOARD	APPROVED 4/10/2008	7/1/2008	119	129
1246	GREEN, KELLER	ABUSE CAREGIVER REGISTRY DEV DISABILITY	APPROVED 6/5/2008	6/5/2008	432	147
1247	PRIMAVERA, VEIGA	SVP EVALUATIONS RETURN TO COURT	APPROVED 3/26/2008	3/26/2008	73	23
1248	KERR J., VEIGA	JOINT TENANCY IN REAL PROPERTY	APPROVED 4/25/2008	4/25/2008	193	195
1249	RICE, KESTER	EMERGENCY TELEPHONE SERVICES 911 CHARGE	APPROVED 4/25/2008	NO SAFETY CLAUSE	194	85
1250	POMMER, JOHNSON	COUNTY SOCIAL SERVICES FUNDS RELIEF	APPROVED 6/2/2008	6/2/2008	385	147
1252	RICE, SHAFFER	TUITION ASSISTANCE CO NATIONAL GUARD	APPROVED 4/10/2008	4/10/2008	120	70
1253	WHITE, MORSE	JUDICIAL DEPARTMENT IT CASH FUND	APPROVED 5/27/2008	5/27/2008	289	27
1255	GARDNER C., GIBBS	TEACHER LOAN FORGIVE PROG	APPROVED 5/29/2008	NO SAFETY CLAUSE	344	70
1257	VAAD, WILLIAMS	OVERWEIGHT MOTOR VEHICLE PERMITS & FEES	APPROVED 6/3/2008	6/3/2008	414	171
1260	HODGE, PENRY	MANUFACTURED HOME DOCUMENT RECORDING	APPROVED 4/14/2008	7/1/2008	140	195
1261	BUESCHER, BACON	FLYAWAY SALES TAX EXEMPTION FOR AIRCRAFT	APPROVED 5/20/2008	NO SAFETY CLAUSE	255	210
1263	LABUDA, GIBBS	VICTIM NOTIFICATION BOND ISSUES	APPROVED 4/7/2008	4/7/2008	105	33
1264	ROBERTS, SHAFFER	ELEC READ-ONLY ACCESS TO CT RECORDS	APPROVED 5/27/2008	NO SAFETY CLAUSE	290	109
1265	TODD, SHAFFER	ELIGIBILITY CHILD CARE ASSISTANCE PROG	APPROVED 4/14/2008	NO SAFETY CLAUSE	141	148

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1266	WITWER, VEIGA	FILING OF NOTICES ON STATUTORY LIENS	APPROVED 3/31/2008	NO SAFETY CLAUSE AND PORTIONS CONTINGENT UPON SENATE BILL 06-188	84	110
1267	MASSEY, KESTER	SCHOOL CRITICAL INCIDENT PLANNING	APPROVED 5/13/2008	5/13/2008	207	111
1268	WHITE, JOHNSON	DHS AUTHORITY TO RENT LANDS	APPROVED 5/27/2008	5/27/2008	306	148
1269	WHITE, GIBBS	INCENTIVES FOR SALE OF BEETLE PINE PRODS	APPROVED 5/28/2008	5/28/2008	332	210
1270	KERR A., TUPA	CICs ALLOW ENERGY EFFICIENCY MEASURES	APPROVED 4/24/2008	NO SAFETY CLAUSE	175	196
1273	GALLEGOS, ROMER	SUNSET BINGO GAMES CHANCE RAFFLE BOARD	APPROVED 4/3/2008	4/3/2008	97	188
1274	KING, TUPA	ADDRESS CONFIDENTIALITY PROGRAM	APPROVED 6/2/2008	6/2/2008	386	111
1275	CARROLL T., ISGAR	APPLICATIONS FOR EXEMPTION FROM PROP TAX	APPROVED 4/14/2008	NO SAFETY CLAUSE	142	210
1276	KERR A., GIBBS	WORKPLACE ACCOMMODATIONS NURSING MOTHERS	APPROVED 4/7/2008	NO SAFETY CLAUSE	106	163
1280	FISCHER, SCHWARTZ	PROTECT LEASED INSTREAM FLOW WATER RIGHT	APPROVED 4/21/2008	NO SAFETY CLAUSE	170	219
1281	BUESCHER, KELLER	SUPPL APPROP DEPT OF AGRICULTURE	APPROVED 3/17/2008	3/17/2008	451	6
1282	BUESCHER, KELLER	SUPPL APPROP DEPT OF CORRECTIONS	APPROVED 3/17/2008	3/17/2008	452	6
1283	BUESCHER, KELLER	SUPPL APPROP DEPT OF EDUCATION	APPROVED 3/17/2008	3/17/2008	453	6
1284	BUESCHER, KELLER	SUPPL APPROP DEPT OF GOV, LT GOV, & OSPB	APPROVED 3/17/2008	3/17/2008	454	6
1285	BUESCHER, KELLER	SUPPL APPROP DEPT OF HEALTH CARE POL & FIN	APPROVED 3/17/2008	3/17/2008	455	7
1286	BUESCHER, KELLER	SUPPL APPROP DEPT OF HIGHER ED	APPROVED 3/17/2008	3/17/2008	456	7
1287	BUESCHER, KELLER	SUPPL APPROP DEPT OF HUMAN SERVICES	APPROVED 3/17/2008	3/17/2008	457	8
1288	BUESCHER, KELLER	SUPPL APPROP JUDICIAL DEPARTMENT	APPROVED 3/17/2008	3/17/2008	458	8
1289	BUESCHER, KELLER	SUPPL APPROP DEPT OF LABOR & EMPLOYMENT	APPROVED 3/17/2008	3/17/2008	459	8
1290	BUESCHER, KELLER	SUPPL APPROP DEPT OF LAW	APPROVED 3/17/2008	3/17/2008	460	8
1291	BUESCHER, KELLER	SUPPL APPROP DEPT OF LEGISLATURE	APPROVED 3/17/2008	3/17/2008	461	9
1292	BUESCHER, KELLER	SUPPL APPROP DEPT OF LOCAL AFFAIRS	APPROVED 3/19/2008	3/19/2008	462	9
1293	BUESCHER, KELLER	SUPPL APPROP DEPT OF MILITARY AFFAIRS	APPROVED 3/19/2008	3/19/2008	463	9
1294	BUESCHER, KELLER	SUPPL APPROP DEPT OF NATURAL RESOURCES	APPROVED 3/19/2008	3/19/2008	464	9
1295	BUESCHER, KELLER	SUPPL APPROP DEPT OF PERSONNEL	APPROVED 3/19/2008	3/19/2008	465	9
1296	BUESCHER, KELLER	SUPPL APPROP DEPT OF PUB HEALTH & ENVIR	APPROVED 3/19/2008	3/19/2008	466	9
1297	BUESCHER, KELLER	SUPPL APPROP DEPT OF PUBLIC SAFETY	APPROVED 4/3/2008	4/3/2008	467	10
1298	BUESCHER, KELLER	SUPPL APPROP DEPT OF REG AGENCIES	APPROVED 3/19/2008	3/19/2008	468	10
1299	BUESCHER, KELLER	SUPPL APPROP DEPT OF REVENUE	APPROVED 3/19/2008	3/19/2008	469	10
1300	BUESCHER, KELLER	SUPPL APPROP DEPT OF STATE	APPROVED 4/10/2008	4/10/2008	470	10
1301	BUESCHER, KELLER	SUPPL APPROP DEPT OF TRANSPORTATION	APPROVED 3/19/2008	3/19/2008	471	11
1302	BUESCHER, KELLER	SUPPL APPROP TREASURY DEPT	APPROVED 3/19/2008	3/19/2008	472	11
1303	BUESCHER, KELLER	SUPPL APPROP CAPITAL CONST	APPROVED 3/19/2008	3/19/2008	473	11

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1304	SOLANO, SCHWARTZ	ILLEGAL TAKING & POSSESSING BALD EAGLES	APPROVED 4/3/2008	7/1/2008	88	179
1305	POMMER, JOHNSON	ENTERPRISE ZONE DUTIES FROM DOLA To OED	APPROVED 3/26/2008	3/26/2008	74	112
1307	BUESCHER, KELLER	INTERIM ASSISTANCE SUPPLEMENTAL SECURITY	APPROVED 3/26/2008	3/26/2008	75	148
1308	STAFFORD, JOHNSON	TREATMENT CAUSING HARM CERTAIN ANIMALS	APPROVED 5/29/2008	5/29/2008	345	129
1309	MITCHELL V., ISGAR	SUNSET REVIEW COVERCOLORADO ASSESSMENTS	APPROVED 5/1/2008	5/1/2008	198	155
1314	PRIMAVERA, SPENCE	LOCAL GAMING FUNDS GAMBLING ADDICTION	APPROVED 6/2/2008	NO SAFETY CLAUSE	372	189
1317	LOOPER, TAPIA	INTERSTATE COMPACT Ed MILITARY CHILDREN	APPROVED 6/5/2008	NO SAFETY CLAUSE	446	49
1318	LUNDBERG, TAYLOR	MITIGATE PINE BEETLE INFESTATION	APPROVED 5/28/2008	NO SAFETY CLAUSE	335	70
1319	SOPER, KESTER	FACTORY-BUILT STRUCTURE REQUIREMENTS	APPROVED 6/2/2008	6/2/2008	373	112
1320	BUESCHER, KELLER	ELIMINATE CASH FUND EXEMPT DESIGNATION	APPROVED 3/31/2008	3/31/2008	85	113
1321	BUESCHER, KELLER	LONG BILL HEADNOTE DEFINITIONS	APPROVED 3/24/2008	3/24/2008	57	113
1325	LOOPER, TAPIA	SEASONAL AGRICULTURAL WORKER PROGRAM	APPROVED 6/5/2008	NO SAFETY CLAUSE	447	163
1329	MARSHALL, GORDON	INACTIVE REGIS & MAIL BALLOT ELECTIONS	APPROVED 6/2/2008	7/1/2008	374	74
1333	BUESCHER, KELLER	CAPITAL CONSTRUCTION FUND TRANSFERS	APPROVED 4/3/2008	4/3/2008	98	114
1334	WITWER, KOPP	VOLUNTEER FIRE EMS PROVIDER HEALTH INS	APPROVED 4/21/2008	NO SAFETY CLAUSE	167	156
1335	ROMANOFF, GROFF	BUILDING EXCELLENT SCHOOLS TODAY ACT	APPROVED 5/22/2008	PORTIONS ON 5/22/2008 AND 7/1/2008	276	50
1336	CARROLL T., SPENCE	TRUANCY REPORTING AND PROGRAMS	APPROVED 4/17/2008	NO SAFETY CLAUSE	152	53
1337	WHITE, MORSE	CO CHILDREN'S TRUST FUND AUDIT	APPROVED 4/25/2008	NO SAFETY CLAUSE	195	16
1339	SCANLAN, GIBBS	SCHOOL BUS SIGNALS SAFETY	APPROVED 4/10/2008	NO SAFETY CLAUSE	121	171
1342	KEFALAS, WARD	CHILD SUPPORT ENFORCEMENT PROCEDURES	APPROVED 5/27/2008	PORTIONS ON 5/27/2008, 7/1/2008, AND 1/1/2009	307	17
1344	GREEN, PENRY	BACKGROUND CHECKS SCHOOL EMPLOYEES	APPROVED 6/5/2008	6/5/2008	434	53
1345	WEISSMANN, TAPIA	VACANCIES IN ELECTIVE OFFICES	APPROVED 6/2/2008	NO SAFETY CLAUSE	375	75
1346	CURRY, ISGAR	WATER CONSERVATION Bd CONSTRUCTION FUND	APPROVED 5/29/2008	5/29/2008	338	220
1347	MCKINLEY, SHAFFER	OUT-OF-STATE LAW ENFORCEMENT AGREEMENT	APPROVED 5/1/2008	5/1/2008	199	85
1348	WITWER, SPENCE	FEDERAL AGENTS AS PEACE OFFICERS	APPROVED 5/1/2008	NO SAFETY CLAUSE	200	33
1349	GAGLIARDI, WINDELS	COLLECTION PROP TAX & TIF	APPROVED 5/27/2008	NO SAFETY CLAUSE	291	85
1350	MADDEN, ROMER	FACILITATE FIN RENEWABLE ENERGY PROJECTS	APPROVED 5/27/2008	5/27/2008	299	114
1352	STEPHENS, MORSE	PAROLE REVOCATION PLACEMENT	APPROVED 5/21/2008	NO SAFETY CLAUSE	274	23
1353	MADDEN, ISGAR	VERIFY CONSERVATION EASEMENT TAX CREDITS	APPROVED 6/5/2008	7/1/2008	448	211
1354	LEVY, MITCHELL S.	AUTHORIZE RTD PRIVATE ACTIVITY BONDS	APPROVED 5/22/2008	NO SAFETY CLAUSE	278	89
1356	MERRIFIELD, TUPA	RESIDENTIAL LANDLORDS & TENANTS	APPROVED 6/2/2008	NO SAFETY CLAUSE 9/1/2008	387	196

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1358	RICE, WARD	PTO & PTA SALES TAX	APPROVED 5/21/2008	NO SAFETY CLAUSE 9/1/2008	258	212
1359	BUESCHER, PENRY	ALTERNATING PROPRIETORSHIP WINERIES	APPROVED 6/4/2008	NO SAFETY CLAUSE	420	190
1360	WITWER, KOPP	ARSON INVESTIGATORS PEACE OFFICERS	APPROVED 5/1/2008	5/1/2008	201	33
1361	MADDEN, GORDON	FY 2008-09 LEGISLATIVE APPROPRIATIONS	APPROVED 4/7/2008	4/7/2008	450	12
1363	MADDEN, ROMER	PRIVATE PRISON CONTRACT RATES	APPROVED 4/10/2008	4/10/2008	122	23
1364	BENEFIELD, WINDELS	INTERDEPARTMENTAL DATA PROTOCOL	APPROVED 5/14/2008	NO SAFETY CLAUSE	211	114
1365	McFADYEN, GIBBS	FORECLOSURE OF LIEN ON TIME SHARE ESTATE	APPROVED 5/28/2008	NO SAFETY CLAUSE	326	197
1366	POMMER, KELLER	RECODIFICATION EARLY INTERVENTION SVCS	APPROVED 5/28/2008	NO SAFETY CLAUSE	315	149
1368	BUESCHER, BROPHY	TAX PROP USED TO PROD RENEWABLE ENERGY	APPROVED 5/27/2008	5/27/2008	302	212
1370	MIDDLETON, BACON	SCHOOL COUNSELOR CORPS GRANT PROGRAM	APPROVED 5/27/2008	5/27/2008	308	54
1371	MADDEN, GORDON	BID LEGISLATIVE PRINTING	APPROVED 5/20/2008	5/20/2008	241	115
1372	PRIMAVERA, HAGEDORN	ADULT STEM CELL DONATION AWARENESS	APPROVED 6/3/2008	6/3/2008	410	129
1373	BUESCHER, KELLER	BREAST CERVICAL CANCER FUND	APPROVED 6/2/2008	6/2/2008	388	140
1374	POMMER, JOHNSON	REMOVE CAP ON PACE PROGRAM RATE	APPROVED 6/2/2008	6/2/2008	376	141
1375	BUESCHER, KELLER	LONG APPROPRIATIONS BILL	APPROVED 4/28/2008	4/28/2008	474	12
1376	BUESCHER, KELLER	TRANSFERS TO CAPITAL CONSTRUCTION FUND	APPROVED 6/2/2008	6/2/2008	377	115
1377	KING, PENRY	BAIL FOR DUI AND FELONY ELUDING	APPROVED 5/14/2008	5/14/2008	222	33
1378	KEFALAS, GORDON	RANKED VOTING METHODS	APPROVED 5/27/2008	NO SAFETY CLAUSE	292	76
1379	CURRY, ISGAR	EXTEND OIL & GAS COMM RULES JULY 16	APPROVED 5/21/2008	5/21/2008	273	179
1380	JAHN, SHAFER	METHOD OF ATTRIBUTING INCOME TO CO	APPROVED 5/20/2008	NO SAFETY CLAUSE 1/1/2009	256	213
1382	CARROLL T., SHAFER	CRIMINAL PROCEDURAL MATTERS	APPROVED 6/2/2008	7/1/2008	378	33
1383	ROBERTS, TOCHTROP	NURSING LICENSE INACTIVE STATUS	APPROVED 6/2/2008	NO SAFETY CLAUSE	379	190
1384	TODD, BACON	TEACHER QUALITY RECRUITMENT RETENTION	APPROVED 5/27/2008	5/27/2008	309	54
1385	PRIMAVERA, SCHWARTZ	INCREASED HEALTH INSURANCE TRANSPARENCY	APPROVED 6/3/2008	NO SAFETY CLAUSE 1/1/2009	409	156
1386	MERRIFIELD, SPENCE	SCHOOL LEADERSHIP ACADEMY PROGRAM	APPROVED 5/27/2008	NO SAFETY CLAUSE	310	55
1387	BUESCHER, VEIGA	LOW-INCOME ENERGY ASSISTANCE FUNDING	APPROVED 5/27/2008	5/27/2008	303	116
1388	POMMER, WINDELS	FINANCING OF PUBLIC SCHOOLS	APPROVED 5/22/2008	5/22/2008	286	55
1389	CARROLL M., SANDOVAL	FAIR ACCOUNTABLE INSURANCE RATES	APPROVED 6/5/2008	PORTIONS ON 6/5/2008 AND 7/1/2008	439	156
1390	McGIHON, ISGAR	COVERCOLORADO LONG-TERM FUNDING	APPROVED 5/27/2008	7/1/2008	293	157
1391	ROMANOFF, KELLER	MENTAL HEALTH SERVICES CHILD ABUSE PILOT	APPROVED 5/14/2008	5/14/2008	219	17
1392	McGIHON, TAPIA	COMPETENCY TO PROCEED	APPROVED 6/2/2008	7/1/2008	389	34
1393	STEPHENS, MORSE	CONSUMER HEALTH CARE TRANSPARENCY ACT	APPROVED 5/27/2008	5/27/2008	294	130

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1394	WEISSMANN, TAPIA	GENERAL ASSEMBLY REPORTING REQUIREMENTS	APPROVED 5/27/2008	NO SAFETY CLAUSE	295	117
1395	MAROSTICA, WINDELS	PROPERTY TAX EXEMPTION FOR GOV LEASES	APPROVED 5/29/2008	NO SAFETY CLAUSE	346	214
1396	SCANLAN, WIENS	STUDY LEADVILLE MINE DRAINAGE TUNNEL	APPROVED 5/29/2008	5/29/2008	347	130
1397	JAHN, KOPP	DISPOSITION OF EVIDENCE IN CRIMINAL CASES	APPROVED 5/14/2008	5/14/2008	223	34
1398	BUESCHER, JOHNSON	OPERATIONAL ACCT OF SEV TAX TRUST FUND	APPROVED 6/2/2008	6/2/2008	390	214
1399	BUESCHER, ISGAR	AG UNCLAIMED PROP TRUST FUND INTEREST	APPROVED 5/14/2008	CONTINGENT ON STATE FAIR AUTHORITY DEBT BEING REPAID	229	4
1400	SCANLAN, GIBBS	WORK FORCE DEVEL ACCEPT PRIVATE FUNDS	APPROVED 6/2/2008	6/2/2008	380	164
1401	MARSHALL, GORDON	VOTER INFO CARD TO EACH ELIGIBLE VOTER	APPROVED 6/2/2008	6/2/2008	391	77
1402	GAGLIARDI, BACON	ARM NOTICE FORECLOSURE TEMPORARY TIMEOUT	APPROVED 6/5/2008	6/5/2008	440	198
1403	ROMANOFF, SANDOVAL	DENVER PUB SCHOOL RETIREMENT PERA MERGER	APPROVED 5/28/2008	5/28/2008	314	118
1404	STAFFORD, KELLER	STUDY & REVIEW CHILD WELFARE SYSTEM	APPROVED 5/28/2008	5/28/2008	327	149
1405	FISCHER, SHAFFER	FUNDING FOR THE CO WATER INSTITUTE	APPROVED 5/21/2008	5/21/2008	260	221
1406	MADDEN, GORDON	PAID PETITION CIRCULATORS	VETOED 5/30/2008			78
1407	ROMANOFF, GORDON	PENALTY UNREASONABLE CONDUCT INSURERS	APPROVED 6/4/2008	NO SAFETY CLAUSE	422	158
1408	LEVY, VEIGA	REAL ESTATE INVESTMENT TRUSTS	VETOED 6/3/2008			215
1409	POMMER, JOHNSON	MEDICAID THIRD PARTY RECOVERIES	APPROVED 6/2/2008	6/2/2008	382	141
1410	KERR A., TOCHTROP	PREVENTIVE COVERAGE COLORECTAL CANCER	APPROVED 6/3/2008	6/3/2008	411	158
1412	LABUDA, BROPHY	REVISOR'S BILL #1	APPROVED 6/2/2008	NO SAFETY CLAUSE	392	202
1414	BUESCHER, PENRY	REGULATE OIL & GAS WASTE DISPOSAL PITS	APPROVED 6/4/2008	6/4/2008	421	130
1415	MASSEY, GIBBS	CO FILM COMMN OPERATING COSTS	APPROVED 6/2/2008	6/2/2008	394	119

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001	MORSE, STEPHENS	SCHOOL SAFETY RESOURCE CENTER	APPROVED 5/13/2008	5/13/2008	206	90
002	BOYD, SOPER	FAM CAREGIVER DEVELOPMENTALLY DISABLED	APPROVED 6/5/2008	6/5/2008	424	142
003	BOYD, RIESBERG	MEDICAID FAMILY PLANNING	APPROVED 3/13/2008	3/13/2008	19	132
004	KELLER, GARDNER B.	STATE EMPLOYMENT OF PERSONS WITH DD	APPROVED 6/5/2008	6/5/2008	425	90
005	WILLIAMS, POMMER	SUPPORTED EMPL OUTCOMES DEV DISABLED	APPROVED 4/10/2008	4/10/2008	123	142
006	BOYD, SOLANO	SUSPEND MEDICAID FOR CONFINED PERSONS	APPROVED 5/20/2008	5/20/2008	242	132
007	WINDELS, STAFFORD	JAIL INMATE APPLICATION ASSISTANCE	APPROVED 5/20/2008	5/20/2008	243	21
008	WINDELS, SOLANO	MENTALLY ILL OFFENDER TASK FORCE MEMBER	APPROVED 3/19/2008	3/19/2008	43	28
009	TOCHTROP, RICE	MEASURES TO ENSURE PROPER PENSION PMTS	APPROVED 3/24/2008	NO SAFETY CLAUSE	59	87
010	SCHWARTZ, GARDNER C.	WATER RESOURCES & POWER DEV AUTH BD	APPROVED 3/13/2008	NO SAFETY CLAUSE	20	219
011	MORSE, MASSEY	TRAUMA CARE FUNDING	APPROVED 6/5/2008	NO SAFETY CLAUSE 1/1/2009	441	150
012	TAKIS, VAAD	TRANSPORTATION COMMISSION QUALIFICATIONS	APPROVED 4/3/2008	NO SAFETY CLAUSE	99	216
013	SCHWARTZ, FISCHER	SEV TAX TRUST FUND OPER ACCT APPROPS	APPROVED 6/2/2008	6/2/2008	360	203
014	WILLIAMS, MAROSTICA	TOLL ENFORCEMENT PROCESS	APPROVED 3/24/2008	NO SAFETY CLAUSE	60	216
015	KESTER, PENISTON	CEMETERY DISTRICT MONEYS	APPROVED 3/19/2008	NO SAFETY CLAUSE	44	81
016	SPENCE, BENEFIELD	9HEALTH FAIR VOLUNTARY CONTRIBUTION	APPROVED 4/23/2008	NO SAFETY CLAUSE	171	203
017	SPENCE, PRIMAVERA	OCCUPATIONAL EDUCATION CREDENTIALING	APPROVED 5/20/2008	5/20/2008	244	61
018	WINDELS, MASSEY	HIGHER EDUCATION CLEAN-UP	APPROVED 5/28/2008	5/28/2008	316	61
022	SANDOVAL, FERRANDINO	CHILDREN'S BASIC HEALTH OVEREXPENDITURE	APPROVED 4/14/2008	4/14/2008	143	132
024	TOCHTROP, SOPER	PROTECT CONSUMERS EVENT TICKET RESALES	APPROVED 3/19/2008	3/19/2008	45	18
026	HAGEDORN, WHITE	FIRE SAFE CIG IGNITION PROPENSITY STDS	APPROVED 5/28/2008	NO SAFETY CLAUSE 1/1/2009	317	91
027	GIBBS, LEVY	LTD GAMING LICENSE SLOT MACHINE SALES	APPROVED 4/21/2008	NO SAFETY CLAUSE	157	181
029	GROFF, BALMER	CONTINUING EDUCATION ARCHITECTS	APPROVED 5/27/2008	NO SAFETY CLAUSE	304	181
030	VEIGA, FERRANDINO	INCREASE DELEGATION PERIOD PUB SECURITY	APPROVED 4/25/2008	NO SAFETY CLAUSE	178	79
032	HARVEY, MCNULTY	BOND COMMISSIONER BOND BREACH HEARINGS	APPROVED 4/17/2008	NO SAFETY CLAUSE	153	25
033	SHAFFER, STEPHENS	PRIVATE TRUST COMPANIES BANKING	APPROVED 5/28/2008	5/28/2008	318	79
034	JOHNSON, FISCHER	TRANSP PLAN ZONING FACIL SPEC NEEDS	APPROVED 3/24/2008	NO SAFETY CLAUSE	61	81
035	TAYLOR, SONNENBERG	ALTERNATIVE HUNTING LICENSE PROGRAM	APPROVED 4/21/2008	NO SAFETY CLAUSE	158	172
037	TUPA, FISCHER	FLEXIBLE ENFORCEMENT HAZARDOUS WASTE LAW	APPROVED 3/24/2008	3/24/2008	62	120
038	SCHWARTZ, MASSEY	K-12 ED REGIONAL SERVICE COOPERATIVES	APPROVED 6/2/2008	6/2/2008	361	35
039	KOPP, WITWER	TRAINING DIRECTORS FIRE PROTECTION DIST	APPROVED 5/28/2008	NO SAFETY CLAUSE	319	91
041	CADMAN, CURRY	CLARIFY MINERAL OWNERSHIP UNDER HIGHWAYS	APPROVED 4/25/2008	NO SAFETY CLAUSE	179	192

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042	BACON, HODGE	PUBLIC TRUSTEE SALARY ADJUSTMENT	APPROVED 3/13/2008	3/13/2008	21	192
044	RENFROE, MCFADYEN	TUBERCULOSIS SCREENING COLLEGE STUDENTS	APPROVED 5/21/2008	7/1/2008	262	120
046	VEIGA, JUDD	RTD BOARD OF DIRECTORS SALARY INCREASE	APPROVED 4/3/2008	NO SAFETY CLAUSE	100	89
050	WINDELS, GAGLIARDI	ELDER DRIVER'S LICENSE RENEWAL MAIL ELEC	APPROVED 4/25/2008	NO SAFETY CLAUSE	180	165
051	TAYLOR, MARSHALL	OIL & PUBLIC SAFETY ENFORCEMENT AUTH	APPROVED 5/21/2008	5/21/2008	263	159
052	TAPIA, MCFADYEN	PARKS RECREATION ANNUAL PASSES	APPROVED 4/10/2008	NO SAFETY CLAUSE	124	172
054	SHAFFER, CARROLL T.	JUDICIAL PERFORMANCE EVALUATIONS	APPROVED 5/27/2008	7/1/2008	296	25
055	HAGEDORN, MADDEN	INCREASE AIR POLLUTANT FEES	APPROVED 5/20/2008	5/20/2008	234	120
057	KESTER, MARSHALL	INSURANCE COVERAGE HEARING AIDS MINORS	APPROVED 6/3/2008	1/1/2009	401	151
058	BOYD, RIESBERG	ALZHEIMER'S COORDINATING COUNCIL ACT	APPROVED 5/20/2008	NO SAFETY CLAUSE	233	121
059	JOHNSON, KEFALAS	COMMERCIAL DRIVER'S LICENSE TEST FEE	APPROVED 4/17/2008	NO SAFETY CLAUSE	154	165
060	BOYD, SUMMERS	AUTOMOBILE THEFT PREVENTION AUTHORITY	APPROVED 6/3/2008	7/1/2008	415	28
062	GROFF, MARSHALL	SHARE DORA MISCONDUCT INFORMATION	APPROVED 3/24/2008	NO SAFETY CLAUSE	63	79
063	PENRY, BUTCHER	OFF-HIGHWAY VEHICLE SOUND STDS	APPROVED 6/3/2008	NO SAFETY CLAUSE	416	121
				PORTIONS ON 7/1/2009 AND 7/1/2010		
066	WILLIAMS, MARSHALL	FELONY MURDER PENALTY FOR JUVENILES	APPROVED 5/28/2008	5/28/2008	320	28
068	BROPHY, LUNDBERG	TELEMEDICINE MEDICAID FOR MENTAL HEALTH	APPROVED 3/19/2008	NO SAFETY CLAUSE	46	133
069	TAYLOR, SONNENBERG	CLARIFY WILDLIFE PROHIBITIONS	APPROVED 4/21/2008	NO SAFETY CLAUSE	159	172
071	GIBBS, SCANLAN	EXTEND FOREST RESTORATION PILOT PROGRAM	APPROVED 5/28/2008	5/28/2008	330	61
073	TUPA, KEFALAS	PUBLISHERS OF COLLEGE TEXTBOOKS	APPROVED 4/8/2008	NO SAFETY CLAUSE	108	61
075	VEIGA, MCGIHON	RULE REVIEW BILL	APPROVED 5/14/2008	5/14/2008	226	1
076	RENFROE, LAMBERT	REQUIRE BAIL FOR DUI OFFENSES	APPROVED 5/14/2008	7/1/2008	212	165
077	JOHNSON, JAHN	ON-LINE CIRCUMVENTION SALE EVENT TICKETS	APPROVED 6/5/2008	7/1/2008	435	18
078	RENFROE, SONNENBERG	ENERGY EFFICIENCY HIST PRESERV GRANT	APPROVED 3/19/2008	NO SAFETY CLAUSE	47	92
079	SANDOVAL, MASSEY	IN-STATE TUITION FOR US CITIZENS	APPROVED 5/20/2008	5/20/2008	235	62
081	SCHWARTZ, MADDEN	COLORADO RENEWABLE ENERGY AUTHORITY	APPROVED 4/10/2008	4/10/2008	125	92
082	VEIGA, JAHN	RETAIL LIQUOR SALES ON SUNDAYS	APPROVED 4/14/2008	7/1/2008	130	181
088	TUPA, MASSEY	PROHIBITION TOBACCO POSSESSION BY MINORS	APPROVED 5/20/2008	7/1/2008	236	28
089	WILLIAMS, GARDNER C.	EARLY INTERVENING SERVICES FOR STUDENTS	APPROVED 4/25/2008	7/1/2008	177	35
090	HAGEDORN, MCGIHON	MEDICAID MAIL-ORDER PRESCRIPTION DRUGS	APPROVED 5/20/2008	5/20/2008	237	133
091	TAKIS, MITCHELL V.	NO RETAILER INFO TOBACCO LIC RENEWAL	APPROVED 3/24/2008	NO SAFETY CLAUSE	64	204
092	ISGAR, KERR J.	REMOVAL OSA POST-ENACTMENT REVIEWS	APPROVED 4/10/2008	7/1/2008	126	80
096	ISGAR, CURRY	STATE AGRICULTURAL COMMN COMPOSITION	APPROVED 4/25/2008	NO SAFETY CLAUSE	181	2
097	TOCHTROP, SONNENBERG	ANHYDROUS AMMONIA REGULATION	APPROVED 4/25/2008	NO SAFETY CLAUSE	182	2
099	SANDOVAL, STAFFORD	EXTEND MEDICAID FOSTER CARE	APPROVED 5/28/2008	7/1/2008	329	133

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
100	MORSE, RIESBERG	UNIFORM ADULT GUARDIANSHIP PROTECT ACT	APPROVED 5/14/2008	5/14/2008	213	180
101	SCHULTHEIS, GARDNER B.	NORAD COMMEMORATIVE LICENSE PLATES	APPROVED 5/20/2008	7/1/2008	245	165
102	BACON, POMMER	DPHE SPENDING RECYCLING GRANT OVERSIGHT	APPROVED 5/20/2008	5/20/2008	246	92
105	JOHNSON, LEVY	CLASSIFICATION OF TRAILERS	APPROVED 4/25/2008	NO SAFETY CLAUSE	183	165
106	SCHULTHEIS, LUNDBERG	SEX OFFENDER CHILD CUSTODY CASES	APPROVED 5/29/2008	5/29/2008	348	14
107	SCHULTHEIS, MARSHALL	ENTERPRISE ZONE AUDIT REPORTS	APPROVED 3/19/2008	NO SAFETY CLAUSE	48	92
108	SPENCE, WHITE	PURPLE HEART RECIPIENTS WILDLIFE LICENSE	APPROVED 4/25/2008	NO SAFETY CLAUSE	184	172
110	KESTER, LOOPER	DIV OF INSURANCE TECHNICAL CORRECTIONS	APPROVED 4/10/2008	NO SAFETY CLAUSE	127	152
114	VEIGA, SCANLAN	PROF EMPLOYER ORG UNEMPLOYMENT INSURANCE	APPROVED 5/20/2008	NO SAFETY CLAUSE	247	159
116	KESTER, LOOPER	VOLUNTEER FIREFIGHTERS JOB SECURITY	APPROVED 4/8/2008	4/8/2008	109	159
117	MITCHELL S., MCNULTY	LIMIT LOCAL BLDG PERMIT FEE SOLAR PANELS	APPROVED 5/20/2008	5/20/2008	238	83
118	KELLER, BUESCHER	TRANSFER FOR MEDICAID DISEASE MANAGEMENT	APPROVED 5/14/2008	5/14/2008	214	133
119	ROMER, LOOPER	AUTHORIZE DOMESTIC EXEMPT CISTERNS	APPROVED 5/29/2008	5/29/2008	349	219
120	PENRY, RICE	PAYMENT OF WAGES BY PAYCARD AUTHORIZED	APPROVED 3/20/2008	NO SAFETY CLAUSE	56	160
122	WINDELS, CARROLL T.	WAGE TRANSPARENCY ACT	APPROVED 4/17/2008	NO SAFETY CLAUSE	155	93
123	SANDOVAL, MADDEN	CHILD NUTRITION SCHOOL LUNCH PROGRAM	APPROVED 5/29/2008	NO SAFETY CLAUSE	350	35
126	JOHNSON, WHITE	REPEAL HIGHER ED CASH FUND LIMIT	APPROVED 3/19/2008	3/19/2008	49	62
127	MORSE, BUESCHER	EXTEND CBMS EXPENDITURES DEADLINE	APPROVED 4/10/2008	4/10/2008	128	93
128	ISGAR, HODGE	ELIMINATE SALES TAX CAP	APPROVED 5/21/2008	NO SAFETY CLAUSE	264	83
129	GIBBS, RIESBERG	SCHOOL NUTRITION BEVERAGES POLICY	APPROVED 4/25/2008	NO SAFETY CLAUSE	185	36
130	GROFF, WITWER	INNOVATION SCHOOLS ACT OF 2008	APPROVED 5/28/2008	5/28/2008	313	36
131	MORSE, BUESCHER	INCREASE FOR SUPPL OLD AGE PENSION FUND	APPROVED 5/20/2008	NO SAFETY CLAUSE	232	204
133	SHAFFER, KERR A.	MATH & SCIENCE SCHOLARSHIPS TEACHERS	APPROVED 5/12/2008	5/12/2008	205	62
134	KOPP, MCNULTY	MINIMUM BAIL FOR DRUG DISTRIBUTION	APPROVED 5/20/2008	7/1/2008	248	29
135	MITCHELL S., GAGLIARDI	HEALTH INS STANDARDIZED BENEFITS CARD	APPROVED 6/3/2008	6/3/2008	402	152
138	JOHNSON, MCGIHON	PHYSICIAN DESIGNATION FULL DISCLOSURE	APPROVED 6/3/2008	NO SAFETY CLAUSE 9/1/2008	403	121
139	SCHULTHEIS, LUNDBERG	NOTIFY EMPLOYERS E-VERIFY PROGRAM	APPROVED 5/20/2008	NO SAFETY CLAUSE	239	160
143	TUPA, FRANGAS	SPECIAL LICENSE PLATE FEES	APPROVED 5/27/2008	5/27/2008	297	166
144	WINDELS, BENEFIELD	DISPOSITION OF ABANDONED MOTOR VEHICLES	APPROVED 4/21/2008	NO SAFETY CLAUSE 1/1/2009	160	192
145	KOPP, KERR J.	JAIL INSPECTIONS BY COUNTY COMMISSIONERS	APPROVED 5/20/2008	NO SAFETY CLAUSE	249	21
147	GORDON, HODGE	INCREASE ENERGY EFFICIENCY STATE BLDGS	APPROVED 5/27/2008	NO SAFETY CLAUSE	300	93
148	PENRY, KEFALAS	HEALTH CARE MANAGED CARE ORG DEFINITION	APPROVED 4/10/2008	NO SAFETY CLAUSE	129	134
150	SANDOVAL, FRANGAS	SCHOOL RETIREMENT PLAN MEMBER RECORDS	APPROVED 4/21/2008	NO SAFETY CLAUSE	161	37
151	TOCHTROP, MAROSTICA	REQUIRE MOTOR VEHICLE DEALER EDUCATION	APPROVED 4/21/2008	NO SAFETY CLAUSE	168	181
152	TOCHTROP, GAGLIARDI	REGULATE PRACTICE OCCUPATIONAL THERAPY	APPROVED 5/14/2008	7/1/2008	220	182

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
153	BOYD, FERRANDINO	LICENSE HOME CARE AGENCIES BY THE CDPHE	APPROVED 6/5/2008	NO SAFETY CLAUSE	436	122
154	ISGAR, RIESBERG	REQUIREMENTS OCCUPANCY CONTIGUOUS TO ATU	APPROVED 6/2/2008	6/2/2008	395	123
155	CADMAN, KERR A.	CENTRALIZE IT MANAGEMENT IN OIT	APPROVED 5/22/2008	5/22/2008	284	93
156	ISGAR, ROBERTS	WARRANTS DRAWN ON WILDLIFE CASH FUND	APPROVED 5/22/2008	5/22/2008	279	95
158	TOCHTROP, HODGE	INCL COUNTY LAND IN URBAN RENEWAL	APPROVED 4/1/2008	4/1/2008	87	81
159	TUPA, SCANLAN	LOWER BOATER DUI BLOOD ALCOHOL LEVELS	APPROVED 4/25/2008	NO SAFETY CLAUSE	186	173
160	HAGEDORN, MCGIHON	CHILDREN'S HEALTH CARE	APPROVED 6/3/2008	PORTIONS ON 6/3/2008, 1/1/2009, 3/1/2009, AND 10/1/2009	404	134
161	BOYD, MERRIFIELD	MEDICAID AND CHP+ ENROLLMENT	APPROVED 6/3/2008	PORTIONS ON 6/3/2008 AND UPON RECEIPT OF REQUIRED NOTICE	405	134
163	SHAFFER, PRIMAVERA	AUTISM COMMISSION	APPROVED 4/14/2008	4/14/2008	131	142
165	WILLIAMS, CARROLL M.	ADVISORY COUNCIL PERSONS DISABILITIES	APPROVED 6/5/2008	6/5/2008	426	143
166	SHAFFER, MCNULTY	NATL GUARD COLLEGE OPPORTUNITY FUND	APPROVED 5/29/2008	NO SAFETY CLAUSE	351	63
167	TUPA, MASSEY	DEGREE AUTHORIZATION ACT	APPROVED 5/29/2008	5/29/2008	352	63
168	ISGAR, CURRY	SPECIES CONSERVATION TRUST FUND	APPROVED 5/29/2008	5/29/2008	339	173
169	ISGAR, BUESCHER	HARD ROCK MINING FEES	APPROVED 5/29/2008	NO SAFETY CLAUSE	353	173
170	BACON, BUESCHER	TAX INCREMENT FIN & DOWNTOWN DEV AUTH	APPROVED 5/21/2008	NO SAFETY CLAUSE	259	83
171	WARD, STAFFORD	TEST METHODS FOR SUBSTANCES FOR PAROLEES	APPROVED 4/14/2008	4/14/2008	144	21
172	WARD, STAFFORD	COMMUNITY PAROLE OFFICER REVISIONS	APPROVED 4/25/2008	4/25/2008	187	21
174	JOHNSON, MCGIHON	HEALTH CARE CONTRACT REQUIREMENT	APPROVED 4/14/2008	NO SAFETY CLAUSE	145	123
175	WARD, STAFFORD	DOC INSPECTOR GENERAL	APPROVED 4/14/2008	4/14/2008	146	21
176	TAYLOR, WHITE	RACING COMMN HORSE TRACK EXTEND REPEAL	APPROVED 4/17/2008	4/17/2008	156	182
177	BOYD, MCGIHON	COLORADO WORKS PROGRAM OMNIBUS	APPROVED 6/2/2008	PORTIONS ON 6/2/2008 AND 1/1/2009	396	143
178	ISGAR, LOOPER	HORSE AUTHORITY SPECIAL LICENSE PLATES	APPROVED 5/14/2008	NO SAFETY CLAUSE	227	166
180	PENRY, MAROSTICA	AUTHORITY OF AURARIA BOARDS	APPROVED 5/22/2008	5/22/2008	280	64
181	WIENS, MASSEY	COORDINATED RESPONSE TO SCHOOL INCIDENTS	APPROVED 5/14/2008	5/14/2008	215	37
183	MITCHELL S., TODD	PATERNITY DNA TESTING CHILD SUPPORT	APPROVED 5/29/2008	NO SAFETY CLAUSE 8/15/2008	354	14
184	ROMER, LEVY	COLORADO CLEAN ENERGY FINANCE PROGRAM	APPROVED 5/27/2008	5/27/2008	301	96
186	JOHNSON, LEVY	CO CARBON FUND SPECIAL LICENSE PLATES	APPROVED 5/21/2008	NO SAFETY CLAUSE	265	166
188	BOYD, POMMER	PILOT PROGRAM FOR DIRECT CARE NURSES	APPROVED 5/6/2008	5/6/2008	202	182

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
191	KELLER, GREEN	MEMBERSHIP CO SCHOOL OF MINES BOARD	APPROVED 4/24/2008	4/24/2008	176	64
192	WARD, RICE	PROHIBIT RESIDENTIAL TARGETED PICKETING	APPROVED 5/28/2008	NO SAFETY CLAUSE	321	29
193	MCLEHANY, JUDD	PUBLIC CONTRACTS FOR SERVICES	APPROVED 5/13/2008	5/13/2008	208	160
194	HAGEDORN, MCGIHON	PUBLIC HEALTH REORGANIZATION	APPROVED 6/3/2008	7/1/2008	406	123
196	BOYD, POMMER	NURSING QUALITY MEASURES HOSPITAL REPORT	APPROVED 5/6/2008	NO SAFETY CLAUSE	203	124
200	VEIGA, JUDD	EXPAND DISCRIMINATION PROHIBITIONS	APPROVED 5/29/2008	5/29/2008	341	98
201	ISGAR, CURRY	LIVESTOCK CONFINEMENT STANDARDS	APPROVED 5/14/2008	5/14/2008	228	2
202	SHAFFER, MAY M.	OIL & GAS OPERATIONS GREATER WATTENBERG	APPROVED 5/22/2008	NO SAFETY CLAUSE	281	174
203	SHAFFER, MCGIHON	REPEAL BLUE RIBBON HLTH CARE 208 COMM	APPROVED 5/14/2008	5/14/2008	217	153
204	VEIGA, CARROLL T.	UNEMPLOYMENT CLAIM DECISION NOT REQUIRED	APPROVED 5/21/2008	NO SAFETY CLAUSE	266	161
205	GORDON, KING	NEW TRIAL FOR DESTROYING EVIDENCE	APPROVED 5/28/2008	5/28/2008	322	29
206	SHAFFER, CARROLL T.	JUSTICE CENTER STATE MUSEUM AGREEMENTS	APPROVED 6/4/2008	6/4/2008	417	99
207	GROFF, CARROLL T.	INS PRODUCER EXAM APPLICATION DATA	APPROVED 5/28/2008	NO SAFETY CLAUSE	323	153
208	WINDELS, BENEFIELD	SCHOOL BACKGROUND INVESTIGATIONS	APPROVED 5/29/2008	5/29/2008	355	38
210	SHAFFER, SCANLAN	CHILD CARE COUNTY REIMBURSEMENT RATES	APPROVED 6/4/2008	6/4/2008	423	144
212	ROMER, WITWER	PRESCHOOL TO POSTSECONDARY ED ALIGNMENT	APPROVED 5/14/2008	5/14/2008	209	39
214	SHAFFER, FRANGAS	LOCAL GOVERNMENT MEDICAID PROVIDER FEES	APPROVED 5/20/2008	5/20/2008	250	135
215	SCHWARTZ, RIESBERG	OIT BROADBAND TELECOM MAP	APPROVED 6/2/2008	6/2/2008	362	99
216	MORSE, WHITE	COUNTY MATCH RESIDENTIAL CHILD CARE	APPROVED 5/28/2008	5/28/2008	324	145
217	HAGEDORN, MCGIHON	CENTENNIAL CARE CHOICES	APPROVED 6/3/2008	6/3/2008	407	136
218	SCHWARTZ, BUESCHER	ALLOCATION OF FEDERAL MINERAL LEASE REVS	APPROVED 6/4/2008	6/4/2008	418	174
219	ROMER, MCFADYEN	LICENSURE OF MASSAGE THERAPISTS	APPROVED 6/2/2008	7/1/2008	397	183
220	BOYD, RIESBERG	EMPL PHYSICIANS BY HEALTH CARE FACILITY	APPROVED 5/20/2008	NO SAFETY CLAUSE	251	124
221	ROMER, SCANLAN	BONDS FOREST HEALTH WATERSHED PROJECTS	APPROVED 5/28/2008	7/1/2008	331	219
224	HARVEY, MCFADYEN	CONVEYANCE REGULATION EXEMPTIONS	APPROVED 6/2/2008	7/1/2008	398	161
226	ISGAR, BUTCHER	AQUATIC NUISANCE SPECIES PROHIBITION	APPROVED 5/29/2008	5/29/2008	340	176
227	ROMER, MCFADYEN	CO STATE UNIV Bd OF GOV	APPROVED 6/2/2008	NO SAFETY CLAUSE	399	64
228	SCHWARTZ, CURRY	MORE PUB DISCLOSURE PROSPECTING NOTICE	APPROVED 6/2/2008	6/2/2008	363	177
230	MORSE, BUESCHER	HOSPITALS MEDICAID UNITS OF GOVERNMENT	APPROVED 5/22/2008	5/22/2008	285	137
231	VEIGA, VAAD	TRANSFER WORK FORCE DEVELOPMENT TO DOLE	APPROVED 5/27/2008	7/1/2008	298	100
232	ISGAR, CURRY	APPROPRIATIONS TO CSU SYSTEM DIVISIONS	APPROVED 5/21/2008	5/21/2008	261	64
233	WINDELS, RIESBERG	FML-FUNDED HIGHER ED PROJECTS	APPROVED 5/12/2008	5/12/2008	204	65
234	BACON, KERR A.	SUBSTANCE ABUSE ASSESSMENT TREATMENT	APPROVED 6/2/2008	7/1/2008	365	29
235	BACON, KERR A.	PUBLIC INDECENCY	APPROVED 6/2/2008	7/1/2008	366	30
236	BACON, KERR A.	PROTECTION ORDER CRIME	APPROVED 6/2/2008	7/1/2008	367	30
237	BACON, CARROLL T.	SEX OFFENDER REGISTRATION CONVICTIONS	APPROVED 5/14/2008	5/14/2008	224	30
238	BACON, KING	COPYING SEXUALLY EXPLOITATIVE MATERIAL	APPROVED 6/2/2008	6/2/2008	368	30

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
239	BACON, JAHN	PENALTY LEAVING A SCENE INVOLVING DEATH	APPROVED 5/14/2008	7/1/2008	225	30
241	TOCHTROP, MARSHALL	WORKERS' COMP APPORTION MULTIPLE DEVICES	APPROVED 6/2/2008	7/1/2008	357	161
242	BOYD, BENEFIELD	DISTRIBUTION CHANNEL FOR RX DRUGS	APPROVED 5/29/2008	5/29/2008	342	184
243	GORDON, CARROLL M.	ELECTION REFORM COMMISSION	APPROVED 6/2/2008	6/2/2008	400	71
245	WINDELS, BUESCHER	HIGHER ED INTERCEPT PROGRAM	APPROVED 6/4/2008	6/4/2008	419	66
246	WILLIAMS, JAHN	UNFAIR PRACTICES ACT SALE BELOW COST	APPROVED 6/5/2008	6/5/2008	437	18

ADMINISTRATIVE RULE REVIEW

S.B. 08-75 Continuation of 2007 rules of executive agencies. Provides for the continuation of rules and regulations of state agencies that were adopted or amended on or after November 1, 2006, and before November 1, 2007; except that certain rules and regulations shall expire as scheduled on May 15, 2008.

Repeals previously extended rules of the state board of education relating to requirements for professional administrator licenses and for principal authorizations that conflict with the statutes.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

AGRICULTURE

S.B. 08-96 State agricultural commission - changes to the composition. Changes the composition of the state agricultural commission (commission) to require that the governor appoint at least one of the 9 members from each agricultural district and 5 members from the state at large, with no more than 3 members from any one agricultural district. Preserves diversity in political party affiliation of the members of the commission. Requires the appointees to the commission to have been previously, or to be currently, actively engaged in the business of agriculture.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-97 Department of agriculture - anhydrous ammonia regulation - update current law. States that violations of anhydrous ammonia laws and rules are substantial dangers to public health. Updates the statutory provisions governing the regulation of anhydrous ammonia to include equipment and containers actually in use by the fertilizer industry. Specifies that the commissioner of agriculture may make any investigations necessary to ensure compliance with this article. To facilitate the commissioners' duties of investigation and enforcement, empowers the commissioner to inspect all property and business records related to anhydrous ammonia.

Repeals provisions permitting persons in violation of this article an opportunity to rectify the deficiency and undergo a subsequent inspection, and instead allows the commissioner to act immediately to address such violations through the issuance of a cease-and-desist order or procurement of equitable relief. Allows the commissioner to specify the annual date by which persons who own anhydrous ammonia storage tanks, mobile transportation tanks, or tank-mounted applicators must register such equipment.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-201 Livestock - calves raised for veal - gestating sows - confinement standards. Requires that calves raised for veal and gestating sows be kept in a manner that permits such animals to stand up, lie down, and turn around without touching the sides of their enclosure. Extends this requirement to such animals until slaughter for calves raised for veal and until 12 days before giving birth for gestating sows, at which time the sow may be kept in a farrowing unit. Specifies that a violation of the act is a class 2 misdemeanor.

States that the confinement standards shall not apply during the following:

- Scientific or agricultural research;
- Examination, testing, or individual veterinary treatment;
- Transportation;
- Exhibitions at rodeos, fairs, or youth programs; or
- Slaughter.

Sets the following dates by which the methods of confinement shall be implemented:

- For calves raised for veal, on and after January 1, 2012; and
- For gestating sows, on and after January 1, 2018.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

H.B. 08-1185 Shelter animals - sterilization required for certain pet animals - exceptions. Requires that dogs and cats be sterilized before being released, or within 90 days of release, to prospective owners from animal shelters and pet animal rescues. Specifies acceptable methods of sterilization and identifies actions that may be taken by the adopting agency in case of violation of the sterilization requirements. Allows for release of unsterilized dogs and cats when the sterilization procedure would jeopardize the health or life of the animals, exempting such animals from the sterilization requirement until a licensed veterinarian certifies that they are healthy enough to undergo a sterilization procedure.

Permits shelters and local governments to adopt policies and ordinances that exceed the minimum requirements set forth in the act. Authorizes the commissioner of agriculture to promulgate rules to implement the act. Creates exceptions from the requirements of the act for:

- Animals being returned to their owners;
- Animals being transferred between shelters or rescues and other shelters, rescues, or veterinarians;
- Shelters and rescues that have preexisting systems of sterilization ensuring that all dogs and cats are sterilized prior to release; and
- Public animal shelters that qualify for waiver of licensing fees.

Applies to dogs and cats released from animal shelters and rescues on or after January 1, 2009.

APPROVED by Governor March 26, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1231 Fertilizer regulation. Modernizes the statutory law related to regulation of fertilizer by including compost as fertilizer and renaming the law the "Commercial Fertilizer, Soil Conditioner, and Plant Amendment Act". Adds directions for use and date of manufacture to labeling requirements. Enables the commissioner of agriculture to set deadlines. Eliminates the brand registration requirement, and reduces the frequency of distribution report filing from semiannual to annual.

Repeals provisions that:

- Regulated or referred to agricultural liming materials;
- Set criminal penalties for violations of fertilizer laws;
- Prescribed treble monetary penalties for deviations from guaranteed analyses;
- Determined commercial values of fertilizers; and

- Stated that exchanges between manufacturers are not meant to be inhibited.

APPROVED by Governor May 29, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1236 Confidentiality of livestock information - "Livestock Information Security Act" - exemptions. Creates the "Livestock Information Security Act" to authorize the commissioner of agriculture (commissioner) to keep confidential certain information related to livestock that is disclosed to the department of agriculture. Specifies that the commissioner may deny access to personal information if the commissioner reasonably believes that dissemination of the information would cause harm to any person.

Allows the commissioner to deny access, on the grounds that disclosure would be contrary to the public interest, to the following, subject to redaction of the nonconfidential portions of such records:

- Livestock operational details;
- Information related to livestock disease or injury;
- Information that identifies persons or locations; and
- Data considered confidential pursuant to the veterinary-patient-client privilege.

Permits the commissioner to deny access to records of ongoing investigations related to livestock.

Excludes the following from the scope of the confidentiality, with the mandate that the commissioner release only as much information as is necessary to address the situation:

- Persons in interest, when such persons seek to access their own information;
- Release of biological livestock samples to authorized external entities, so long as such entities maintain the confidentiality of the information they receive;
- Disclosures otherwise permitted or required of the commissioner; and
- Disclosures made to prevent or address an immediate threat to the health or safety of a person or animal.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1399 Unclaimed property tourism promotion trust fund - reallocation of moneys - creation of agriculture management fund - appropriation. Creates the agriculture management fund. Repeals current statutory provisions dedicating all the interest from the unclaimed property tourism promotion trust fund to the Colorado travel and tourism promotion fund and specifies that such moneys shall be distributed as follows:

- 25% to the Colorado state fair authority cash fund;
- 65% to the agriculture management fund; and
- 10% to the Colorado travel and tourism promotion fund, to be expended to

promote agritourism in the state.

Defines agritourism as the practice of engaging in activities, events, and services that have been provided to consumers for recreational, entertainment, or educational purposes at a farm, ranch, or other agricultural, horticultural, or agribusiness operation in order to allow consumers to experience, learn about, and participate in various facets of agricultural industry, culinary pursuits, natural resources, and heritage.

Specifies that the act shall take effect when the board of commissioners of the Colorado state fair authority (authority) certify to the state treasurer and the revisor of statutes that all loans owed by the authority to the state treasurer pursuant to section 24-75-203 (1), Colorado Revised Statutes, and any outstanding debt incurred by the authority to build the events center in Pueblo have been repaid in full.

Appropriates \$1,348,763 and 6.0 FTE to the department of agriculture for allocation to the special purpose division for implementation of the act. Adjusts appropriations in the 2008-2009 long appropriations act.

APPROVED by Governor May 14, 2008

EFFECTIVE See note

NOTE: Section 8 provides that the act shall take effect when the board of commissioners of the Colorado state fair authority certifies to the state treasurer and the revisor of statutes, that all loans owed by authority to the state treasurer any outstanding debt incurred by the authority to build the events center in Pueblo have been repaid in full. As of publication date, the revisor of statutes had not received notice.

APPROPRIATIONS

H.B. 08-1037 Legislative expenditures - appropriations - legislative aides - nonmetro members' per diem and travel expenses. Increases the amount of moneys appropriated to the house of representatives and senate in state fiscal year 2007-08 by \$102,151 to fund an increase in expenditures for legislative aides, and correspondingly increases the maximum amount of moneys that may be expended on legislative aides during the 2008 legislative session to \$470,431. Beginning with the 2008 legislative session and until July 1, 2010, changes the legislative per diem from an amount equal to 85% of the federal per diem rate for the city and county of Denver to \$150 per legislative day for expenses incurred during the legislative session by members residing outside the Denver metropolitan area. On and after July 1, 2010, sets the legislative per diem to an amount per legislative day for expenses incurred during the legislative session by members residing outside the Denver metropolitan area equal to 85% of the federal per diem rate for the city and county of Denver set as of October 1 of the calendar year immediately prior to the fiscal year in which the per diem rate is to be used. Entitles members who reside outside the Denver metropolitan area to receive travel expenses to any location within their districts, rather than just to their homes, and back to Denver once a week during legislative sessions.

APPROVED by Governor February 7, 2008

EFFECTIVE February 7, 2008

H.B. 08-1281 Supplemental appropriation - department of agriculture. Amends the 2007 general appropriations act to decrease the total appropriation to the department of agriculture. Increases the general fund portion of the appropriation and decreases the cash funds, cash funds exempt, and federal funds portions.

APPROVED by Governor March 20, 2008

EFFECTIVE March 20, 2008

H.B. 08-1282 Supplemental appropriation - department of corrections. Amends the 2007 general appropriations act to increase the total appropriation to the department of corrections. Decreases the general fund portion of the appropriation and increases the cash funds exempt and federal funds portions.

Amends the 2006 general appropriations act to decrease the total appropriation to the department of corrections. Decreases the general fund portion of the appropriation.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1283 Supplemental appropriation - department of education. Amends the 2007 general appropriation act to increase the total appropriation to the department of education. Increases the general fund, cash funds, and cash funds exempt portions of the appropriation and decreases the federal funds portion.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1284 Supplemental appropriation - offices of the governor, Lt governor, and state planning and budgeting. Amends the 2007 general appropriation act to decrease the total appropriation to the offices of the governor, Lt. governor, and state planning and budgeting.

Decreases the general fund and cash funds exempt portions of the appropriation.

Amends the 2006 general appropriation act to decrease the total appropriation to the offices of the governor, Lt. governor, and state planning and budgeting. Decreases the cash funds portion of the appropriation.

Extends the date that certain appropriations made in House Bill 06-1201, concerning the proportion of limited gaming revenues designated for the promotion of tourism in the state are available from June 30, 2007, to June 30, 2008.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1285 Supplemental appropriation - department of health care policy and financing. Amends the 2007 general appropriation act to increase the total appropriation to the department of health care policy and financing. Increases the general fund and federal funds portions of the appropriation and decreases the cash funds exempt portion.

Amends the 2006 general appropriation act to increase the total appropriation to the department of health care policy and financing. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and federal funds portions.

Increases an appropriation made in Senate Bill 07-097, concerning the allocation of tobacco litigation settlement moneys that are not currently required to be allocated to existing tobacco settlement programs to the department for health-related programs for the pediatric speciality hospital, indigent care program.

Releases all restrictions on funds for medical services premiums and funds for medicaid mental health community programs for the 2006-07 fiscal year in the department of health care policy and financing.

Releases all restrictions on funds for department of human services medicaid-funded programs, mental health and alcohol and drug abuse services-medicaid funding and services for people with developmental disabilities, in the department of health care policy and financing.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1286 Supplemental appropriation - department of higher education. Amends the 2007 general appropriation act to increase the total appropriation to the department of higher education. Increases the general fund and cash funds exempt portions of the appropriation.

Increases an appropriation made in Senate Bill 07-097, concerning the allocation of tobacco litigation settlement moneys that are not currently required to be allocated to existing tobacco settlement programs to the department for health-related programs for the health sciences center.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1287 Supplemental appropriation - department of human services. Amends the 2007 general appropriation act to increase the total appropriation to the department of human services. Increase the general fund, cash funds, and federal funds portions of the appropriation and decreases the cash funds portion.

Amends the 2006 general appropriation act to decrease the total appropriation to the department of human services. Decreases the general fund and cash funds exempt portions of the appropriation.

Increases an appropriation made in Senate Bill 07-097, concerning the allocation of tobacco litigation settlement moneys that are not currently required to be allocated to existing tobacco settlement programs to health-related programs to the department, mental health and alcohol and drug abuse services, medically indigent, for mental health services for juvenile and adult offenders and mental health and alcohol and drug abuse services, alcohol and drug abuse division, community programs, for treatment and detoxification contracts and for prevention contracts.

Increases an appropriation made in House Bill 07-1062, concerning the creation of a statewide system of early childhood councils to the department, division of child care, for the child care assistance program.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1288 Supplemental appropriation - judicial department. Amends the 2007 general appropriation act to increase the total appropriation to the judicial department. Increases the general fund, cash funds, and cash funds exempt portions of the appropriation.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1289 Supplemental appropriation - department of labor and employment. Amends the 2007 general appropriation act to increase the total appropriation to the department of labor and employment. Increases the cash funds and federal funds portions of the appropriation and decreases the cash funds exempt portion.

Modifies the appropriation made in House Bill 07-1228, concerning renewable energy, to the department for allocation to the executive director's office for legal services.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1290 Supplemental appropriation - department of law. Amends the 2007 general appropriation act to increase the total appropriation to the department of law. Decreases the general fund, cash funds, and federal funds portions of the appropriation and increases the cash funds exempt portion.

Repeals a portion of an appropriation made in House Bill 07-1322, concerning measures to prevent mortgage fraud to the department of law for the implementation of said act.

Repeals a portion of an appropriation made in Senate Bill 07-203, concerning the

regulation of persons participating in mortgage loan transactions to the department of law of the implementation of said act.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1291 Supplemental appropriation - legislative department. Amends the 2007 general appropriations act to increase the total appropriation to the legislative department. Increases the general fund portion of the appropriation.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1292 Supplemental appropriation - department of local affairs. Amends the 2007 general appropriation act to decrease the total appropriation to the department of local affairs. Decreases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1293 Supplemental appropriation - department of military and veterans affairs. Amends the 2007 general appropriations act to decrease the total appropriation to the department of military and veterans affairs. Decreases the general fund and federal funds portions of the appropriation.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1294 Supplemental appropriation - department of natural resources. Amends the 2007 general appropriations act to increase the total appropriation to the department of natural resources. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds and cash funds exempt portions.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1295 Supplemental appropriation - department of personnel and administration. Amends the 2007 general appropriation act to increase the total appropriation to the department of personnel and administration. Increases the general fund, cash funds, and cash funds exempt portions of the appropriation.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1296 Supplemental appropriation - department of public health and environment. Amends the 2007 general appropriation act to increase the total appropriation to the department of public health and environment. Increases the general fund, cash funds, and cash funds exempt portions of the appropriation and decreases the federal funds portion.

Increases an appropriation made in Senate Bill 07-097, concerning the allocation of tobacco litigation settlement moneys that are not currently required to be allocated to existing

tobacco settlement programs to the department, local health services, for local, district, and regional health department distributions and for disease control and environmental epidemiology division and increases the total amount appropriated to the department.

Increases an appropriation made in House Bill 07-1359, concerning the allocation of a portion of the tobacco litigation settlement moneys received by the state from the strategic contribution fund to the department, special purpose disease control programs, Ryan White act, operating expenses, to the department, prevention services division, prevention partnerships, Tony Grampsas youth services program, and family and community health, child, adolescent, and school health, nurse home visitor program.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1297 Supplemental appropriation - department of public safety. Amends the 2007 general appropriation act to increase the total appropriation to the department of public safety. Increases the general fund and federal funds portions of the appropriation and decreases the cash funds and cash funds exempt portions.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1298 Supplemental appropriation - department of regulatory agencies. Amends the 2007 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Decreases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

Decreases amounts appropriated by House Bill 07-1322, concerning measures to prevent mortgage fraud, to the department for the purchase of legal services from the department of law and the amount allocated to the division of real estate for the implementation of said act.

Decreases amounts appropriated by Senate Bill 07-203, concerning the regulation of persons participating in mortgage loan transactions, to the department for implementation of said act and for the purchase of legal services from the department of law.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1299 Supplemental appropriation - department of revenue. Amends the 2007 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 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1300 Supplemental appropriation - department of state. Amends the 2007 general appropriation act to decrease the total appropriation to the department of state. Decreases the cash funds portion of the appropriation.

APPROVED by Governor April 10, 2008

EFFECTIVE April 10, 2008

H.B. 08-1301 Supplemental appropriation - department of transportation. Amends the 2007 general appropriation act to decrease the total appropriation to the department of transportation. Decreases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1302 Supplemental appropriation - department of treasury. Amends the 2007 general appropriation act to decrease the total appropriation to the department of treasury. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1303 Supplemental appropriation - capital construction. Amends the 2003 general appropriation act to increase the total appropriation for capital construction projects. Increases the amount appropriated to the department of higher education for the center for bioethics and humanities at the university of Colorado health sciences center.

Adds a footnote to the appropriation made in the 2004 general appropriations act to the department of higher education for phase 3 of the building 500 renovation at the university of Colorado at Denver and health sciences center to clarify that it is the intent of the general assembly that this appropriation remain available until June 30, 2009.

Amends the 2005 general appropriation act to reduce the amount of general fund revenues appropriated to the capital construction fund for the 2005-06 state fiscal year. Adds footnotes to certain capital construction appropriations made in the 2005 general appropriation act to clarify that, in making these appropriations, it is the intent of the general assembly that:

- The appropriation to the department of higher education for information technology infrastructure at the university of Colorado at Boulder remain available until December 31, 2010.
- The appropriation to the department of higher education for additions and alterations at Shortgrass Steppe field station at Colorado state university remain available until June 30, 2011.
- The appropriation to the department of public health and environment for natural resources damage restoration remain available until June 30, 2011.

Amends the 2006 general appropriation act to decrease the total appropriation for capital construction projects. Decreases the amount appropriated to the department of higher education for the Fitzsimons, PASCAL II addition. Increases the amount appropriated to the department of military and veterans affairs for the Grand Junction maintenance shop. Changes the capital construction appropriation made to the department of personnel for a new office building located at 1555 Sherman street to the capitol complex master plan.

Amends the 2007 general appropriation act to increase the total appropriation for capital construction projects. Increases the amount appropriated to the department of higher education for renovations and additions for Plachy Hall at Adams state college. Increases the amount appropriated to the department of higher education for additions and renovations

for Saunders fieldhouse at Mesa state college. Increases the amount appropriated to the department of higher education for the renovation of Kelly Hall at Western state college. Increases the amount appropriated to the department of higher education for district cooling plant No. 2 and for the Rockwell hall business expansion at Colorado state university. Adds funding for the department of higher education for phase 1B of the new academic village at Colorado state university, the 3rd floor buildout of the general research lab building at the Colorado school of mines, track rehabilitation for the Cumbres and Toltec scenic railroad, and for museum relocation logistics. Increases the amount appropriated to the department of higher education for regional museum preservation projects. Increases the amount appropriated to the department of human services for domiciliary renovation of the Colorado state veterans center at Homelake. Decreases the amount appropriated to the department of natural resources for the department of parks and outdoor recreation for automated entrances. Increases the amount appropriated to the department of natural resources for the division of parks and outdoor recreation for revenue enhancements. Adds funding for the department of revenue to repair the eastbound lane and the scale pit at the Fort Morgan port-of-entry and for replacement of the westbound scale pit at the Limon port-of-entry.

Amends lettered notes attached to certain capital construction appropriations made in the 2007 general appropriations act to:

- Decrease the amount appropriated to the department of natural resources for the division of parks and outdoor recreation for various projects funded by cash funds exempt sources.
- Specifies that appropriations to the department of revenue for improvements at the Fort Morgan and Limon port-of-entries shall use, in part, moneys from the highways users tax fund.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1361 Legislative appropriation. Appropriates \$33,188,958 for matters related to the legislative department for the 2008-09 fiscal year. Requires that any general fund appropriations to the legislative department that are unexpended and unencumbered as of the close of the 2007-08 fiscal year be transferred by the state treasurer to the ballot information publication and distribution revolving fund. Specifies that the amount transferred shall not exceed \$500,000.

APPROVED by Governor April 7, 2008

EFFECTIVE April 7, 2008

H.B. 08-1375 General appropriation - long bill. Provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2008. Sets the grand total for the operating budget at \$18,366,882,459 of which \$6,520,527,731 is from the general fund, \$1,108,460,823 is from general fund exempt, \$5,077,410,428 is from cash funds, \$1,579,494,122 is from reappropriated funds, and \$4,080,989,355 is from federal funds.

Appropriates \$837,679,021 for capital construction projects of which \$180,574,268 is from the capital construction fund, \$608,374,386 is from cash funds, and \$48,730,367 is

from federal funds.

Makes additional changes in appropriations for the 2006-2007 calendar year.

APPROVED by Governor April 28, 2008

EFFECTIVE April 28, 2008
PORTIONS VETOED April 28, 2008

CHILDREN AND DOMESTIC MATTERS

S.B. 08-106 Parenting time - objection - parent convicted of crime out-of-state - assessment and evaluation. Permits a parent to file an objection to parenting time if the other parent has been convicted in another jurisdiction of certain crimes that may constitute a danger to the child. After the motion is filed, requires the court to order a sex-offense-specific evaluation and parental risk assessment if the parent is convicted in another jurisdiction and to consider the recommendations of the evaluation and assessment in making an order for parenting time or parent contact.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

S.B. 08-183 Parentage - action to set aside parentage and child support orders - DNA evidence of nonparentage - docket fee. Allows for an order determining parentage to be modified or set aside by the individual named as the father in the order if DNA test results establish the exclusion of the father named in the order as the biological father of the child, and the court determines that it is just and proper under the circumstances and in the best interests of the child. Requires a person to file the motion to modify or set aside the parentage order within 2 years after the court enters the order. If the court modifies or sets aside a parentage order, requires the court to terminate child support obligations and permits the court to set aside or deem as satisfied all or part of child support arrearages.

Requires the petitioner to give notice to all other parties pursuant to the Colorado rules of civil procedure, and requires the court to hold a hearing before setting aside an order. Requires the petitioner to pay a docket fee of \$70.

APPROVED by Governor May 29, 2008

EFFECTIVE August 15, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1006 Foster care - arrangements for sibling visits. Requires a county department of social services ("county department") to arrange for a visit between a child in foster care and his or her sibling within a reasonable amount of time if the child and his or her sibling express a mutual desire to visit with each other. Allows the county department to deny the request if it determines the visit would not be in the best interests of the child or his or her sibling. Requires the county department, in determining whether a requested visit would be in the best interests of one or both of the siblings, to ascertain whether there is pending in any jurisdiction a criminal action in which either of the siblings is a victim or a witness. If a criminal action is pending, requires the county department, before arranging any visit between the siblings, to consult with the district attorney for the jurisdiction in which the criminal action is pending to determine whether the requested visit may have a detrimental effect upon the prosecution of the pending criminal action. Allows the state board of human services to promulgate rules establishing procedures for arranging sibling visits.

APPROVED by Governor February 7, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1016 Juveniles with mental health issues - court ordered screening and assessment - admissibility of evidence obtained during screening or assessment - court ordered mental health services - implementation committee. In a juvenile delinquency proceeding, requires the court, prosecution, probation officer, guardian ad litem, parent, or legal guardian who believes that the juvenile could benefit from mental health services to advise the court of the issue. Directs the court to order a mental health screening when the issue is raised, unless the court has sufficient information to determine the juvenile's need for mental health services.

If the mental health screening indicates the juvenile could benefit from mental health services, allows the court to order a mental health assessment. Permits the court to require a party with legal custody of the juvenile to pay for the assessment. Requires the assessment to include an opinion as to whether the juvenile would benefit from mental health services. If the assessment includes such an opinion, requires the assessment to identify the juvenile's mental health issues and appropriate services and treatment. Prohibits the admissibility of evidence obtained as a result of a mental health screening or assessment unless the juvenile places his or her mental health at issue.

Permits the court to order mental health treatment or services as a part of the court's disposition if a mental health screening or assessment finds or the court determines the juvenile could benefit from mental health services.

Permits the chief judge of each judicial district and the presiding judge of the Denver juvenile court to appoint a committee to develop a plan to implement the act. Requires the committee to submit its plan to the judicial department by July 1, 2009, and requires each judicial district to implement its plan by July 1, 2010. Permits the chief judge or presiding judge to order implementation prior to July 1, 2010.

APPROVED by Governor April 10, 2008

EFFECTIVE July 1, 2008

H.B. 08-1018 Court-appointed special advocates. Allows nonadjacent judicial districts to jointly establish a volunteer court-appointed special advocate program.

APPROVED by Governor March 13, 2008

EFFECTIVE March 13, 2008

H.B. 08-1117 Restorative justice - inclusion in juvenile diversion programs - court advisement of restorative justice sentencing options - sentencing option - probation option. Defines "restorative justice" as practices that emphasize repairing the harm to the victim and the community resulting from criminal acts. Directs the juvenile diversion program to integrate restorative justice practices into the program when possible. Requires the court to advise a juvenile of restorative justice sentencing at the juvenile's first court appearance and when pleading guilty. Makes restorative justice a sentencing alternative for the court unless the juvenile committed an unlawful sexual behavior offense or an offense that included an underlying factual basis of domestic violence. Provides the court the option of ordering an evaluation to determine whether restorative justice should be a part of a sentence to probation unless the juvenile committed an unlawful sexual behavior offense or an offense that included an underlying factual basis of domestic violence.

APPROVED by Governor March 31, 2008

EFFECTIVE March 31, 2008

H.B. 08-1156 Juvenile parole - appropriation. Eliminates reference to the division of juvenile parole in the department of human services. Authorizes the division of youth corrections in the department of human services to manage all juvenile parole services. Structures the provision of juvenile parole services to align with the practices of the division of youth corrections.

Requires the use of an objective risk assessment by the division of youth corrections and the juvenile parole board ("board") to identify treatment and parole services. Permits the board to consider additional committing crimes that may merit a juvenile receiving extended parole services. Requires the board to provide victim coordination services, including victim notification.

Clarifies the juvenile court's and board's authorization to discharge juvenile parole.

Converts the local elected official member on the board to a public-at-large member. Clarifies that board members can seek a prorated per diem for a half-day of service.

Clarifies that the division of youth corrections shall not retain jurisdiction over a juvenile who attains 21 years of age. Clarifies that the sentence to commitment and period of parole is discharged when a juvenile attains 21 years of age.

Codifies the board's time computation practices for computing the period of parole or extended parole for juveniles.

Clarifies who has custody of a juvenile who is under the age of 18 years and who has completed his or her period of commitment and is transitioning onto parole supervision.

Appropriates \$55,997 from the state victims assistance and law enforcement fund to the juvenile parole board.

APPROVED by Governor May 22, 2008

EFFECTIVE May 22, 2008

H.B. 08-1176 Custody and parenting time - modification based upon military deployment - interim orders. Requires that any court orders modifying the allocation of parental responsibilities or parenting time based upon a service member parent's active duty deployment be interim orders. Upon the service member parent's return to Colorado, requires that the allocation of parental responsibilities and parenting time revert back to the orders that existed at the time of the service member parent's active duty deployment.

APPROVED by Governor April 7, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1337 Colorado children's trust fund - powers of the board - audit requirement. Repeals the requirement that the Colorado children's trust fund board contract for an

independent annual audit.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1342 Child support - paternity case - records - adding children - appropriation. Provides for the confidential collection of social security numbers for all parties and children with respect to orders involving child support.

Allows a child who is conceived of parents named in an existing paternity or child support case to be added to the existing case. Establishes procedures for adding the child.

Provides that determination of an obligor's potential income for child support purposes shall not be made for an incarcerated parent sentenced to one or more years.

Authorizes the state to redirect the state's share of public assistance monies recovered to the counties.

Appropriates \$2,500,000 from the general fund to the department of human services, country administration division, for country incentive payments for implementation of this act. Decreases the appropriation to the department of human services, office of self sufficiency, Colorado works program, for county block grants from the state's share of retained child support collections and fraud refunds by \$2,500,000.

APPROVED by Governor May 27, 2008

PORTIONS EFFECTIVE May 27, 2008

PORTIONS EFFECTIVE July 1, 2008

PORTIONS EFFECTIVE January 1, 2009

H.B. 08-1391 Child abuse and neglect - mental health services - pilot program - rules - appropriation. Creates the child welfare and mental health services pilot program ("program") in the department of human services ("department") to provide mental health screenings, evaluations, and services for any child from 4 through 10 years of age who has been the subject of a substantiated case of abuse or neglect. Requires the department to develop and establish the program and to promulgate rules for the program. Outlines the criteria for receiving services through the program. Lists the mental health services that shall be available through the program. Requires the department to evaluate the program based on established criteria and to submit a report to the general assembly concerning the outcomes of the program. Repeals the program, effective July 1, 2012.

Appropriates \$2,100,169 from the general fund to the department of human services for implementation of the act.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 08-24 Consumer protections - ticket sales and resales - limitations. Requires ticket resellers to guarantee a full refund to a purchaser if an event is cancelled, the ticket would not grant the purchaser admission to the event, the ticket is counterfeit, or the ticket fails to conform to its description as advertised. Specifies that it is void as against public policy to apply a term or condition to an original sale to the purchaser to limit the terms or conditions of resale, but allows an original seller of tickets to prohibit the resale of a contractual right in a season ticket package agreement that gives the original purchaser a priority or other preference to enter into a subsequent season ticket package agreement with the original seller. Prohibits the denial of access to an event based solely on the ground that a ticket was resold through a reseller not approved by the operator.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

S.B. 08-77 Consumer protection act - deceptive trade practices - on-line event ticket sales - automatic programs - circumventing seller restrictions. Prohibits, as a deceptive trade practice, the use of a technology designed to deceive automated controls connected to a web site in order to obtain tickets to events for resale in violation of limits established by the vendor. Authorizes the attorney general or a district attorney to obtain an order of forfeiture of tickets or the proceeds of tickets so obtained.

Expands the definition of computer crime to include the use of an automated software application that circumvents a technological measure intended to limit the number of event tickets that may be purchased. Clarifies that each ticket so purchased is a separate offense. Authorizes prosecution of the case in the county where the event occurs.

APPROVED by Governor June 5, 2008

EFFECTIVE July 1, 2008

S.B. 08-246 Colorado Unfair Practices Act - sales below cost - when unlawful. Clarifies that vendors violate the Colorado "Unfair Practices Act" when they intend to injure competitors and destroy competition in order to acquire or maintain a monopoly. Updates the definition of "cost" to mean an appropriate determination of cost that is consistent with federal court interpretations of cost in federal predatory pricing cases under the federal "Sherman Act".

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

H.B. 08-1109 Charitable solicitations - regulation by secretary of state - registration requirements - investigations - fines - appropriations. Specifies that a charitable organization, professional fund-raising consultant, or paid solicitor whose registration is suspended cannot solicit charitable contributions, provide its consulting services, or conduct a solicitation campaign in this state. Authorizes the secretary of state to investigate potential violations of and set fines for actual violations of the charitable solicitation laws, with a maximum fine of \$300 per year for charities and \$1,000 per year for paid solicitors. Caps the fee for the late filing of a registration renewal, solicitation notice, or solicitation campaign financial report at \$100 per year for charities and \$200 per year for paid solicitors. Authorizes the secretary of state to require the production of records for inspection and

specifies that such records are not subject to disclosure pursuant to the open records law.

Appropriates \$28,000 to the department of state for the implementation of the act.

APPROVED by Governor May 14, 2008

EFFECTIVE September 1, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1178 Electronic mail - unsolicited messages (spam) - deceptive trade practices - false address information - disregard of do-not-email directive - penalties - exemptions. Replaces the existing "Colorado Junk Email Law" with provisions that are intended to be consistent with, and as stringent as may be adopted by any state under, the federal "CAN-SPAM Act of 2003" (CAN-SPAM Act).

Defines a violation of the CAN-SPAM Act as a deceptive trade practice. Specifies that deceptive practices include knowingly concealing or falsifying point-of-origin information, using another person's return address without permission, or disregarding a do-not-email directive from a recipient of a previous message.

Invokes the attorney general's enforcement authority and other available remedies under the "Colorado Consumer Protection Act" and carries forward the remedies from prior Colorado law. Exempts internet service providers from liability for the mere transmission of e-mail messages.

Allows an internet service provider whose equipment or facilities were used in the transmission of email in violation of this act to sue for actual damages plus statutory damages of \$1,000 per message, up to a total of \$10 million. Creates a new misdemeanor criminal offense, punishing an initial violation as a class 2 misdemeanor and a second or subsequent violation as a class 1 misdemeanor.

APPROVED by Governor April 23, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1196 Consumer protections - deceptive advertising - musical performances. Prohibits the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group in connection with an advertisement for or the conduct of a live musical performance. Makes exceptions and defines terms. Specifies enforcement authority, civil penalties, and other remedies.

Makes the act applicable to acts occurring on or after August 5, 2008.

APPROVED by Governor April 10, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORPORATIONS AND ASSOCIATIONS

H.B. 08-1055 Business entities - filing requirements - dissolution voting - deadlines - obsolete provisions. Clarifies that, to file articles of incorporation for a cooperative or a certificate of limited partnership, the mailing address of each incorporator or each general partner must be filed with the secretary of state. Moves the title protection for a cooperative to a different citation. Clarifies that an executor of an estate, the guardian, or other legal representative, of a former registered agent may file a change form with the secretary of state for the former registered agent. Clarifies that, when dissolving a nonprofit corporation, the board of directors shall submit the question to members who are entitled to vote. Deletes obsolete references to the national market system of the national association of securities dealers automated quotation system. Replaces the phrase "certificate of incorporation" with "articles of incorporation".

Removes an exception that authorizes a person to make filings on the next business day if the deadline occurs on a Saturday, Sunday, legal holiday, or when the office is closed.

Eliminates obsolete provisions and makes technical corrections.

APPROVED by Governor March 6, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1089 Nonprofit corporation - board of directors - action without a meeting. States that, unless otherwise provided in the bylaws, the board of directors of a nonprofit corporation may take action upon written notice and the board members' written vote or failure to respond.

APPROVED by Governor March 13, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORRECTIONS

S.B. 08-7 Jail inmates - assistance in accessing public benefits upon release - demonstration program - appropriation. Encourages counties to establish relationships, partnerships, and prerelease agreements with entities involved in providing various public benefits to persons released from jail. Directs the department of human services ("state department") and the department of health care policy and financing to provide training to appropriate personnel on the process for applying for public benefits.

Establishes a demonstration grant program ("demonstration program") in the state department to award grants to counties or groups of counties that design programs to assist jail inmates in accessing health care, housing, and employment benefits upon release. Directs the state department to submit a report to the legislative judiciary committees on the demonstration program.

Appropriates \$279,000 from the general fund to the state department for the demonstration program. Appropriates \$1,000 from the general fund to the department of health care policy and financing for training county personnel.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

S.B. 08-145 County jails - inspections - county commissioners. Requires county commissioners to inspect the jails in their respective counties at their discretion but at least once annually.

APPROVED by Governor May 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-171 Parolees - biological substance testing - private laboratory - contracting. Revises from a urine test to a test of a biological substance sample the chemical testing requirement to which a parolee must submit as a condition of parole. Removes the duties of the department of public health and environment with regard to testing of substances for parolees. Requires the department of corrections, the department of public safety, and local governmental agencies to contract with a private laboratory for testing of parolees' biological substances.

APPROVED by Governor April 14, 2008

EFFECTIVE April 14, 2008

S.B. 08-172 Community parole officers. Changes the term "parole officer" to "community parole officer". Revises the definition of "community corrections program agent" to reflect that these agents are also community parole officers.

APPROVED by Governor April 25, 2008

EFFECTIVE April 25, 2008

S.B. 08-175 Department of corrections inspector general - investigator duties - reorganization. Clarifies and reorganizes the statute concerning the department of

corrections inspector general. Gives investigators under the inspector general specific investigative duties.

APPROVED by Governor April 14, 2008

EFFECTIVE April 14, 2008

H.B. 08-1046 Public benefits - application assistance - juvenile and mental health facilities - training - process simplification - appropriation. For juveniles in a commitment center and certain persons confined in a facility of the department of human services who are or may be eligible for public assistance, provides assistance in applying for medicaid, children's basic health plan benefits, supplemental security income ("SSI"), or social security disability insurance ("SSDI") prior to release from the facility.

Stipulates that the person shall receive such assistance at least 120 days prior to release, or sooner if possible. Requires the department of human services to provide information and training on the SSI or SSDI application process and assistance to personnel at each facility. Requires the department of health care policy and financing to provide information and training on the medicaid application process and assistance to personnel at each facility.

Mandates that the department of health care policy and financing simplify the application processing for medicaid and the children's basic health plan and that the department of human services simplify the application processing for SSI and SSDI to allow eligible persons to receive medicaid as a result of being eligible for SSI or SSDI upon release and thereafter.

Appropriates \$76,081 to the department of humans services for implementation of this act including \$11,941 from the general fund, \$6,106 from the old age pension fund, \$26,408 from funds transferred from the department of health care policy and financing, and \$31,626 from federal funds.

Appropriates \$28,408 to the department of health care policy and financing for implementation of this act including \$13,371 from the general fund, \$1,443 from the children's basic health plan trust, \$137 from the old age pension fund, and \$13,457 from federal funds.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1067 Parole hearing officers - immunity. Adds parole administrative hearing officers to the statutory definition of a public employee for purposes of the "Colorado Governmental Immunity Act". Clarifies that a parole administrative hearing officer is protected by governmental immunity only when acting within the scope of his or her duties as a public employee.

APPROVED by Governor March 13, 2008

EFFECTIVE March 13, 2008

H.B. 08-1132 Youthful offender system - sex offender treatment - consent for mental health treatment. Allows for a sex offender in the youthful offender system to receive juvenile or adult sex offender treatment, as appropriate. Adds mental health treatment as an available

treatment option that offenders in the youthful offender system can receive without parental consent.

APPROVED by Governor March 13, 2008

EFFECTIVE March 13, 2008

H.B. 08-1192 Inmate medical services - copayment. Requires the executive director of the department of corrections ("executive director") to establish written procedures requiring inmates to pay a copayment, not to exceed five dollars, for inmate-initiated medical, mental health, dental, and optometric visits.

Allows the executive director to specify services for which a copayment will not be assessed and the specific and exclusive bases upon which a copayment may be reduced or waived including, but not limited to, the inmate's ability to pay, the health needs of the inmate, and the public health and safety needs of the institution.

APPROVED by Governor April 3, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1247 Sexually violent predator - determination - by court. Requires the department of corrections, if it receives a mittimus that does not indicate whether the court determined whether a defendant is a sexually violent predator, to notify the court and, if necessary, return the defendant to the custody of the sheriff for transport to the court for the determination.

APPROVED by Governor March 26, 2008

EFFECTIVE March 26, 2008

H.B. 08-1352 Parole revocation placement - return to custody facility - technical parole revocation - no felony warrant, felony detainer, or new felony charges - appropriation. Limits the parole board's option of placing a parolee in a community return-to-custody facility after revocation of a parolee whose parole is revoked based on a technical violation, who has no active felony warrant, felony detainer, or pending felony criminal charge, and who was on parole for an offense that was a class 5 or class 6 nonviolent felony other than menacing or unlawful sexual behavior.

For fiscal year 2008, appropriates \$2,127,805 from the general fund to the capital construction fund and from the capital construction fund to the corrections expansion reserve fund. For fiscal years 2008, 2009, 2010, 2011, and 2012, appropriates \$217,566 from the general fund to the department of corrections.

APPROVED by Governor May 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1363 Corrections administration - contract rates for confinement of inmates. Allows the department of corrections ("department") to negotiate a contract rate for the confinement and maintenance of state inmates in private contract facilities or facilities

operated by a political subdivision of the state ("contract rate"). Prohibits a contract rate negotiated by the department from exceeding the maximum rate provided in the annual general appropriations act.

Specifies that, for the 2008-09 fiscal year, a contract in holdover status or a purchase order for the confinement and maintenance of state inmates in private contract facilities or facilities operated by a political subdivision of the state shall be at the rate provided in the general appropriation act enacted in the 2007 regular legislative session. Specifies that, if the department and either a private contractor or a political subdivision of the state are signatories to a contract for the confinement and maintenance of state inmates for the 2008-09 fiscal year, which contract is not in holdover status, the contract rate shall be the rate provided for in the contract, but shall not exceed the maximum rate provided in the general appropriation act enacted in the 2008 regular legislative session.

APPROVED by Governor April 10, 2008

EFFECTIVE April 10, 2008

COURTS

S.B. 08-32 Breach of bond conditions - bond commissioner application - notice. Permits a bonding commissioner to apply to the court for a hearing on a breach or threatened breach of the conditions of a bond. Requires a bonding commissioner filing an application to notify the district attorney within 24 hours after filing the application. Directs the bonding commissioner to notify the bail bond agent of record when the warrant is issued.

APPROVED by Governor April 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-54 Judicial performance commissions - office - executive director - terms -duties - appropriation. Establishes the office of judicial performance evaluation ("office") within the judicial department. Directs the state commission on judicial performance ("state commission") to appoint an executive director. Specifies the duties of the office.

Specifies when the terms of members of the state commission and district commissions on judicial performance ("district commissions") end. Clarifies that an attorney member of the state commission or a district commission means a person admitted to practice law before Colorado courts. Requires a member of a commission to recuse himself or herself from an evaluation of the person who appointed the member.

Repeals and reenacts, with amendments, sections establishing the duties of the state and district commissions. Specifies criteria by which the state and district commissions are to evaluate justices and judges. Requires written evaluations of justices and judges to contain certain information. Provides that interim evaluations are to be conducted for each justice and judge at least once during the justice's or judge's full term of office.

Requires a member of the state commission or a district commission to disclose a professional or personal relationship with a justice or judge that may affect an unbiased evaluation of the justice or judge. Prohibits an attorney from seeking a recusal of a judge, a withdrawal of an attorney, or an exclusion of a witness solely because the attorney or witness is a member of the state commission or a district commission evaluating the judge. Prohibits a judge from recusing himself or herself from a case solely because an attorney, a party, or a witness is a member of the state commission or a district commission evaluating the judge.

Prohibits the disclosure of certain information gathered during an evaluation except under specified circumstances with the consent of the judge being evaluated.

Extends the repeal of the state and district commissions to June 30, 2019. Directs the state court administrator to provide to the state and district commissions case management data on each justice or judge being evaluated.

Appropriates to the judicial department \$308,270 from the state commission on judicial performance cash fund for implementation of the act.

APPROVED by Governor May 27, 2008

EFFECTIVE July 1, 2008

H.B. 08-1020 Civil actions - settlement offers - costs. Clarifies that, if a plaintiff rejects a defendant's settlement offer and subsequently is the prevailing party in the action but recovers a final judgment that is less than the settlement offer, the plaintiff shall recover his or her actual costs that accrued prior to the time the defendant made the settlement offer.

APPROVED by Governor February 21, 2008

EFFECTIVE July 1, 2008

H.B. 08-1147 Witness protection - share curriculum among law enforcement. Requires the witness protection board to share with the peace officer standards and training board ("P.O.S.T. board") any witness protection curriculum developed by the witness protection board. Directs the P.O.S.T. board to provide the training curriculum to any law enforcement agency upon request and include it in any training it provides. Allows a law enforcement agency that develops its own witness protection training curriculum to provide it to the P.O.S.T. board who, in turn, shall make it available to any law enforcement agency in the state upon request.

APPROVED by Governor April 3, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1174 Uniform interstate depositions and discovery act. Enacts the "Uniform Interstate Depositions and Discovery Act". Allows a party to submit a subpoena from another state for the deposition of a witness or for the discovery or inspection of documents or other tangible things to the clerk of the court in the county in which the deposition or discovery is to occur. Requires the Colorado court to issue a subpoena that incorporates the terms of the subpoena of the other state. Provides that the laws and rules of the state govern the service of a subpoena or a motion for protective orders and enforcement actions.

APPROVED by Governor March 26, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1193 Judge as party to a case - recusal of judge upon motion. Allows any party to a case in a district court or county court to file a timely motion requesting that the judge who is appointed to preside over the case recuse himself or herself if a judge or former judge of the same district court or county court is a party in the case in his or her individual and private capacity. Requires a judge to recuse himself or herself if such a motion is filed under such circumstances. Requires the chief justice of the Colorado supreme court or his or her designee to appoint a presiding judge in such cases from outside the judicial district. Creates an exception for district court cases in which a water judge or referee is acting within his or her exclusive jurisdiction over water matters.

APPROVED by Governor April 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1202 Uniform foreign-country money judgments recognition act. Replaces the 1977-enacted "Uniform Foreign Money-judgments Recognition Act" with the 2005-enacted "Uniform Foreign-country Money Judgments Recognition Act" ("act").

Updates and clarifies definitions. Reorganizes the act, and clarifies provisions relating to the scope of the act. Allocates the burden of proof with respect to establishing application of the act. Provides procedures for seeking recognition under the act. Clarifies and, to a limited extent, expands the grounds for non-recognition of foreign-country money judgments. Allocates the burden of proof with respect to the grounds for denying recognition. Establishes a 15-year statute of limitations for recognition of foreign-country money judgments.

APPROVED by Governor March 19, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1253 Judicial department - information technology cash fund. Creates the judicial department ("department") information technology cash fund ("fund") consisting of certain fees and cost recoveries not otherwise required by law to be deposited in another fund. Requires the moneys in the fund to be appropriated to the department for any expenses related to the department's information technology needs.

Requires any unexpended and unencumbered moneys to remain in the fund at the end of a state fiscal year. Exempts the fund from the requirement that moneys in excess of the target reserve are required to be transferred to the general fund at the end of a state fiscal year.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

CRIMINAL LAW AND PROCEDURE

S.B. 08-8 Legislative oversight committee - continuing examination of the treatment of persons with mental illness involved in the criminal and juvenile justice systems - task force membership. Adds a representative from the department of health care policy and financing to the task force for the continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

S.B. 08-60 Automobile theft prevention authority - continuation of authority board - audit - appropriation. Extends the repeal of the automobile theft prevention authority ("authority"). Adds 2 members to serve on the automobile theft prevention board. Directs the state auditor to audit the authority's use of the moneys in the Colorado auto theft prevention cash fund. Imposes a mandatory fee on automobile insurers to fund the Colorado auto theft prevention cash fund. Prohibits insurers subject to the fee from raising their premiums based on the fee. Creates a civil penalty for insurers who fail to pay the fee.

Appropriates \$4,262,667 and 3.0 FTE from the auto theft prevention cash fund for implementation of the act.

APPROVED by Governor June 3, 2008

EFFECTIVE July 1, 2008

S.B. 08-66 Felony murder - juvenile tried as adult - youthful offender system sentence - appropriation. Allows a court to sentence to the youthful offender system a juvenile who is charged as an adult with felony murder if the juvenile pleads guilty to a class 2 felony as a result of a plea agreement and the juvenile would be eligible for sentencing to the youthful offender system if convicted of the felony that underlies the felony murder charge.

Appropriates \$46,048 from the general fund to the department of corrections for allocation to the youthful offender system for implementation of the act.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

S.B. 08-88 Miscellaneous offenses - furnishing cigarettes or tobacco products to minors. Removes the requirement that a person who furnishes cigarettes or tobacco products to a minor do so knowingly to commit a class 2 petty offense. Requires a person, before selling to any individual any cigarette or tobacco product, to request from the individual and examine a government-issued photographic identification that establishes that the individual is 18 years of age or older. Waives this requirement for face-to-face transactions in which the individual appears older than 30 years of age. Establishes a class 2 petty offense for violations of this requirement.

Prohibits possession of tobacco products by a person under 18 years of age. Establishes that possession of tobacco products by a person under 18 years of age is a non-criminal offense.

APPROVED by Governor May 20, 2008

EFFECTIVE July 1, 2008

S.B. 08-134 Bail bonds - county jail assistance fund - minimum bail amount - appropriation. Directs that 50% of the forfeited bond moneys and fees for a person in this country illegally shall be deposited into the capital construction fund for appropriation to the corrections expansion reserve fund. Directs that 50% of the forfeited bond moneys and fees for a person in this country illegally shall be deposited into the county jail assistance fund. Creates the county jail assistance fund.

Sets the minimum amount for bail for a person arrested for distribution of a schedule I or schedule II controlled substance at \$50,000. Requires the amount to be adjusted for inflation every 10 years.

Appropriates \$2,053 from the county jail assistance fund to the department of corrections for the implementation of the act.

APPROVED by Governor May 20, 2008

EFFECTIVE July 1, 2008

S.B. 08-192 Residential picketing - prohibition - picketing sign limitations - picketing parking limitations. Prohibits an individual from engaging in targeted residential picketing unless the individual continually marches a certain distance to the right and left of the targeted residence. Prohibits a person engaged in targeted residential picketing from carrying more than one sign or a sign that is larger than 6 square feet. Prohibits a vehicle engaged in targeted residential picketing from parking within a specified distance of the targeted residence. Before a violation can occur, requires law enforcement to issue a warning. Makes unlawful residential picketing an unclassified misdemeanor subject to a fine of no more than \$5,000. Permits a local jurisdiction to adopt a more restrictive targeted residential picketing measure.

APPROVED by Governor May 28, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-205 DNA evidence - hearing when certain evidence destroyed - critical stage. Requires the court to grant a hearing to a defendant when DNA evidence subject to a statutory preservation order is negligently lost or destroyed to determine whether a remedy is warranted. States that the hearing is a critical stage in the criminal proceedings for victim rights' purposes.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

S.B. 08-234 Alcohol and drug use assessment - misdemeanor or petty offense deferred judgment - drug and alcohol counseling - approved provider. Requires each person convicted of a misdemeanor or petty offense who is to be considered for probation or a deferred judgment and sentence to submit to an alcohol and drug use assessment. Permits the court to require drug or alcohol counseling in a deferred judgment and sentence. Requires an approved provider to provide the treatment if the defendant receives a deferred judgment and sentence for an unlawful sexual behavior offense.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

S.B. 08-235 Public indecency - masturbation. Includes an act of masturbation in the crime of public indecency.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

S.B. 08-236 Violation of a protection order - notice of the contents of the order - law enforcement personnel. Permits a person to be convicted of violation of a protection order if the person acquired knowledge of the contents of the protection order from law enforcement personnel and then violates the order.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

S.B. 08-237 Sex offender registration - register in Colorado if required to register in another jurisdiction. Clarifies that a person is required to register as a sex offender in Colorado if the person commits a crime in another jurisdiction that would require registration as a sex offender in that jurisdiction if the person lived in that jurisdiction.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

S.B. 08-238 Sexually exploitative material - prohibition on reproduction in a criminal case - exception. Prohibits the reproduction of sexually exploitative material in the course of a criminal case if the prosecution makes the material available to the defendant for inspection. Makes an exception to the prohibition on reproduction if the defendant shows, for reasons to the specific case, that the provided inspection is insufficient for a defense expert purposes.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

S.B. 08-239 Leaving the scene of an accident involving death - increase penalty - appropriation. Increases the penalty from a class 4 felony to a class 3 felony for leaving the scene of an accident involving death.

For the 2008 and 2009 fiscal years, transfers \$125,165 from the general fund to the capital construction fund and from capital construction fund to the corrections expansion reserve fund. For the 2010 fiscal year, transfers \$137,682 from the general fund to the capital construction fund and from the capital construction fund to the corrections expansion reserve fund. For the 2011 and 2012 fiscal years, transfers \$375,495 from the general fund to the capital construction fund and from the capital construction fund to the corrections expansion reserve fund.

For 2009 fiscal year, appropriates \$28,758 from the general fund to the department of corrections. For 2010 fiscal year, appropriates \$57,516 from the general fund to the department of corrections. For 2011 fiscal year, appropriates \$89,150 from the general fund to the department of corrections. For 2012 fiscal year, appropriates \$175,424 from the general fund to the department of corrections.

APPROVED by Governor May 14, 2008

EFFECTIVE July 1, 2008

H.B. 08-1085 Colorado bureau of investigation - identification unit fund. Creates the Colorado bureau of investigation identification unit fund ("fund") for moneys paid to offset the costs incurred by the Colorado bureau of investigation in conducting criminal history record checks. Excludes the fund from the statutory limits on cash fund reserves.

APPROVED by Governor March 18, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1115 Retaliation against a judge - class 4 felony - appropriation. Creates a new class 4 felony if a person threatens, harasses, or harms certain individuals in retaliation or retribution against a judge.

Makes a 5-year statutory appropriation for implementation of the act as follows:

- For the 2008-09 fiscal year, appropriates \$125,165 from the capital construction fund to the corrections expansion reserve fund;
- For the 2009-10 fiscal year, appropriates \$28,758 from the general fund to the department of corrections;
- For the 2010-11 fiscal year, appropriates \$112,649 from the capital construction fund to the correction expansion reserve fund and \$28,758 from the general fund to the department of corrections;
- For the 2011-12 fiscal year, appropriates \$54,640 from the general fund to the department of corrections; and
- For the 2012-13 fiscal year, appropriates \$112,649 from the capital construction fund to the corrections expansion reserve fund and \$28,758 from the general fund to the department of corrections.

APPROVED by Governor May 21, 2008

EFFECTIVE July 1, 2008

H.B. 08-1119 Colorado commission on criminal and juvenile justice - study racial and ethnic disparities. Directs the Colorado commission on criminal and juvenile justice to include in its areas of study the reduction of racial and ethnic disparities in the criminal and juvenile justice systems.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1130 Wiretaps - applications - extensions. Permits a district attorney to designate the assistant district attorney or the chief deputy district attorney to apply for a wiretap if the district attorney is out of the jurisdiction. Permits the attorney general to designate the chief deputy attorney general or deputy attorney general for the criminal section to apply for a wiretap if the attorney general is out of the jurisdiction. Permits 3 extensions of an order of a wiretap.

APPROVED by Governor March 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1208 Juvenile direct file - sentence as a juvenile lesser offenses - reverse transfer process - preference for juvenile detention pending trial. Requires the district court to sentence a juvenile who is convicted as an adult to a juvenile disposition for a conviction of an offense for which criminal charges could not have been originally filed by information or indictment. Provides that, if a juvenile is convicted as an adult and receives a juvenile disposition, the juvenile's conviction shall be adjudicated as a juvenile delinquency.

Creates a reverse-transfer process that permits a juvenile to file a petition with the district court within thirty days after the juvenile is charged by direct file asking the court to remand the case to the juvenile court. Requires the court to hold a hearing on the petition in which the juvenile has a burden of showing that the best interests of the juvenile and community would be served by having the case prosecuted in juvenile court.

Creates a preference that a juvenile on a direct file or transfer who has been ordered to held pending the proceedings be held in a juvenile facility. Requires sight and sound segregation if the court decides to have the juvenile held at an adult facility.

VETOED by Governor May 22, 2008

H.B. 08-1217 Sexual assault victim protections - lie detector tests - forensic medical exams - collection of evidence. Prohibits a law enforcement agency, prosecuting officer, or other government official from asking a sexual assault victim to take a lie detector test as a condition of proceeding with the criminal investigation or prosecution. Prohibits a law enforcement agency from asking or requiring a sexual assault victim to participate in the criminal justice process in order to receive a forensic medical exam that includes the collection of evidence ("exam"). Requires the division of criminal justice in the department of public safety, and not the victim, to pay for the exam. Requires a medical facility that performs an exam on a victim that is not at the request of a law enforcement agency to contact law enforcement regarding the storage of the evidence.

APPROVED by Governor March 31, 2008

EFFECTIVE March 31, 2008

H.B. 08-1232 Domestic violence offender management board - revisions - continuation under sunset law - appropriation. Extends the automatic termination date of the domestic violence offender management board ("board") to September 1, 2017, pursuant to the provisions of the sunset law.

Allows the board to develop a renewal process for treatment providers who seek to remain on the approved provider list. Gives the board the authority to increase the application fee up to \$300 to cover the costs associated with the initial application and the renewal applications. Directs the board to require approved treatment providers to complete mandatory continuing education courses in areas related to domestic violence. Allows the board to remove a domestic violence treatment provider from the approved provider list and to determine the requirements for a provider's name, once removed, to be reinstated on the list.

Appropriates \$26,450 and 0.6 FTE from the domestic violence offender treatment provider fund to the department of public safety, division of criminal justice, for

implementation of the act.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1263 Victims' rights - bond in criminal cases - victim notification - right to be heard. Clarifies the circumstances under which a victim has a right to be notified with respect to court actions concerning a defendant's bond. Requires a district attorney to notify a victim of the filing of charges if the district attorney is filing charges that are lower than those for which the defendant was arrested and the lower charge may result in the court issuing a new, lower bond. Requires notification of the victim in court proceedings where the defendant has requested a modification of the no contact provision of a criminal protection order.

APPROVED by Governor April 7, 2008

EFFECTIVE April 7, 2008

H.B. 08-1348 Peace officers - federal officers. Authorizes officers of the federal protective service of the United States department of homeland security immigration and customs enforcement to act, subject to certain conditions, as peace officers in Colorado.

APPROVED by Governor May 1, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1360 Peace officers - fire arson investigators. Clarifies that a fire arson investigator authorized by a unit of local government is a peace officer while engaged in the performance of his or her duties.

APPROVED by Governor May 1, 2008

EFFECTIVE May 1, 2008

H.B. 08-1377 Bail - vehicular eluding and DUI. Requires bail in the amount of \$50,000 or an amount set by the court for a person charged with felony vehicular eluding and driving under the influence arising out of the same occurrence.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

H.B. 08-1382 Criminal procedure - department of corrections sex offender designation - juvenile venue removal from sex offender registry - earned time while on parole or reparole - appropriation. Defines the department of corrections' authority to determine that an inmate is a sex offender for purposes of mandating sex offender treatment.

Permits a juvenile who is petitioning for removal from the sex offender registry to file his or her motion in the juvenile's change of venue court.

Allows an offender to accrue earned time while on parole or on reparole, but not while reincarcerated after revocation of mandatory parole.

Appropriates \$49,292 general fund to the department of corrections for implementation of this act. Decreases the general fund appropriation to the department of corrections, management division, executive director's subprogram, payments to district attorneys by \$49,292.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

H.B. 08-1392 Competency to proceed - how raised and determined - evaluation privilege - evaluations and reports. Creates a new procedure to address competency to proceed issues in adult criminal cases separate from not guilty by insanity issues. Directs how and when mental incompetency is raised and determined. Addresses issues of privilege related to evaluations authored to address competency issues. Directs the manner and form of the evaluations and reports that are prepared to address issues of competency. Limits the use of evidence first discovered during the evaluation or report process. Addresses issues of restoration to competency and a final determination of whether a defendant is or is not competent to proceed. Permits temporary removal of a person committed for restoration to competency for treatment under certain conditions.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

H.B. 08-1397 DNA evidence collection and preservation - requires preservation for class 1 felonies and indeterminate sentencing sex offenses - notification and objection procedure for destruction of all other DNA evidence - court findings regarding DNA evidence in all felonies - DNA working group - peace officer training on DNA evidence collection and preservation - appropriation. Requires the preservation of DNA evidence for the life of the offender if it is collected during the investigation of a class 1 felony or a sex crime eligible for indeterminate sentencing that resulted in a sentence. Creates a process whereby all other DNA evidence may be disposed of after notice to the district attorney and defendant or his or her counsel of record with an opportunity to file an objection with the court.

Requires the court at sentencing to make specific findings related to the case, including an ultimate finding concerning whether the case involved reasonable and relevant DNA evidence that should be preserved. Directs the court to enter those findings into the integrated Colorado on-line network. Directs the department of public safety to prepare a report regarding the data collected.

Creates a working group to discuss evidence issues, and specifies the membership of the working group. Directs the working group to make recommendations regarding standardized time lines for retention of reasonable and relevant DNA evidence, provision of storage facilities, and best practices for evidence collection and storage.

Requires new peace officer cadets and active peace officers to receive training at the training academy on proper DNA evidence collection and preservation. Permits the peace officer standards and training board to develop a specialized certification program for evidence collection and retention.

Appropriates \$81,207 from the general fund to the department of law, criminal justice and appellate division, for P.O.S.T. board support.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

EDUCATION - PUBLIC SCHOOLS

S.B. 08-38 Regional service areas and councils - coordination of services - appropriation. Requires the state board of education ("state board") to create 12 regional service areas ("regional area") throughout the state. Encourages individuals and organizations in a regional area to convene a regional service council ("regional council") and to develop and submit a comprehensive service plan ("plan") to the state board for coordinating services and programs throughout the regional area. Requires the state board to adopt rules implementing the act. Requires the state board to approve a plan submitted by a regional council prior to granting funding. Details the programs and services a regional council may provide. Authorizes the state board to make grants to eligible regional councils using a baseline funding amount as well as a per pupil amount. Requires regional councils to submit an annual written report to the state board and the department of education.

Appropriates \$198,545 from the state education fund to the department of education for the implementation of the act.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

S.B. 08-89 Special education programs - early intervening services - funding. Defines early intervening services as services for children in kindergarten through grade 12, with an emphasis on children in kindergarten through grade 3, who have not been identified as children with disabilities but who need additional academic and behavioral supports to succeed in a general education environment. Allows an administrative unit to use no more than 15% of the funding it receives under the "Exceptional Children's Educational Act" to provide early intervening services to students. Requires administrative units to report information to the department of education on the number of students receiving early intervening services. Directs the state board of education, by rule, to determine the activities and programs, and the associated expenses, that qualify as early intervening services. Allows the state board to promulgate other necessary rules.

APPROVED by Governor April 25, 2008

EFFECTIVE July 1, 2008

S.B. 08-123 School lunch program - eliminate reduced-cost category - appropriation. Creates the child nutrition school lunch protection program ("program") and child nutrition school lunch protection program fund to eliminate the reduced price paid by children for reduced-cost lunches in kindergarten through second grade. Authorizes multi-district online programs operating in learning centers to participate in the program. Requires the department of education to develop procedures for the implementation of the program.

Appropriates \$850,000 from the state education fund to the department of education for implementation of the act.

APPROVED by Governor May 29, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-129 School districts - school district boards - institute charter schools - healthy beverages policy. Requires each school district board of education ("district board") and the state charter school institute ("institute") to adopt and implement a policy that prohibits, except as specified by rules promulgated by the state board of education ("state board") or the institute board, the sale of beverages to students from any source.

Requires the state board and the institute board to promulgate rules establishing exceptions to the policy for the sale of beverages that satisfy minimum nutritional requirements and for the sale of beverages at specific school events.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-130 Innovation schools - plans - designation - statutory waivers - collective bargaining agreement waivers - report - appropriation. Allows a public school or group of public schools to submit to its school district board of education ("local board") an innovation plan ("plan") to allow the school or group of schools to implement innovations within the school or group of schools, including but not limited to innovations in delivery of educational services, personnel administration and decision-making, and budgeting. Requires the local board to review each submitted plan and approve the school as an innovation school or the group of schools as an innovation school zone or reject the plan. Allows a local board to initiate creation of a plan in collaboration with one or more schools of the school district. Specifies the minimum contents of a plan, including the level of support needed from the personnel employed at the affected schools. Encourages schools, groups of schools, and local boards to consider innovations in specified areas and to seek public and private funding to offset the costs of developing and implementing the plans.

Following creation or approval of one or more plans, allows a local board to submit the plan to the commissioner of education ("commissioner") and the state board of education ("state board") and seek designation as a district of innovation. Directs the commissioner and state board to review and comment on the plan, and directs the state board to make the designation unless the plan would likely result in lower academic achievement or would be fiscally unfeasible. Requires the state board to provide a written explanation if it does not make the designation.

Directs the state board to grant any statutory and regulatory waivers requested in the plan for the district of innovation. Specifies statutes that the state board may not waive. Requires a district of innovation to demonstrate how the affected schools will comply with the intent of the waived statutes or rules. Allows for modification of the waivers based on modifications made to the plan.

Requires the collective bargaining agreement ("agreement") for each district of innovation to allow for waiver of identified terms of the agreement for personnel at an innovation school or a school within an innovation school zone. Allows a district of innovation to hold elections in innovation schools and in each school within an innovation school zone to approve the waivers, and requires waivers to be approved by a vote of at least 60 percent of the personnel at the affected school who are members of the collective bargaining unit. Specifies that a district of innovation is not required to seek waivers of terms of the agreement. If an employee of a school that receives a waiver of a term of an

agreement requests a transfer, directs the district to make every reasonable effort to transfer the employee. Allows for modification of the waivers, with a vote, based on revisions to the plan for the innovation school or innovation school zone.

Requires the local board of a district of innovation to review the performance of each innovation school or school within an innovation school zone every 3 years following approval of the plan to determine whether the school is achieving or making adequate progress toward achieving the academic performance results specified in the plan. Allows the local board to revise the plan in collaboration with the affected school and subject to the consent of specified personnel at the affected school. Allows a local board to revoke a plan and a school's innovation status or the designation of an innovation school zone if the affected school or schools do not improve at a sufficient rate.

Beginning March 2010, requires the commissioner and the state board annually to report to the governor and the education committees of the general assembly concerning implementation of the act and to post the report on the department of education's web site.

Allows the local board of a district of innovation to delegate to an innovation school or a school in an innovation school zone certain duties and powers relating to personnel.

Appropriates \$80,545 and 1.0 FTE from the general fund to the department of education for implementation of the act. Specifies that the appropriation is for one year and that, in subsequent years, the general assembly expects the department of education to implement the act without additional state moneys.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

S.B. 08-150 Retirement plan - confidentiality of member and investment information. Specifies that all information, rather than only financial information or information identifying a medical or psychological state, found in the record of a member of a school district retirement plan is confidential. Allows the board of trustees of a school district retirement association to use its discretion regarding disclosure of certain investment information, which disclosure would reveal confidential information or jeopardize the value of the association's investments.

APPROVED by Governor April 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-181 School response framework - required elements - department of public safety - web site - classes at community colleges. Requires the department of public safety ("department") to post on its web site a description of the national incident management system ("NIMS") and a listing of on-line course and courses at community colleges related to NIMS.

Requires a school district board of education and the state charter school institute to adopt a school response framework with specified elements.

Directs the state board for community colleges and occupational education to allow

licensed educators to take at community and occupational colleges any classes identified by the department as related to NIMS without charge to the extent that space is available.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

S.B. 08-208 Educators - background checks - reporting information - access to records - sealing of records. Requires district charter schools and institute charter schools ("charter schools") to perform background investigations on employment applicants. Requires charter schools to request fingerprints from current employees for purposes of criminal history record checks when the school, upon information or belief, has reason to believe that the current employee has been convicted of a felony or a misdemeanor, other than a traffic offense.

Authorizes the governing body of a charter school to receive information from the department concerning a prospective employee. Authorizes the department of education ("department") to collect a fee from a charter school that requests a background check.

Requires the department to determine whether a person's educator's license or certification has ever been denied, suspended, revoked or annulled, in this state or any other state, and permits the department to disclose its findings, upon request, to a school district, a private school, or a charter school. Requires the department to notify a licensed or certified educator's employer if the department denies, suspends, revokes or annuls a license or certification of an educator.

Permits the department to have access to a charter school employment applicant's or current employee's juvenile delinquency record. Permits the department to have access to the judicial department's ICON system and to criminal records for an applicant or current employee when conducting a criminal background check. Clarifies that the department is a criminal justice agency for purposes of obtaining criminal history information.

Requires each charter school to submit to the department each year a list of its non-licensed and licensed employees' names and personal information for the department to maintain a database of these employees. Requires the department to submit annually a list of all employees of the charter schools to the Colorado bureau of investigation.

Requires a charter school to notify the department when the school learns that one of its employees has been convicted of a criminal offense other than a misdemeanor traffic offense. Requires a charter school to notify the department if an employee is dismissed or resigns as a result of an allegation of unlawful behavior involving a child.

Grants immunity from civil liability for a previous employer of an applicant that releases negative information about the applicant, so long as the information is true. Grants immunity for a charter school that relies on information from a previous employer about an applicant that is false, so long as the charter school did not know that the information is false.

Requires a charter school employee or applicant that is petitioning to seal his or her criminal record to notify the charter school and permit the charter school to inquire into the facts of the offense concerning which the employee is attempting to seal the records.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

S.B. 08-212 Preschool through postsecondary education alignment - school readiness - preschool through elementary and secondary education standards - system of assessments - postsecondary and workforce planning, preparation, and readiness assessments - postsecondary and workforce readiness - appropriation. Makes legislative findings concerning the importance of aligning education standards and assessments from preschool through postsecondary and workforce readiness. Allows the use of state education fund moneys for the purposes of the act.

Directs the state board of education ("state board") to adopt a description of school readiness and standards for preschool through elementary and secondary education ("PESE standards"). Directs the state board to review the school readiness description and PESE standards every 6 years and adopt revisions, if appropriate.

Directs the state board to adopt assessments that are aligned with the school readiness description and a system of assessments that are aligned with the PESE standards ("PESE assessments"). Directs the state board to adopt scoring criteria to measure students' levels of school readiness and attainment of the PESE standards. Specifies the minimum requirements and expectations for the PESE assessments. Directs the state board to review the school readiness and PESE assessments every 6 years and adopt revisions, if appropriate.

Directs the department of education ("department") to implement a pilot program to collect data concerning postsecondary and workforce planning, preparation, and readiness assessments ("PWR assessments") from vendors and from school district boards of education, boards of cooperative services, and district and institute charter schools ("local education providers") that volunteer to participate in the pilot program. Directs the state board to apply the collected data in creating standards for grades 9 through 12, and directs the state board and the Colorado commission on higher education ("CCHE") to apply the data in adopting PWR assessments. Directs the state board to adopt rules for implementation of the pilot program. Specifies the duties of a local education provider that chooses to participate in the pilot program, and directs the department, pursuant to state board rules, to distribute moneys to participating local education providers to assist in defraying the costs of administering the PWR assessments.

Directs the state board and the CCHE to adopt the description of postsecondary and workforce readiness ("PWR"). Specifies that the adopted PWR description shall include the minimum level of English competency required for demonstrating PWR. Directs the state board and the CCHE to review the PWR description every 6 years and adopt revisions, if appropriate.

Requires the description of school readiness, the PESE standards, and the PWR description to be aligned so that attainment of the PESE standards will culminate in PWR.

Directs the state board and the CCHE to adopt PWR assessments that are aligned with the PWR description, taking into account the information received through the pilot program. Directs the state board and the CCHE to adopt scoring criteria to measure students' levels of PWR. Requires the state board and the CCHE to review the PWR assessments every 6 years and adopt revisions, if appropriate.

Directs the state board to adopt the criteria by which a school district board of education ("local school board"), a board of cooperative services ("BOCES"), or an institute charter high school may choose to endorse a student's high school diploma to indicate that the student has demonstrated PWR ("readiness endorsement") or to endorse a student's

diploma to indicate outstanding achievement. Following adoption of the criteria, directs the state board to consult with the CCHE and the higher education governing boards for approval of the criteria. Allows the state board to also adopt criteria for a range of other endorsements indicating focus and achievement in specified areas. Directs the state board to review the criteria every 6 years and adopt revisions, if appropriate.

Directs the state board and the CCHE to work with specified interest groups throughout the state in fulfilling their duties under the act. Allows the state board and the CCHE to appoint task forces, and provides for staff support to the state board and the CCHE to assist them in fulfilling their duties under the act. Authorizes the department and the department of higher education to accept and expend public and private gifts, grants, and donations to carry out the purposes of the act.

Requires the commissioner of education and the executive director of the department of higher education to convene meetings of education professionals at least annually in each of the regional service areas in the state. Specifies the persons to be involved in convening the meetings and the persons to be invited to attend the meetings. Identifies the purpose of the meetings as providing a forum in which education professionals can collaborate in the planning, design, and implementation of the alignment of the preschool through postsecondary public education systems. Allows each regional service area to submit recommendations to the state board, the CCHE, and the education committees of the general assembly.

Directs the department to prepare and submit to the federal department of education for peer review and approval an amended state plan as required under the federal "No Child Left Behind Act of 2001". Directs the department to include in the state plan only those components of the aligned preschool through postsecondary education systems that are required by or subject to approval under federal law, but specifies that the state board and the CCHE are encouraged to adopt descriptions, standards, assessments, and other components that exceed the minimum federal law requirements.

Requires each local education provider to review its standards in comparison with the PESE standards and to revise them as necessary to ensure they meet or exceed the PESE standards and that they are aligned from preschool through 12th grade. Following review and revision of standards, directs each local education provider to adopt curricula that are aligned with the PESE standards. Directs each local education provider to review and revise, if necessary, its PESE standards and curricula every 6 years.

Requires each local education provider that operates a preschool or kindergarten program to provide an individualized readiness plan for each preschool and kindergarten student to assist the student in progressing toward school readiness. Allows the local education provider to use assessments to determine each student's progress. Directs the local education provider to administer the state school readiness assessment to students in kindergarten and to use the assessment results to measure students' progress toward school readiness. Specifies that the results of the state school readiness assessment shall not be reported for individual students and shall not be used to prohibit any student from enrolling in 1st grade. Directs the department, the child care division in the department of human services, and the staff of the early childhood policy team in the lieutenant governor's office to assist local education providers in implementing the individualized readiness plans, school readiness, and the state school readiness assessment.

Requires each local education provider that operates a high school to review its high

school curricula and revise or adopt curricula that are aligned with the PWR description, with the goal of ensuring that each student who successfully completes the curricula will be prepared to demonstrate PWR prior to or upon attaining a high school diploma. Identifies the curricula as the postsecondary and workforce readiness program ("PWR program") for the high school. Allows a local school board to allow a district charter high school to adopt its own PWR program. Allows a local education provider to adopt multiple PWR programs, so long as all are designed to prepare a student to demonstrate PWR prior to or upon attaining a high school diploma.

Requires each local education provider to require each high school student, beginning in 9th grade and continuing through 12th grade, to enroll in the PWR program. Allows a local education provider to permit a student with disabilities to demonstrate attainment of PWR through a differentiated plan if required by the student's individualized education program. Directs the department, the department of higher education, and the state institutions of higher education to assist local education providers in implementing the PWR program.

Directs each local education provider that operates a high school to administer to students in the 9th, 10th, and 11th grades the PWR assessments adopted by the state board and the CCHE. Requires the local education provider to provide to each student a printed copy of the student's assessment results, and requires a teacher or counselor to review each student's PWR assessment results with the student and his or her parents, if practicable, to determine the areas in which the student needs continued instruction to demonstrate PWR. Requires each high school student's final transcript to describe the student's level of PWR based on the student's level of performance in the PWR program and on the PWR assessments. Prohibits a local education provider from using a student's results on the PWR assessments to prohibit the student from participating in a dual enrollment program. Specifies that a student who demonstrates PWR is eligible to participate in a dual enrollment program.

If a student enrolled in 11th or 12th grade whose dominant language is not English has not demonstrated attainment of the standard for English language competency and has not demonstrated PWR, requires the local education provider to provide to the student additional services and supports to assist the student in attaining the standard. Directs the general assembly to address the cost of providing the services and supports.

Allows a school district, BOCES, or institute charter high school to choose to grant a student a readiness endorsement or an endorsement indicating outstanding achievement on the student's high school diploma, based on the criteria adopted by the state board and approved by the CCHE and the higher education governing boards. For a student who receives a readiness endorsement makes certain guarantees regarding admission to Colorado public institutions of higher education.

Requires the department, in consultation with the department of higher education, to contract with an entity to conduct a study of the costs anticipated in implementing the alignment of the preschool through postsecondary education systems as provided in the act. Specifies the contents of the cost study and dates by which the entity shall submit reports to the department and the department of higher education. Directs the department to submit the reports to the joint budget committee and the education committees of the general assembly as soon as possible following receipt. Directs the department to submit reports to the education committees of the general assembly concerning implementation of school readiness, the PESE standards, and PWR.

Delays the requirement that the state board adopt guidelines for high school graduation requirements to coincide with the adoption of the school readiness description, the PESE standards, and the PWR description. Directs the state board to take into account the PWR description and the PESE standards and to align the high school graduation requirements with them. Directs the department to modify the academic growth model as necessary to ensure that it measures growth over time toward attainment of the PESE standards and PWR.

Requires the CCHE, following adoption of the PWR description, to revise the minimum academic admission standards for first-time freshmen students if necessary to ensure they are aligned with the PWR description. Requires the department of higher education annually to report to the education committees of the general assembly concerning the enrollment, first-year college grades, and types of academic or career and technical degrees attained by high school graduating classes.

Requires the department to alter the method of calculating academic performance ratings to ensure that a school is not penalized by inadvertent errors committed in administering an assessment, or, if the calculation cannot be altered, to provide a footnote on the school's accountability report specifying what the school's academic performance rating would have been if the scores caused by inadvertent error in administration were not included in the calculation. Directs the state board to adopt rules defining "inadvertent error", and allows the commissioner of education to determine what is and is not inadvertent error.

Appropriates \$542,453 and 5.0 FTE from the state education fund to the department for implementation of the act. From that amount, appropriates \$105,180 and 1.0 FTE to the department of higher education for implementation of the act. Appropriates \$250,000 from the state education fund to the department for implementation of the pilot program.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

H.B. 08-1019 Students in out-of-home placement - child welfare education liaison - enrollment - transfer of records - educational stability. Requires each school district and the state charter school institute to appoint a person to act as the child welfare education liaison ("liaison") for the district or for institute charter schools. Allows a board of cooperative services to appoint a child welfare education liaison to act on behalf of the school districts that are members of the board. Specifies the liaison's duties.

When a student in out-of-home placement ("student") transfers from one school to another, requires the school district or school to transfer the student's records within 5 school days after receiving a request for transfer from the county department of social services ("county department") that has legal custody of the student. Specifies that the school district or school may comply with the transfer requirement by releasing the student's records to a county department employee for the sole purpose of transferring the records to the new school. Prohibits the school district from delaying the transfer of the student's records for any reason.

Requires a school district or school to enroll a transferring student within 5 school days after receiving the student's records, regardless of whether the school district or school has received the student's immunization records, the student can comply with any school

uniform requirements, or the student can comply with any other preenrollment requirements. Allows the school district or school to deny enrollment to a student under specified circumstances. Requires the school to suspend a student if it does not receive the student's immunization records within 14 days after the student enrolls and to so notify the student's legal guardian.

When a student transfers, requires the sending school to certify to the receiving school the course work that the student has fully or partially completed. Requires the receiving school to accept the student's certified course work as if it had been completed at the receiving school and to apply all of the student's certified course work toward completion of the student's requirements for continuing to the next grade or for graduation. Allows the receiving school to award the student elective credit for course work that does not align with the receiving school's curriculum.

Requires a student to receive an excused absence for any time the student is out of school due to a required court appearance or participation in court-ordered activities, and directs the social worker assigned to the student to verify the absences. Requires a school to waive all fees for a student, and prohibits the school from limiting the student's opportunity to participate in activities because of the fee waiver.

If a county department recommends an out-of-home placement for a child or a change in placement, requires the parties to the proceeding to promote educational stability for the child by taking into account the child's existing educational situation and selecting a change of placement that would enable the child to remain in the existing educational situation or transfer to a similar situation.

APPROVED by Governor April 17, 2008

EFFECTIVE April 17, 2008

H.B. 08-1021 Compensatory education - education of exceptional children - gifted children - appropriation. Amends the definition of "gifted children" to include children who are 4 years of age. Defines a "highly advanced gifted child" as a gifted child who has been identified by an administrative unit, using criteria and a process established by rules promulgated by the state board of education ("state board"), to be a highly advanced gifted child. Permits an administrative unit to include in its program plan provisions to identify and serve highly advanced gifted children who are either 4 years of age and for whom early access to kindergarten is deemed appropriate by the administrative unit or 5 years of age and for whom early access to first grade is deemed appropriate by the administrative unit. Requires an administrative unit that includes in its program plan provisions to identify and serve highly advanced gifted children to make available upon request to any person the administrative unit's criteria and process for identifying a highly advanced gifted child for whom early access to kindergarten or first grade is deemed appropriate. Allows an administrative unit that includes in its program plan provisions to identify and serve highly advanced gifted children to charge a fee for any assessments or other procedures that the administrative unit performs for the purpose of identifying a highly advanced gifted child for whom early access to kindergarten or first grade is deemed appropriate. Prohibits an administrative unit from charging such a fee for any such assessments or other procedures if the child who is the subject of such assessments or other procedures is eligible for a reduced-cost meal or free meal pursuant to the federal "National School Lunch Act".

Requires the state board to establish criteria and a process that an administrative unit

shall use to make determinations regarding the advanced placement of highly advanced gifted children. Allows a school district to count and receive funding for pupils enrolled in a kindergarten education program who are highly advanced gifted children, who are 4 years of age, and for whom early access to kindergarten is deemed appropriate by an administrative unit. Allows a school district to count and receive funding for pupils enrolled in first grade who are highly advanced gifted children, who are 5 years of age, and for whom early access to first grade is deemed appropriate by an administrative unit.

Appropriates \$252,799 from the state education fund to the department of education for implementation of the act.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

H.B. 08-1024 Longitudinal growth model. Eliminates the requirement that the model recommended to and adopted by the state board of education ("state board") for determining longitudinal analysis of the Colorado student assessment program assessments be a mixed-effects statistical model. Removes the reference to the state board's authority to adopt a hierarchical linear model.

APPROVED by Governor February 14, 2008

EFFECTIVE February 14, 2008

H.B. 08-1027 Building inspection requirements - public schools - junior colleges - fire safety codes - fees - enforcement - cash fund created - appropriations. Clarifies the role of the division of oil and public safety in delegating the responsibility of performing inspections of public school buildings and junior college district buildings to a building department or a 3rd-party inspector. Requires a memorandum of understanding between the division and a building department that wishes to perform inspections. Repeals the limit on the fee that the division may charge to perform an inspection and the requirement that the fee be mandatory. Grants rule-making authority to the director of the division to implement the program.

Authorizes the division of fire safety to charge a fee for the inspection of buildings and structures to ensure that they are in compliance with fire codes. Grants enforcement authority to such division.

Creates the fire safety inspection cash fund for paying the expenses of the fire suppression program. Requires the director the division of fire safety to enforce fire code violations.

Exempts the public safety inspection fund from the limit on uncommitted cash fund reserves.

Appropriates \$70,986 and 0.9 FTE from the public safety inspection fund to the department of labor and employment for allocation to the division of oil and public safety. Appropriates \$243,436 and 3.3 FTE from the fire safety inspection cash fund to the department of public safety for allocation to the office of preparedness, security, and fire safety. Decreases the appropriations in the annual general appropriation act to the department of public safety, office of preparedness, security, and fire safety, for personal

services by \$180,129 and 3.5 FTE and for operating expenses by \$63,061.

APPROVED by Governor May 22, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1157 Colorado youth advisory council - membership - appropriation. Establishes a youth advisory council ("council") to formally advise and make recommendations to elected officials on issues affecting youth in Colorado. Establishes eligibility for membership, terms of office, and the process for appointment to the council. Outlines the duties of the council, including reporting requirements. Creates the youth advisory council cash fund. Repeals the part effective July 1, 2013.

Appropriates \$8,472 from the general fund to the legislative department, for allocation to legislative council, for the implementation of the act.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

H.B. 08-1159 State charter school institute - exclusive chartering authority - conversion of charter schools - institute charter school application contents. Specifies that the state charter school institute ("institute") and the state charter school institute board ("institute board") are subject to the open records and open meetings laws.

Clarifies that a school district board of education ("local board"), in the same manner in which it retained exclusive authority to authorize charter schools within the geographic boundaries of the school district ("exclusive authority"), may seek to recover exclusive authority. Requires the state board of education ("state board"), within 60 days after receiving a resolution requesting exclusive authority, to decide whether to grant exclusive authority. If the state board denies exclusive authority, requires the state board to provide a written explanation of the basis for denial.

If a party challenges a grant of exclusive authority, specifies that the challenge must include supporting documentation. If a local board chooses to respond to the challenge, requires the local board to submit to the challenger and the state board a copy of its response in writing with supporting documentation. Directs the state board to give the challenger an opportunity to rebut the local board's arguments at a public meeting. Directs the state board to provide a written explanation of the basis for its decision in granting or denying exclusive authority in response to the challenge.

Clarifies that an institute charter school located within the boundaries of a school district that recovers exclusive authority continues to be under the control of the institute, unless the school converts to a district charter school. Specifies that a local board that receives exclusive authority retains the exclusive authority until revoked or voluntarily relinquished.

For purposes of granting exclusive authority, directs the state board to find that the local board can show a recent pattern of providing fair treatment to its charter schools. Deletes the provision that automatically grants exclusive authority to school districts with a specified percentage of low-income students enrolled in charter schools. Directs the state

board to grant continuing exclusive jurisdiction to a local board with no history of considering charter school applications or authorizing charter schools so long as the local board meets specified requirements. If the state board denies exclusive authority, allows the local board to reapply as soon as it determines it has cured the reason for denial.

Specifies procedures by which a charter school, a charter school applicant, or an organization that represents charter schools may request revocation of a local board's exclusive authority and the grounds for revocation. Requires the state board to rule on the request for revocation within 60 days after receiving the request. If the state board revokes a local board's exclusive authority, requires the state board to provide a written explanation of the basis for its decision. Allows the local board to apply to recover exclusive authority as soon as it determines it has resolved the issue that was the basis for revocation.

Specifies procedures by which an institute charter school may apply to a school district to convert to a district charter school. Provides that conversion to a district charter school does not relieve an institute charter school of preexisting contractual obligations or relationships; except that the institute charter school is no longer subject to oversight by the institute. Specifies procedures by which a charter school of a school district may convert to an institute charter school. Provides that conversion to an institute charter school does not relieve a district charter school of preexisting contractual obligations or relationships; except that the district charter school is no longer subject to oversight by the school district.

Clarifies that the mission of the institute board is to foster high-quality public school choices particularly directed at closing the achievement gap for at-risk students. Directs the institute board to ensure that the board members' names and information concerning institute board meetings are posted and updated on the department of education's web site. Directs the institute to collect and update specified student enrollment data from institute charter schools. Requires each institute charter school authorized after July 1, 2008, to include the phrase "state charter school" in its name.

Expands the required information on an institute charter application. Requires the institute to notify the local board and the school district accountability committee of applications it receives for institute charter schools, and specifies the notice contents. Prior to ruling on an application for an institute charter school, requires the institute board to hold a public meeting in the school district in which the institute charter school would be located, and specifies requirements for the public meeting.

APPROVED by Governor April 17, 2008

EFFECTIVE April 17, 2008

H.B. 08-1162 Educators - authorizations - military spouses. Creates a military spouse interim authorization that allows a school district to employ, as a teacher, a special services provider, a principal, or an administrator, a military spouse who is certified or licensed in another state but who has not yet completed the educator licensure process in Colorado.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

H.B. 08-1168 Financial literacy - standards - assessments. Directs the state board of education to adopt standards for financial literacy, to identify which of the financial literacy standards are appropriately assessed within a mathematics assessment, and to include those standards in the mathematics assessment that will be part of the new system of assessments.

Allows for inclusion of the remaining financial literacy standards in other assessments.

Requires each school district to adopt financial literacy standards, to revise its curricula as necessary to include the financial literacy standards, and to adopt assessments that are aligned with the financial literacy standards.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

H.B. 08-1186 School district - student absence from CSAP test - no penalty. Prohibits a school district or a public school from penalizing a student who is absent on the days assessments are administered under the Colorado student assessment program.

VETOED by Governor June 5, 2008

H.B. 08-1204 Facility schools for students placed outside the home - facility schools unit - facility schools board - duties - eligibility for grant programs - appropriation. Creates the facility schools unit ("unit") within the department of education ("department"). Specifies the duties of the unit, including:

- Developing and maintaining the list of facility schools that are approved to receive reimbursement for education services provided to students who are placed at the facility ("approved facility schools");
- Making recommendations to the facility schools board concerning curriculum and graduation requirements;
- Maintaining student information and records for students enrolled in approved facility schools;
- Collaborating with other agencies concerning the placement of students in approved facility schools;
- Adopting data reporting protocols and records transfer procedures for use by approved facility schools; and
- Purchasing and implementing a data system for student records.

Creates the facility schools board ("board") as a **type 1** board within the department. Directs the state board of education to appoint the members of the board to represent specified groups and to provide specified areas of expertise. Establishes terms and compensation for members of the board. Specifies the duties of the board, including:

- Adopting curriculum to be provided by approved facility schools;
- Adopting accountability measures to be applied to approved facility schools and their students;
- Promulgating rules for graduation requirements for students receiving services from approved facility schools and awarding a high school diploma to a student who, while receiving services from an approved facility school, meets the graduation requirements and applies for a high school diploma from the board.

Authorizes the board to make recommendations to the state board of education and the department of human services regarding specified issues pertaining to students receiving services from approved facility schools.

Directs the board to promulgate rules for creation and maintenance of the list of approved facility schools, including but not limited to rules for procedures by which facility schools may apply, the contents of the application, reporting requirements for approved facility schools, and the criteria that a facility school must meet to be placed on the list. Directs the unit to review applications and place facility schools that meet the requirements on the list. Specifies the minimum requirements that a facility school must meet to remain on the list, including adopting the curriculum and graduation requirements adopted by the board, demonstrating compliance with the accountability measures adopted by the board, and complying with the student information reporting and tracking requirements established by the unit. Requires the unit to periodically review the approved facility schools to ensure they meet the statutory requirements, to provide a notice of noncompliance to an approved facility school that does not meet the requirements, and to remove the facility school from the list if it does not come into compliance within 30 days after receiving the notice. Allows a facility school that is removed from the list to reapply for placement on the list.

Makes approved facility schools eligible to participate in all categorical programs and all applicable education grant programs.

Appropriates \$523,568 and 3.0 FTE from the state education fund to the department for implementation of the act.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

H.B. 08-1223 Department of education - training - dyslexia and literacy challenges. Allows the department of education ("department") to make available to school districts, administrative units, residential treatment facilities, correctional facilities, and local education agencies technical assistance and training ("training") pertaining to students with literacy challenges, including dyslexia. Requires the department to develop any training provided based on a tiered continuum of intensity for intervention within the response to intervention model. Encourages the department to coordinate the training with current best practices and work occurring in teacher preparation programs at state institutions of higher education. Requires the department to make an annual report to the state board of education and the education committees of the house of representatives and senate concerning the activities and status of the training.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1224 Wellness - policies - local student wellness programs. Encourages school districts to expand their local wellness policies to adopt goals for several areas emphasizing healthy choices and lifestyles, including physical education, nutrition, and mental health counseling.

Expands the Colorado Comprehensive Health Education Act to include local student wellness programs that are coordinated with health education. Allows funding for local student wellness programs only in budget years in which the amount available in the Colorado comprehensive health education fund exceeds the amount available in the 2007-08 budget year, and allows funding for local student wellness programs only from the excess

moneys. Allows funding for a local student wellness program only if the school district has adopted an expanded local wellness policy. In school districts in which the student enrollment exceeds 1,500, allows funding for a local student wellness program that includes physical education only if every person teaching physical education in the school district or board of cooperative services is licensed and endorsed in physical education.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1317 Interstate compact - educational opportunities for children of military families - appropriation. Creates an interstate compact on educational opportunity for military children. Directs the governor to enter into a compact on educational opportunity for military children ("compact") with other states to remove barriers to educational success that children of military families ("military children") encounter because of frequent moves and deployment of their parents.

Enacts the following provisions through the compact:

- Facilitates the timely enrollment of military children who would otherwise face difficulties in the transfer of education records from a previous school district or in the variations in entrance or age requirements;
- Facilitates the student placement process by allowing waivers to ensure that military children are not disadvantaged by variations in attendance requirements, scheduling, grading, course content, or assessment;
- Streamlines qualifications and eligibility for enrollment, educational programs, and participation in extracurricular programs for military children;
- Facilitates the on-time graduation of military children;
- Provides for the promulgation and enforcement of administrative rules to implement the provisions of the compact;
- Provides for the uniform collection and sharing of information between and among states participating in the compact, schools, and military families;
- Promotes coordination between this compact and any other compacts that affect military children; and
- Promotes flexibility and cooperation among the educational system, military parents, and military children to achieve educational success for the student.

Creates the interstate commission on educational opportunity for military children ("commission"). Establishes membership on the commission, meeting requirements, and powers and duties of the commission. Gives the commission rule-making authority to effectively and efficiently achieve the purposes of the compact. Outlines oversight, enforcement, dispute resolution, and financing for the commission. Allows for the withdrawal from the compact by a member state under certain conditions.

Appropriates \$32,185 from the state education fund to the department of education for the implementation of the act.

APPROVED by Governor June 5, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 08-1335 Public schools - financial assistance for capital construction - appropriations. In order to increase the level of state financial assistance provided to school districts, boards of cooperative services, charter schools, and the Colorado school for the deaf and blind (applicants) so that public school facility capital construction projects can be completed more quickly, replaces existing programs that authorize the provision of capital construction assistance to school districts and charter schools through matching grants from the school construction and renovation fund and the school capital construction expenditures reserve and loans from the permanent school fund with a new financial assistance program. In creating the new program:

- Creates the public school capital construction assistance fund (assistance fund), and, for any fiscal year commencing on or after July 1, 2008, requires the following moneys to be credited to the assistance fund:
 - The greater of 35% of the gross amount of income received during the fiscal year from income, mineral royalties, and interest derived from state public school lands (public school lands income) or an amount of such income equal to the total amount of lease payments to be made by the state under the terms of lease-purchase agreements entered into under the act less the total amount of matching moneys paid to the state for use in making such lease payments in accordance with the act (matching moneys);
 - All net proceeds from the sale of certificates of participation payable to the state under the terms of such lease-purchase agreements;
 - All matching moneys; and
 - Lottery proceeds that would otherwise be transferred to the general fund pursuant to the state constitution.
- Requires an emergency reserve of at least one million dollars to be maintained within the assistance fund during each fiscal year commencing on or after July 1, 2008, and allows the public school capital construction assistance board (board), subject to the approval of the state board of education (state board), to expend moneys from the reserve only to address a public school facility emergency.
- Requires all interest and income earned on the deposit and investment of moneys in the assistance fund to be credited to the assistance fund.
- Effective July 1, 2008, abolishes the school construction and renovation fund, the school capital construction expenditures reserve, the school capital construction expenditures reserve fund, and the lottery proceeds contingency reserve fund, and transfers their balances to the assistance fund.
- Creates the division of public school capital construction assistance (division) as a **type 2** agency within the department of education. States that the function of the division is to provide professional and technical support to the board so that financial assistance can be provided for public schools in an equitable, efficient, and effective manner, and specifies the powers and duties of the division.
- Creates the board as a **type 1** agency within the department of education. Specifies the means of appointment, terms, and required qualifications of the members of the board, and states that the function of the board is to protect the health and safety of students, teachers, and other persons using public school facilities and maximize student achievement by ensuring that the condition and

capacity of public school facilities are sufficient to provide a safe and uncrowded environment that is conducive to students' learning. Specifies the following duties:

- Requires the board to perform its function by ensuring the most equitable, efficient, and effective use of the state revenues dedicated to provide financial assistance for capital construction projects by assessing public school capital construction needs throughout the state and providing expert recommendations to the state board regarding the appropriate prioritization and allocation of such financial assistance, and specifies the powers and duties of the board.
- Requires the board to establish public school facility construction guidelines (guidelines) for use by the board in assessing and prioritizing public school capital construction needs, reviewing applications for financial assistance, and making recommendations to the state board regarding appropriate allocation of financial assistance from the assistance fund only. Requires the guidelines to identify and describe the capital construction, renovation, and equipment needs in public school facilities and means of addressing those needs that will provide educational and safety benefits at a reasonable cost and to address considerations relating to health and safety issues, technology, building site requirements, building performance standards and guidelines, the functionality of existing and planned public school facilities for core educational programs, the capacity of existing and planned public school facilities, public school facility accessibility, and the historic significance of existing public school facilities and the potential to meet current programming needs by rehabilitating such facilities.
- Requires the board to conduct with the assistance of the division, or contract for, a financial assistance priority assessment (assessment) of public school facilities throughout the state, and requires the guidelines to be applied in conducting the assessment. Requires the assessment of each public school facility capital construction project to be based on the condition of the facility, air and water quality in the facility, facility space requirements, the ability to accommodate educational technology, facility site requirements, and facility demographics, and requires the assessment to include five-year projections regarding these criteria.
- Requires the board, or the division upon the board's request, to establish a database to store the data collected through the assessment and to make the data collected available to the public in an easily accessible form that complies with any federal or state laws or regulations concerning privacy.
- With respect to financial assistance, requires the board to establish an annual application timeline and specifies application requirements, evaluation criteria, and matching moneys requirements, as well as factors to be considered in determining the amount of required applicant matching moneys or the waiver of matching moneys requirements, but also allows the state board to establish or cause to be established interim financial assistance application deadlines and applications for the 2008-09 fiscal year only and to designate department personnel to preliminarily review financial assistance applications until the board and the director of the division have been appointed.
- Specifies that applications for financial assistance shall be in a form

- prescribed by the board, and establishes items to be included in the application.
- Requires the board, taking into consideration the assessment, to prioritize financial assistance applications for eligible public school facility capital construction projects based on the following criteria, in descending order of importance:
 - Projects that address safety hazards or health concerns, including security concerns;
 - Projects that will relieve overcrowding;
 - Projects that are designed to incorporate technology into the educational environment; and
 - All other projects.
 - Requires the board to annually submit a prioritized list of projects recommended for financial assistance to the state board, and requires the state board to approve, disapprove, or modify financial assistance awards.
 - Specifies that, subject to state board authorization, the board may provide financial assistance to applicants as matching grants or by instructing the state treasurer to enter into lease-purchase agreements on behalf of the state to finance public school facility capital construction.
 - Allows applicants to apply for financial assistance, but requires a charter school to notify its chartering authority (authorizer) in advance that it intends to apply for financial assistance and to forward its application for financial assistance to the authorizer, which must then forward the application to the board together with a letter indicating the authorizer's position regarding the application.
 - Specifies procedures by which an award of financial assistance may be made to address an unanticipated public school facility emergency that makes all or a significant portion of a public school facility unusable for educational purposes or threatens the health or safety of persons using the facility.
 - Limits the total amount of annual lease payments payable by the state in any fiscal year, and requires payments above lower specified limits to be made only from applicant matching moneys.
 - Specifies additional procedural and legal requirements relating to lease-purchase agreements, including, but not limited to, requirements that the board enter into a sublease-purchase agreement on behalf of the state for any public school facility financed by a lease-purchase agreement with the applicant that will use the facility and that the state treasurer approve any such sublease-purchase agreement.
 - Requires legal ownership of any public school facility financed by a lease-purchase agreement to be transferred from the state to the applicant upon the fulfillment of both the state's obligations under the lease-purchase agreement and the applicant's obligations under the sublease-purchase agreement.
 - Requires continued payment of specified capital construction assistance awarded to school districts or charter schools prior to the end of the 2007-08 fiscal year.
 - Specifies that the board and division exercise their powers and duties subject to open meeting and records laws.
 - Specifies program reporting and auditing requirements.

Makes several appropriations for the implementation of the act.

APPROVED by Governor May 22, 2008

PORTIONS EFFECTIVE May 22, 2008
PORTIONS EFFECTIVE July 1, 2008

H.B. 08-1336 School attendance - reporting of unexcused absences - services for truant students. Requires the state board of education to adopt guidelines for the standardized calculation of unexcused absences of students from school. Requires a school district to report annually to the department of education ("department") concerning the number of students who are habitually truant. Requires the department to post this information on the internet. Allows the department to post information on the internet concerning effective, research-based, truancy- and dropout-prevention programs for the benefit of school districts.

Allows a school district to include truant students when identifying students who are at risk of suspension or expulsion from school. Allows certain entities to apply for grants from the expelled and at-risk student services grant program to serve students who are truant.

APPROVED by Governor April 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1344 School employment background checks - timelines - verification of the results - background check updates - waiver of sovereign immunity for failure to perform background check - license action post on web site - settlement agreement requirements. Requires the department of education ("department") to respond to a background query within 10 days with the information that it possesses after receiving the request and within 10 days after receipt of the information that it must request from another source. Requires a school district to verify the results of the background check. Requires the department to forward fingerprint check updates to each school district and charter school in the state. Directs the school districts and charter schools to cross-check its employee lists with the updates. Directs a school district board of education to report to the department within 10 days after a dismissal or resignation as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of the evidence.

Creates a cause of action against a school district or the department when the school district or the department fails to perform an education employment required background check prior to hiring an individual who will work with children or in a setting with children and the individual then commits a crime against a child. Waives sovereign immunity for the cause of action.

After denying, annulling, suspending, or revoking an educator license, requires the department to post the name of the person and the basis for the action on its web site. After denying, annulling, suspending, or revoking a license because the holder was convicted of felony child abuse or felony unlawful sexual behavior, directs the department to release the name of the individual to the public and directs the department to enter into a settlement agreement with the individual that bars the individual from teaching at a public or private

school in the United States.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

H.B. 08-1370 School counseling - school counselor corps grant program - appropriation. Makes legislative findings concerning the importance of school counseling services for students in middle, junior high, and high schools ("secondary students"). Creates the school counselor corps grant program ("program") as a program to provide 3-year grants to school districts, boards of cooperative services, and charter schools to use in increasing the number of school counselors for secondary students and the level of school counseling services provided.

Directs the state board of education ("state board") to adopt rules to implement the program. Requires the department of education ("department") to administer the program. Specifies the minimum information to be included on grant applications and the minimum criteria for the department and the state board to apply in awarding grants. Directs the department and the state board to work with experts in school counseling in administering the grants. Requires the department to report to the education committees of the general assembly concerning implementation of the program.

Appropriates \$5,000,000 and 1.0 FTE from the state education fund to the department for implementation of the program.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

H.B. 08-1384 Teacher recruitment and retention - teaching and learning conditions survey - national board certification - exchange educators - appropriation. Requires the department of education ("department") to administer a biennial teaching and learning conditions survey to all teachers to be used for planning and designing future programs. Requires the department to provide stipends to a teacher who is employed by a school district, a board of cooperative services, or a charter school and who holds a national board for professional teaching standards certification. Requires the department to contract with an outside source to conduct 2 studies concerning the effectiveness of the annual stipends awarded to teachers who hold a national board for professional teaching standards certification.

Creates an exchange teacher interim authorization for participants in nationally recognized exchange programs who are certified or licensed to teach in another country.

Appropriates \$85,000 cash funds from the state education fund to the department of education, management and administration, for implementation of the biennial survey; and \$1,156,997 cash funds from the state education fund to the department of education, assistance to public schools, grant programs, distributions and other assistance, for payment of the stipends.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

H.B. 08-1386 School leadership academy program - board - rules - appropriation. Creates the school leadership academy program ("program") within the department of education ("department") to provide comprehensive leadership and professional training to qualified persons for leadership positions in public schools.

Creates the school leadership academy board ("board") within the department. Establishes duties of the board. Requires the board to report annually to the commissioner of education and the education committees of the house of representatives and the senate. Establishes the minimum contents of the report. Requires the board to adopt policies and procedures for the purposes of the program and to submit the policies and procedures to the state board of education ("state board") for approval. Requires the state board to review the policies and procedures and either approve or recommend changes to the policies and procedures. Requires the board to immediately incorporate any changes to the policies and procedures that are recommended by the state board. Requires the board to set forth curricular components for the program. Requires the board to advise the state board concerning the promulgation of rules establishing standards and criteria for the approval of proposed induction programs for initial principal licensees and for the review of approved induction programs for initial principal licensees. Sets a review and repeal date of July 1, 2017, for the board.

Requires that the department receive at least \$50,000 in gifts, grants, or donations prior to implementing the program. Authorizes the program as a permissible recipient of funding from the state education fund.

Establishes the principal academy within the program for professional and leadership training of principals and potential principals. Specifies minimum curricula that shall be included in the training provided by the principal academy. Requires the department, in selecting participants for the principal academy, to use criteria adopted by the board.

Requires the state board to consult with the board concerning the promulgation of rules establishing standards and criteria for the approval of proposed induction programs for initial principal licensees and for the review of approved induction programs for initial principal licensees.

Appropriates to the department for the implementation of the act \$137,983 and 1.5 FTE, of which \$87,983 shall be from the state education fund and \$50,000 shall be from gifts, grants, and donations.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1388 School finance - base per pupil funding - full-day kindergarten funding and programs - district's pupil enrollment - required district budget allocations - limitation on total additional district property tax revenue - small attendance center aid - charter school capital construction - funding for approved facility schools - declining pupil enrollment study - conflicts of interest for state board of education and state charter school institute board members - high cost grants - Colorado preschool program - kindergarten facility capital

construction - school district budget requirements - national teaching credential - alternative teacher compensation plan grants - appropriations. Amends the "Public School Finance Act of 1994" as follows:

- For the 2008-09 budget year, increases the statewide base per pupil funding to \$5,270.13, which reflects an increase over the preceding budget year of 2.2% for inflation, plus one percentage point, plus an additional \$19.72 per pupil.
- Beginning in the 2008-09 budget year, provides school districts (districts) with supplemental kindergarten enrollment funding to be used in furtherance of a full-day kindergarten program. Includes a district's supplemental kindergarten enrollment in the district's funded pupil count for the applicable budget year.
- Beginning in the 2008-09 budget year, allows a district to average the district's pupil enrollment for the applicable budget year and up to the 4 immediately preceding budget years when determining the district's funded pupil count.
- For the purpose of averaging a district's pupil enrollment from prior budget years to determine the district's funded pupil count, excludes a pupil who received services through an approved facility school from a district's pupil enrollment for the 2004-05 through 2007-08 budget years.
- Beginning in the 2008-09 budget year, requires a district to increase the minimum dollar amount it budgets per pupil for both the district's instructional supplies and materials account and the district's capital reserve fund by at least the rate of inflation.
- Eliminates the requirement that each district that participates in the Colorado preschool program (CPP) allocate the amount it receives for the purposes of the district's preschool program to a separate fund.
- Modifies the limitations on the total amount of additional property tax revenues that a district may request permission from the voters in the district to raise and expend.
- Requires every school of a district, charter school of a district, and institute charter school to include in the materials for pupil registration the pupil application form to participate under the federal "National School Lunch Act" or, if the school does not participate in the federal nutrition programs, the family economic data survey form created by the department of education (department).
- Beginning in the 2008-09 budget year, limits small attendance center aid to districts or institute charter schools that received the aid prior to the 2008-09 budget year.
- For the 2008-09 budget year, appropriates an additional \$5 million from the state education fund for charter school capital construction purposes.
- Requires that, of the additional amount appropriated for charter school capital construction in the 2008-09 budget year, \$135,000 shall be distributed to a qualifying charter school for the deaf or blind. Requires the charter school to use the moneys solely for operating costs that are not defrayed by other funding sources.
- Beginning in the 2008-09 budget year, establishes a mechanism for the department to distribute funding to each approved facility school to provide educational services for the entire budget year to students who receive educational services at the facility school. Modifies existing provisions to conform to the funding mechanism.
- For each district that provided children with a full day of kindergarten through the CPP in the 2007-08 budget year, requires that the district receive hold-harmless full-day kindergarten funding in an amount that allows the same

number of children in the district to attend a full day of kindergarten in the 2008-09 budget year and each budget year thereafter as attended a full day of kindergarten through the CPP in the 2007-08 budget year.

- Encourages districts that offered a full-day kindergarten program prior to the 2008-09 budget year to use the moneys received for full-day kindergarten to expand the district's existing program, rather than defray the costs of the existing program.
- Encourages districts that provide a full-day kindergarten program to comply with the program standards established for the CPP by the state board of education (state board), as they may apply to a full-day kindergarten program.
- In offering a full-day kindergarten program, encourages districts, when enrolling children in the program, to prioritize children who are homeless.
- Directs districts to use a certain percentage of funding from supplemental kindergarten enrollment to provide access to a full-day kindergarten program.
- Specifies the amount that the general assembly intends to appropriate to districts to offer full-day kindergarten programs for the 2009-10 through 2013-14 budget years.
- Requires the department, upon the request of a district, to provide technical assistance necessary for the implementation of a full-day kindergarten program.
- Directs the department to contract with a private person or entity to conduct a study to evaluate how declining pupil enrollment in districts statewide impacts the students that remain in the districts with declining enrollment and to recommend possible remedies to any negative impacts that declining enrollment may have on students.
- For the 2008-09 budget year, for each district that reported to the department pupils who were receiving educational services through an approved facility school, requires that the district receive hold-harmless facility school funding for each pupil that the district reported to the department in the 2007-08 budget year.

Prohibits a member of the state board from serving as an officer, employee, or board member of the state charter school institute or the institute board during his or her term of office. Prohibits a member of the state charter school institute board from serving as a member of the state board during his or her term of office.

Eliminates the requirement that districts and institute charter schools that participate in the summer school grant program provide reading, writing, or mathematics education services through the program to students entering the 4th grade.

Beginning in the 2008-09 budget year, increases the appropriation to fund grants to administrative units as reimbursement for costs incurred in providing special education services to children with disabilities in the preceding budget year.

Amends the "Colorado Preschool and Kindergarten Program Act" as follows:

- Beginning in the 2008-09 budget year, allows a total of 20,160 children to participate in the CPP statewide.
- Beginning in the 2008-09 budget year, eliminates the option for districts to provide a full day of kindergarten to children through the CPP.
- Beginning in the 2008-09 budget year, allows a district that applies to participate in the CPP to apply for permission to receive funding for a 9-month

program but to use up to half of the moneys to prepare to offer a preschool program and the remainder of the moneys to offer a 4.5 month preschool program.

- Requires a district to use CPP moneys only to pay the district's cost of providing preschool services directly to children enrolled in the district's preschool program.
- Authorizes the revisor of statutes to change all references to the Colorado preschool and kindergarten program and to the state preschool and kindergarten program that appear in the Colorado Revised Statutes to the Colorado preschool program and to change all references to a district or district's preschool and kindergarten program that appear in the Colorado Revised Statutes to a district or district's preschool program.

Expands the purposes for which a district may contract bonded indebtedness to include acquiring, constructing, or improving any capital asset that the district is authorized to own by law.

Establishes the full-day kindergarten facility capital construction fund. Specifies that the moneys in the fund shall be used to provide grants or matching grants to any district or institute charter school that is renovating or renting a facility, or purchasing a temporary facility, that will be used to provide a full-day kindergarten program.

If a school district board of education (district board) determines after it has adopted a budget that the use of a portion of the district's beginning fund balance is necessary, allows the district board to adopt a resolution specifically authorizing the use of the fund balance. Authorizes a district board to review and change its adopted budget at any time prior to January 31 of the fiscal year for which the budget was adopted.

Beginning in the 2008-09 budget year, requires a district that does not report any full-day kindergarten pupils in the district's October 1 count to hold the moneys received for full-day kindergarten programs in a reserve in the district's general fund until the district enrolls one or more children in a full-day kindergarten program. Directs the financial policies and procedures advisory committee created in the department to establish tracking requirements deemed necessary by the committee for the moneys districts receive through supplemental kindergarten enrollment.

Modifies the eligibility criteria for a person who is seeking a national teaching credential to allow the person to receive assistance from the department to retake the national credential exam or to participate in a portion of the national credential program.

Beginning in the 2009-10 budget year, allows the department to withhold 2% of the amount payable to each approved facility school to offset the costs incurred by the facility schools unit created in the department.

Creates the alternative teacher compensation plan grant program in the department to provide funding to one or more districts to support the design and development of an alternative teacher compensation plan that is tailored to the receiving district.

Repeals the summer school grant program for facility schools. Eliminates the preschool and kindergarten fund that is created in each district.

Makes the following appropriations for the 2008-09 fiscal year for the implementation

of the act:

- Appropriates \$430,616 from the state education fund (SEF) and 6 FTE to the department to provide districts with the technical assistance necessary to implement a full-day kindergarten program, for the administration of the CPP, and for the administration of the full-day kindergarten facility capital construction fund.
- Appropriates \$200,000 from the SEF to the department for the declining enrollment study.
- Appropriates \$2,000,000 from the SEF to the department for high-cost grants.
- Appropriates \$34,500,000 from the SEF to the full-day kindergarten facility capital construction fund.
- Appropriates \$300,000 from the SEF to the department for transfer to the office of the governor for the STEM after-school education pilot program.
- Appropriates \$18,475,256 from the SEF to the department for facility school funding.
- Appropriates \$7,356,409 from the SEF to the department for hold-harmless full-day kindergarten funding.
- Appropriates \$587,504 from the SEF to the department for hold-harmless facility school student funding.
- Appropriates \$85,092 from the general fund and 1.5 FTE to the department of human services for increased child care licensing and administration costs associated with the expansion of the CPP. Decreases the general fund appropriation to the controlled maintenance trust fund by \$85,092.
- Appropriates \$200,000 from the SEF to the department for gifted and talented children.
- Appropriates \$1,000,000 from the SEF to the department for the implementation of the alternative teacher compensation plan grant program.

Makes the following adjustments to the 2008-09 general appropriations act (House Bill 08-1375) for the implementation of the act:

- Increases the appropriation for the state share of districts' total program funding by \$19,967,016 from the SEF for the additional moneys included in base per pupil funding.
- Increases the appropriation for the state share of districts' total program funding by \$9,226,000 from the SEF for the 5-year averaging to determine a district's funded pupil count.
- Increases the appropriation for the state share of district's total program funding by \$31,719,892 from the SEF for supplemental kindergarten enrollment.
- Decreases the appropriation for the state share of districts' total program funding by \$13,333,976 from the SEF to account for the change in the funding mechanism for pupils receiving educational services at approved facility schools.
- Increases the appropriation to the department for the state share of districts' total program funding by \$987,000 from the SEF for the increase in CPP slots.
- Appropriates \$5,000,000 from the SEF to the department for charter school capital construction.
- Decreases the appropriation from the SEF to the department for the facility school summer school grant program by \$4,800,000.

Makes certain provisions contingent on either House Bill 08-1204 or House Bill 08-1335 becoming law.

APPROVED by Governor May 22, 2008

EFFECTIVE May 22, 2008

NOTE: House Bill 08-1204 was signed by the governor May 27, 2008. House Bill 08-1335 was signed by the governor May 22, 2008.

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 08-17 Community colleges and occupational education - teachers and professionals - credentials - fees - authority - appropriation. Retains authority in the state board for community colleges and occupational education ("state board") for establishing minimum qualifications necessary for teachers and other professionals in occupational education at both the secondary and postsecondary levels. Places with the state board the authority for issuing credentials, including establishing and charging fees, for postsecondary occupational education teachers and professionals, but allows the state board to delegate to a postsecondary institution the authority to issue the credentials. Retains in the department of education the authority for issuing credentials, including establishing and charging fees, for junior high school, middle school, and high school occupational education teachers and professionals. Authorizes the department of education to enter into a memorandum of understanding with the state board to allow the state board for one year to issue credentials to secondary-level teachers and professionals.

Appropriates \$45,380 and 1.0 FTE from the educator licensure cash fund to the department of education for implementation of the act.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

S.B. 08-18 Higher education governance - roles of the department of higher education and the Colorado commission on higher education - private occupational school division - obsolete provisions. Clarifies the roles of the department of higher education and the Colorado commission on higher education. Consolidates the statutes related to the private occupational school division. Repeals obsolete higher education provisions.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

S.B. 08-71 Board of governors of the Colorado state university system - Colorado state forest service - forest restoration pilot program - technical advisory panel - continuation. Extends the automatic termination date of the forest restoration pilot program and the technical advisory panel to September 1, 2012. Creates the forest restoration pilot program cash fund. Transfers \$1 million for each of the next 4 state fiscal years from the operational account of the severance tax trust fund to the cash fund. Appropriates \$1 million to the department of education for allocation to the board of governors of the Colorado state university system for the implementation of the act.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

S.B. 08-73 Higher education textbooks - costs. Requires a publisher of college textbooks and supplemental learning materials ("textbooks") to make immediately available on its web site and to faculty members and instructors at state institutions of higher education information concerning the price of the textbooks, history of substantive revisions to the textbooks, and other formats in which the textbooks may be available. Requires a publisher of a bundled textbook package to offer the option of purchasing the textbook and each of the

individual products separately.

APPROVED by Governor April 8, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-79 In-state tuition - U.S. citizen - attended high school in Colorado - GED in Colorado - appropriation. Provides that the following students who are United States citizens are entitled to receive in-state student classification for purposes of tuition at state-supported institutions of higher education:

- A student who graduated from a Colorado high school and attended high school in the state for three years prior to enrolling in college in Colorado; and
- A student who completed a general equivalency diploma in Colorado and resided in the state for at least three years prior to enrolling in college in Colorado.

Appropriates \$71,760 from the general fund for college opportunity fund stipends for 26 full-time students. Appropriates \$144,825 to Metropolitan State College of Denver, of that money \$69,000 will be from student stipends and \$75,825 shall be from student's tuition share. Appropriates \$5,075 to the state board for community colleges and occupational education state system, of that money, \$2,760 shall be from student stipends and \$2,315 shall be from student's tuition share.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

S.B. 08-126 Higher education cash fund limits - repeal. Repeals the provision limiting the amount of cash fund revenues subject to the constitutional limitation on state fiscal year spending that a state-supported institution of higher education may raise, spend, or transfer to reserves during a fiscal year to the amount of cash funds appropriated in the long appropriations bill to the governing board or board of trustees of the institution for the fiscal year.

APPROVED by Governor March 19, 2008

EFFECTIVE March 19, 2008

S.B. 08-133 Teach Colorado grant initiative - scholarships for teacher candidates - appropriation. Creates the teach Colorado grant initiative ("grant initiative") in the department of higher education ("department") to award grants to public institutions of higher education to fund scholarship programs for students who are enrolled or who are enrolling in approved teacher preparation programs with the intent to teach in high-need content areas in Colorado public schools upon graduation.

Requires the department to implement and administer the grant initiative and to collaborate annually with the department of education in determining the high-need content areas.

Directs the department in awarding the grants to public institutions of higher education to give special consideration to scholarship programs that meet certain criteria,

including the need for teachers in high-need content areas and in rural and high-poverty school districts.

Limits the amount of each scholarship to no more than the amount of in-state tuition charged by the awarding public institution of higher education for 30 semester hours of credit.

Requires the Colorado commission on higher education to report to the education committees of the senate and house of representatives concerning the grant initiative. Authorizes the department to seek and accept gift, grants, and donations for implementation of the grant initiative.

Appropriates \$500,000 to the department from the general fund for implementation of the act.

APPROVED by Governor May 12, 2008

EFFECTIVE May 12, 2008

S.B. 08-166 Tuition - college opportunity fund - national guard - appropriation. Allows members of the Colorado National Guard who are eligible for in-state tuition status to receive college opportunity fund moneys.

Appropriates from the general fund to the department of higher education for the college opportunity fund \$28,612. Adjusts other appropriations.

APPROVED by Governor May 29, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-167 Private colleges or universities, bible colleges, and seminaries - authorization process - deceptive trade practice complaint process - appropriation. Clarifies the procedures related to the authorization to do business in Colorado for private colleges or universities, bible colleges, and seminaries ("institutions"). Authorizes the Colorado commission on higher education ("commission") to revoke an institution's authorization to do business. Permits the commission to establish fees payable by a private college or university related to the administration of degrees and authorization to do business in Colorado. Directs the commission to specify procedures by which students may file complaints related to deceptive trade practices. Specifies deceptive trade practices and the types of complaints the department of higher education may investigate. Identifies the procedures for addressing complaints, including providing notice to the institution and time for the institution to resolve the complaint. Authorizes the commission to forward a meritorious complaint to the attorney general if it is not resolved by the institution and the student.

Appropriates \$31,500 to the department of higher education from fees paid by private colleges and universities for implementation of the act.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

S.B. 08-180 Capital construction - Metropolitan state college - Auraria higher education center. Authorizes the board of trustees of Metropolitan state college of Denver to:

- Enter into lease-purchase agreements and issue revenue bonds for the construction of necessary facilities; and
- Transfer or pledge certain revenues to the Auraria higher education center ("Auraria center") to finance the construction of auxiliary or complementary facilities.

Authorizes the board of directors of the Auraria higher education center to:

- Create special districts within the Auraria center;
- Construct complementary facilities within the Auraria center and finance the construction of complementary facilities in the same manner as auxiliary facilities, including through lease-purchase agreements or revenue bonds.

APPROVED by Governor May 22, 2008

EFFECTIVE May 22, 2008

S.B. 08-191 Colorado school of mines board of trustees - membership. Adds a nonvoting member to the Colorado school of mines board of trustees ("board") to be selected from among the academic faculty. Removes the requirement that the nonvoting, advisory student member of the board reside in Colorado for at least 3 years before serving on the board.

APPROVED by Governor April 24, 2008

EFFECTIVE April 24, 2008

S.B. 08-227 Colorado state university - board of governors - appointment. Beginning in 2008, requires that the voting members of the board of governors of the Colorado state university system include one member who either resides in Fort Collins or is a graduate of Colorado state university, one member who either resides in Pueblo or is a graduate of Colorado state university - Pueblo, and at least 2 members who have substantial experience in the production of agriculture. Directs the governor, in appointing the members, to give consideration to broad geographical representation whenever possible.

APPROVED by Governor June 2, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-232 Colorado state university system - wildfire emergency response fund. Authorizes separate line item appropriations of moneys for the Colorado state forest service, the agricultural experiment station department of the Colorado state university, and the Colorado state university cooperative extension service.

Transfers \$250,000 from the wildfire preparedness fund to the wildfire emergency response fund.

APPROVED by Governor May 21, 2008

EFFECTIVE May 21, 2008

S.B. 08-233 Capital construction projects - lease-purchase agreements funded from federal mineral lease revenues - prioritized lists - joint resolution - appropriation. Directs the Colorado commission on higher education ("commission") to submit to the office of state planning and budgeting ("OSPB") and the capital development committee ("CDC") a prioritized list of capital construction projects at state-supported institutions of higher education ("higher education projects") to be constructed through lease-purchase agreements funded through the higher education federal mineral lease revenues fund ("fund"). Directs the OSPB to submit its prioritized list of higher education projects to the CDC. Directs the CDC to submit its prioritized list of higher education projects to the joint budget committee ("JBC"). Directs the JBC to sponsor a joint resolution that proposes a prioritized list of higher education projects and that, if approved by the general assembly, is presented to the governor for approval. Limits the amount of the total average annual payments under all lease-purchase agreements related to the prioritized list and entered into during the fiscal year commencing July 1, 2008. If projects on the prioritized list are not subject to lease-purchase agreements entered into during the fiscal year commencing July 1, 2008, provides that the remaining projects in the joint resolution shall constitute a prioritized list for the fiscal year commencing July 1, 2009.

Directs the state treasurer to notify annually the commission, OSPB, CDC, and JBC of the amount of money in the fund and whether the treasurer determines that there are sufficient moneys available in the fund to enter into additional lease-purchase agreements for higher education projects.

Authorizes the state treasurer to enter into lease-purchase agreements not to exceed a specified number of annual payments for the construction of the higher education projects on the prioritized list in the joint resolution. Specifies terms of the lease-purchase agreements. Authorizes local governments and state-supported institutions of higher education to assist the state in making payments on the lease-purchase agreements. Establishes the higher education institutions lease-purchase cash fund. Authorizes the state treasurer to enter into interest rate lock agreements related to the lease-purchase agreements.

If there is insufficient money in the fund, authorizes the general assembly to transfer money to the fund from the principal of the higher education maintenance and reserve fund or to reduce the transfer from the mineral leasing fund to the public school fund and transfer the money to the fund.

Appropriates from the higher education federal mineral lease revenues fund \$10,000,000 to the state treasurer to make payments on any lease-purchase agreements. Appropriates cash funds of \$22,227,526 to the Auraria higher education center for the science building addition and renovation, but reduces the appropriation by any amount that is included in a lease-purchase agreement. Reduces the cash fund appropriation to the Colorado school of mines for the Marquez hall petroleum engineering building by \$20,000,000.

Specifies that the act will take effect only if Senate Bill 08-218 becomes law. Specifies that certain sections of the act shall take effect only if House Joint Resolution 08-1042 is adopted by the general assembly and is signed by the governor.

APPROVED by Governor May 12, 2008

EFFECTIVE May 12, 2008

NOTE: Senate Bill 08-218 was signed by the governor June 4, 2008, and House Joint Resolution 08-1042 was signed by the governor June 5, 2008.

S.B. 08-245 Bonds of state-supported institutions of higher education - direct payment by state treasurer to prevent default. Requires the state treasurer to make a scheduled payment of principal and interest on revenue bonds or refunding bonds issued on or after the effective date of the act by a state-supported institution of higher education (institution) on behalf of the institution if the institution will not make the payment by the date on which it is due unless:

- The bonds did not satisfy specified criteria at the time of issuance; or
- The institution adopted a resolution before issuing the bonds that indicates that it will not accept the making of such a payment.

Requires the state treasurer to recover the amount of any payment made on behalf of an institution by withholding amounts from the institution's payments of the state's fee-for-service contract with the institution, from any other state support for the institution, and from any unpledged tuition moneys collected by the institution. Requires the state treasurer to notify the department of higher education and the general assembly of any payments made and amounts withheld. Prohibits an institution from requesting a supplemental general fund appropriation or budget amendment in order to replace any withheld fee-for-service revenue.

Requires an institution that issues bonds on which the state treasurer may be required to make payments to file specified legal documents related to the bonds with the state treasurer. Specifies that the state will not modify the provisions of the act in a way that impairs the legal rights and remedies of purchasers and owners of bonds but that the act does not create any debt or other obligation of the state. Requires the department of higher education to initiate an audit of any institution for which the state treasurer makes a bond payment to determine why the institution could not make the payment and, if necessary, assist the institution in developing and implementing measures to ensure that the institution makes future bond payments when due.

APPROVED by Governor June 4, 2008

EFFECTIVE June 4, 2008

H.B. 08-1002 Mesa state college - Colorado state university system - authority to invest moneys. Allows the secretary and treasurer of Mesa state college ("college") to also be members of the board of trustees of Mesa state college ("Mesa state board"). Allows the Mesa state board to invest the assets of the college. Requires the Mesa state board to establish an investment advisory committee and a written investment policy if the Mesa state board elects to invest the assets of the college. Under certain conditions, authorizes the Mesa state board to hold certificates of stock in the name of a selected nominee without disclosing the fact that the certificates are held by the Mesa state board or are held in a fiduciary capacity. Requires the Mesa state board to require annual financial statements to be submitted to the Mesa state board, the state treasurer, the state auditor, and the joint budget committee of the general assembly if the Mesa state board elects to invest the assets of the college. Prohibits the college from requesting general fund appropriations to replace any investment losses.

Grants to the board of governors of the Colorado state university system ("CSU board") exclusive control and direction of all funds of and appropriations to its institutions. Requires the CSU board to establish an investment advisory committee and a written

investment policy if the board elects to invest the assets of the Colorado state university system. Under certain conditions, authorizes the CSU board to hold certificates of stock in the name of a selected nominee without disclosing the fact that the certificates are held by the CSU board or are held in a fiduciary capacity. Requires the CSU board to require annual financial statements to be submitted to the CSU board, the state treasurer, the state auditor, and the joint budget committee of the general assembly if the CSU board elects to invest the assets of the Colorado state university system. Prohibits the Colorado state university system from requesting general fund appropriations to replace any investment losses.

APPROVED by Governor April 10, 2008

EFFECTIVE April 10, 2008

H.B. 08-1026 Colorado state university - Colorado water institute. Changes the name of the Colorado water resources research institute to the Colorado water institute (institute). Expands the purposes and duties of the institute. Authorizes state funds made available for water research to pass through the administrative control of the institute. Authorizes the institute to assess an administrative fee not to exceed 20% of the total cost of the project being administered by the institute.

Designates the executive directors of the departments of natural resources, agriculture, and public health and environment as members of the advisory committee on water research policy. Repeals the limitation of the use of the general fund for the institute.

APPROVED by Governor March 20, 2008

EFFECTIVE March 20, 2008

H.B. 08-1058 Athlete agents - registration - contracts with student athletes - appropriation. Enacts the "Uniform Athlete Agents Act", drafted by the national conference of commissioners on uniform state laws, and amends and repeals statutes that previously limited the activities and conduct of athlete agents making contracts with college athletes.

Provides for the uniform registration of athlete agents seeking to represent college athletes pursuing commercial endorsement contracts or contracts to become professional athletes (agency contracts). Requires athlete agents to register with the division of registrations in the department of regulatory agencies within 7 days after contact with a student athlete in this state. Requires athlete agents to disclose certain information in order to be registered. Provides for reciprocal registration with other states that have adopted the uniform act.

Imposes certain requirements and disclosures to be given to student athletes in an agency contract, including:

- The amount and method of calculating the athlete agent's compensation;
- The name of any unregistered person receiving compensation because the student athlete signed the agreement;
- A description of reimbursable expenses and services to be provided; and
- Warnings disclosing the cancellation and notice requirements under the uniform act.

Decreases the time period of the statutory right of a student athlete to cancel an agency contract, without penalty, from 15 days to 14 days after the agency contract is signed.

Requires both the athlete agent and the student athlete to give notice of an agency contract made with an athlete agent to the athletic director of the affected educational institution within 72 hours after signing the agency contract or before the student athlete's next scheduled athletic event, whichever occurs first.

Gives the educational institution a statutory right of action against an athlete agent or former student athlete for damages, including losses and expenses incurred as a result of the educational institution being penalized, disqualified, or suspended from participation by an athletics association or conference or as a result of reasonable self-imposed disciplinary actions taken to mitigate sanctions. Allows for the recovery of costs and reasonable attorney fees to the prevailing party.

Prohibits an athlete agent from:

- Providing materially false or misleading information or making a materially false promise or representation with the intent of inducing a student athlete to enter into an agency contract;
- Furnishing anything of value to a student athlete or another person before the student athlete enters into the agency contract;
- Violating certain registration requirements.

Imposes criminal penalties for such violations.

Appropriates \$56,749 and 0.6 FTE to the department of regulatory agencies for allocation to the division of registrations for the implementation of the act. Appropriates \$7,564 to the department of law for the implementation of the act.

APPROVED by Governor May 21, 2008

EFFECTIVE July 1, 2008

H.B. 08-1079 State assistance for vocational education. Replaces the term "vocational education" with the term "career and technical education" in specified statutes. Requires specified moneys to be distributed based on actual, rather than estimated, expenditures by participating school districts, boards of cooperative services, and institute charter schools. Amends the standards for eligibility for grants of specified moneys. Changes the date by which the state board for community colleges and occupational education shall report to the joint budget committee and the education committees of the house of representatives and senate concerning the implementation and results of specified programs. Amends the mandatory contents of the report.

Authorizes the revisor of statutes, where appropriate, to change all references to "vocational education" in the Colorado Revised Statutes to "career and technical education".

APPROVED by Governor April 7, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1106 Higher education police officers - powers, duties, rights, and liabilities - security officers' powers and duties - emergency preparedness response and planning. Grants authority to state institutions of higher education to employ police officers and reserve police

officers who are certified by the peace officer standards and training board. Delineates the powers, duties, rights, and liabilities of higher education police officers. Provides the governing board of the institution of higher education with the power of supervision and control of the officers. States the qualifications for the officers. Differentiates between the powers and duties of higher education police officers and higher education security officers. Encourages cooperation between law enforcement agencies and security officers at educational institutions in emergency preparedness and response planning.

APPROVED by Governor March 18, 2008

EFFECTIVE March 18, 2008

H.B. 08-1120 University of Colorado hospital authority board - membership. Increases the number of members on the university of Colorado hospital authority board from 9 members to 11 members. Permits no more than 4 of the board members to be employees of the university or the authority.

APPROVED by Governor March 6, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1197 Fitzsimons trust fund. Extends the repeal of the Fitzsimons trust fund to July 1, 2032.

APPROVED by Governor April 3, 2008

EFFECTIVE April 3, 2008

H.B. 08-1201 Collegeinvest - executive director approval requirements - name of scholarship program - loan forgiveness program authority - investment authority - implementation fee authority. Permits the collegeinvest authority ("authority") to use moneys in the collegeinvest fund for payment of expenses incurred by the authority. Removes the requirement of executive director approval when the authority:

- Engages private consultants or legal counsel;
- Is collecting and paying reasonable fees and charges; or
- Is investing the Colorado achievement scholarship fund moneys.

Changes the name of the Colorado achievement scholarship program to the Colorado collegeinvest scholarship program. Authorizes the authority to develop and administer loan forgiveness programs and administer and fund scholarship programs. Removes the authority's \$2 billion bond limit. Directs the investment of the collegeinvest fund.

Removes the requirement that institutions of higher education that receive loan origination and disbursement services pay an implementation and ongoing disbursement fee. Makes charging the fee permissive based on certain criteria.

APPROVED by Governor March 26, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1205 Capital construction projects. For institutions of higher education, increases the dollar-amount thresholds for:

- Exceptions from the requirements for program and physical planning;
- Exceptions from Colorado commission on higher education ("commission") approval and capital development committee ("CDC") and joint budget committee ("JBC") review of capital construction projects funded from certain sources; and
- Exceptions from commission approval of capital construction projects funded from cash funds.

Provides for CDC and JBC review of cash-funded projects over a certain amount. Exempts cash-funded capital construction projects for higher education institutions from the requirement that professional service contracts be entered into within 6 months after the appropriation is made for the project.

APPROVED by Governor March 31, 2008

EFFECTIVE March 31, 2008

H.B. 08-1252 Tuition assistance - Colorado National Guard - homeland security degree program. Allows a member of the Colorado National Guard to receive tuition assistance when enrolled at a private institution of higher education in a certificate or degree program in homeland security.

APPROVED by Governor April 10, 2008

EFFECTIVE April 10, 2008

H.B. 08-1255 Teacher preparation - rural teachers - loan forgiveness. Expands the definition of "rural school district" to allow more teachers who teach in rural areas to qualify for the teacher loan forgiveness pilot program ("program"). Specifies that the teacher loan forgiveness fund shall consist of all moneys appropriated to the fund by the general assembly in addition to gifts, grants, and donations. Increases the dollar amount that rural teachers under the program can receive in loan forgiveness. Extends the repeal date of the program to July 1, 2019.

APPROVED by Governor May 29, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1318 Board of governors of the Colorado state university system - Colorado state forest service - beetle mitigation fund. Creates a beetle mitigation fund for use by the Colorado state forest service to mitigate the effects of beetle infestation on state-owned land. Specifies that the fund shall consist of donations received through interested state agencies' web sites.

APPROVED by Governor May 28, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

ELECTIONS

S.B. 08-243 Election reform commission - creation - membership - duties. Creates the election reform commission (commission) to review, research, and make recommendations to ensure that every eligible citizen has the opportunity to register to vote, participate in fair, accessible, and impartial elections, and have the assurance that his or her vote will count. Specifies that the commission shall consist of 11 members appointed by the president of the senate, the speaker of the house of representatives, the minority leaders of both houses, the governor, and the secretary of state. Specifies that the members appointed by the speaker and the minority leader of the house of representatives shall include a county clerk and recorder or a representative of county clerk and recorders and a representative of municipal government. Directs the officials who appoint members to attempt to achieve regional diversity and partisan balance and to consider persons with experience and expertise in:

- Election law;
- Election administration;
- Computer science;
- Statistics and auditing;
- Engineering and systems analysis; and
- Accessibility of voting systems to persons with disabilities.

Requires the commission to hold its first meeting by November 14, 2008. Authorizes the legislative council staff and the office of legislative legal services to provide staff support to the commission with the approval of the speaker of the house of representatives and the president of the senate. Specifies that the members of the commission shall serve without compensation or reimbursement of expenses.

Directs the commission to conduct a nonpartisan review of the manner in which state and local elections are currently conducted, review available information on elections that may assist the commission in recommending changes to the state's election laws, and recommend changes to the state's election laws to protect the constitutional right to vote by ensuring that every election conducted in the state is accurate, secure, transparent, verifiable, recountable, auditable, and accessible. Specifies that the commission's review may address subjects including, but not limited to:

- Issues and problems involving electronic voting systems that have arisen in Colorado and other states since the enactment of the federal "Help America Vote Act of 2002" (HAVA);
- The standards, criteria, and procedures by which rules and guidelines for the certification of electronic voting systems are adopted in the state;
- The manner in which electronic voting systems are certified in the state;
- Public access to the certification process and to electronic voting system software;
- Technology that enables persons with disabilities to vote independently and in compliance with HAVA;
- The short-term and long-term costs of purchasing, maintaining, and operating electronic voting systems;
- The reliability and integrity of electronic and other voting systems;
- The security, accuracy, and efficiency of the systems and methods used to register electors and to maintain voter registration records;
- Issues related to the conduct of elections in special districts;

- Whether the state should adopt a uniform voting system to be used in all counties;
- Whether the auditing and recounting procedures in current law provide a meaningful level of statistical confidence to electors and candidates;
- The number of eligible electors who show a form of identification that does not contain a photograph of the eligible elector when voting at a polling place, and the number of eligible electors who show each form of such identification, based on information received from county clerk and recorders;
- Other issues related to the accuracy, security, transparency, verifiability, recountability, auditability, and accessibility of elections in the state;
- Alternative methods of conducting elections; and
- The feasibility and desirability of creating a permanent election reform commission.

Requires the commission to hold meetings that are open to the public and to solicit and receive public testimony and input on the issues studied by the commission and public comments on the commission's work. Directs the commission to report its recommendations for changes to the state's election laws to the state, veterans, and military affairs committees of the senate and the house of representatives by March 1, 2009. Requires the report to include an unbiased analysis of the fiscal impact and technical feasibility of the recommended changes.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1003 Special congressional vacancy election - declaration - time - nominations - rules. Directs that the governor issue a proclamation setting a day to hold a special congressional vacancy election in the event of a declaration by the speaker of the United States house of representatives that vacancies exist in more than 100 of the offices of representatives in congress and where one or more of those vacancies is in the office of a representative in congress from this state. Requires that the special congressional vacancy election shall be conducted on a Tuesday not more than 49 days after the date of the declaration, unless a general election for the office is to be held within 75 days of the date of the declaration.

Requires that candidates at the special congressional vacancy election be nominated by the party congressional central committee not later than 10 days after the speaker's declaration.

Requires a person who desires to be an unaffiliated candidate at the special congressional vacancy election to submit to the secretary of state a notarized candidate's statement of intent together with a nonrefundable filing fee of \$500.

Authorizes the secretary of state to promulgate rules for the administration and enforcement of the act or to adjust statutory deadlines to ensure that a special congressional vacancy election is held within the requisite time.

APPROVED by Governor April 14, 2008

EFFECTIVE April 14, 2008

H.B. 08-1041 Campaign finance - violations of rules or FCPA - written complaints - sanctions - attorney fees - penalties for violations of statutory provisions prohibiting state agencies or political subdivisions from making contributions or expenditures in campaigns. Authorizes any person who believes that a violation of either any provision of the secretary of state rules concerning campaign and political finance (rules) or any provision of the state "Fair Campaign Practices Act" (FCPA) has occurred to file a written complaint with the secretary of state not later than 180 days after the date of the occurrence of the alleged violation. Specifies that the complaint is subject to all applicable procedures specified in the enforcement provisions of article XXVIII of the state constitution (article XXVIII).

Specifies that any person who commits a violation of either the rules or the FCPA that is not specifically listed in the enforcement provisions of article XXVIII is subject to the sanctions specified in article XXVIII.

Prohibits attorney fees from being awarded in a campaign finance enforcement action unless the court or administrative law judge, as applicable, has first considered certain statutory provisions governing the awarding of attorney fees in civil actions generally.

In connection with an action brought to enforce statutory provisions prohibiting state agencies or political subdivisions from making contributions in candidate elections or making expenditures from public funds in campaigns involving ballot issues, referred measures, or recall measures, subjects such violations to the provisions of article XXVIII or any appropriate order or relief, and expressly authorizes as a form of appropriate order or relief an order directing the person making an illegal contribution or expenditure to reimburse the fund of the state or political subdivision, as applicable, from which such moneys were diverted for the amount of the contribution or expenditure.

APPROVED by Governor April 10, 2008

EFFECTIVE April 10, 2008

H.B. 08-1128 Signature verification devices. Authorizes county clerks and recorders to access the digitized signatures in the statewide voter registration system in order to compare an elector's signature in the system with the signature on the return envelope of a mail-in ballot or mail ballot, including by using a signature verification device.

In a statewide primary or general election or a coordinated mail ballot election, requires election judges to compare an elector's signature on the return envelope of a mail-in ballot or mail ballot with the elector's signature on file with the county clerk and recorder or in the statewide voter registration system. Authorizes the designated election official to allow an election judge to use a signature verification device to compare the signatures. States that the signature on the return envelope is deemed verified if the signature verification device determines that the signatures match. Requires an election judge to compare the signatures if the signature verification device is unable to determine that the signatures match.

States that the return envelope for a mail-in ballot or mail ballot shall not be required to have a flap covering the signature or otherwise impede the use of a signature verification device.

Directs the secretary of state to adopt rules establishing procedures for using signature verification devices to process ballots.

Clarifies and makes consistent various provisions on verifying signatures on mail-in ballot and mail ballot return envelopes.

APPROVED by Governor April 10, 2008

EFFECTIVE April 10, 2008

H.B. 08-1155 Certification of voting systems - special rules regarding voting systems retested in 2007 - authority of secretary of state. Without relaxing existing standards for voting systems, authorizes the secretary of state to amend or rescind any of the orders issued by the secretary on December 17, 2007, regarding the certification of voting systems. If the secretary amends or rescinds an order decertifying a voting system, requires the secretary to perform a test or otherwise demonstrate that the major deficiencies of the voting system have been resolved or mitigated and to issue a statement of the specific reasons for the decision. States that a decision to amend or rescind an order decertifying a voting system shall be effective only for elections held in 2008 and 2009. Requires the secretary to deliver a copy of the decision to the state, veterans, and military affairs committees of the senate and the house of representatives and to the designated election official of each political subdivision that uses the voting system subject to the decision.

In connection with a potential decision to amend or rescind an order, allows the secretary of state to require or permit additional testing of a voting system and communicate with the voting system provider and county clerks and recorders to ensure its accuracy, security, and accessibility. Directs the secretary of state to allow a county clerk and recorder to designate an employee to operate the voting system during the additional testing. States that additional testing and communication by the secretary is subject to applicable provisions of the open meetings law and the open records law. In deciding whether to amend or rescind an order, requires the secretary to consider the information obtained from the testing or communication and the accuracy and security procedures, audits, processing functions, and other relevant procedures used by county clerks and recorders in conducting elections.

APPROVED by Governor February 11, 2008

EFFECTIVE February 11, 2008

H.B. 08-1233 Campaign finance - contributions from limited liability companies - attribution of contribution among members of the limited liability company. Modifies existing provisions of the "Fair Campaign Practices Act" requiring a limited liability company (LLC) to provide information to the recipient committee or political party to specify how the amount of the total contribution from an LLC is to be attributed among the members of the LLC. Specifies that the attribution is to reflect the capital each member of the LLC has invested in the company relative to the total amount of capital invested in the company as of the date the company makes the campaign contribution. For a single member LLC, the contribution is to be attributed to that single member.

APPROVED by Governor April 14, 2008

EFFECTIVE April 14, 2008

H.B. 08-1329 Mail ballot elections - voter information card - mailings to electors whose registration records have been marked as "inactive - failed to vote" or "inactive - undeliverable" - requirements for precinct boundaries used in general elections. Requires the county clerk and recorder to mark the registration record of a registered elector with the words "Inactive - undeliverable" if the elector was mailed a confirmation card no later than 90 days after the 2008 general election and the card was returned by the United States postal

service as undeliverable.

Requires the county clerk and recorder to mail a voter information card not less than 90 days before a mail ballot election to any registered elector whose registration record has been marked "Inactive - failed to vote." Defines "Inactive - failed to vote" to mean a registered elector who is deemed "Active" but who failed to vote in a general election, but excludes an elector whose registration record is marked "Inactive - undeliverable". Authorizes the voter information card required by the act to be sent as part of the voter information card already required to be mailed under existing statutory provisions. Requires the voter information card to be sent to the elector's address of record unless the elector has requested that such communication be sent to his or her deliverable mailing address. Requires the voter information card to be marked "DO NOT FORWARD".

Requires the county clerk and recorder to mark the registration record of a registered elector whose record has been marked as "Inactive - failed to vote" with the words "Inactive - undeliverable" if the voter information card required to be sent is returned by the United States postal service as undeliverable.

Requires a mail ballot for any mail ballot election to be conducted in November 2009 to be mailed to all registered electors whose registration record has been marked as "Inactive - failed to vote". Prohibits the mail ballot from being sent to registered electors whose registration record has been marked as "Inactive - undeliverable".

In any mail ballot election conducted on or after July 1, 2008, requires the county clerk and recorder to mark the registration record of a registered elector with the words "Inactive - undeliverable" if a mail ballot sent to the elector is returned by the United States postal service as undeliverable.

Except as otherwise required by federal law, requires the precinct boundaries established by the county clerk and recorder of each county that are used in the general election in years ending in the number 8 to remain in effect until after the general election in years ending in the number zero. Permits the precincts so established to be subdivided within the boundaries of the original precinct, and permits adjacent precincts to be aggregated for purposes of data collection. Requires the county clerk and recorders to timely submit in writing to the director of research of the legislative council a list showing the precincts for which the boundaries have changed if the precinct boundaries used in the general election in years ending in the number 8 are changed pursuant to federal law prior to the next general election in years ending in the number zero.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

H.B. 08-1345 Vacancies in office - general assembly - state board of education - county commissioner. Extends the time a vacancy committee has to fill a vacancy in the general assembly or on the state board of education from 10 to 30 days.

Increases from 6 to 10 days the required period of notice of a meeting of a vacancy committee to fill a vacancy in the general assembly. Specifies that a meeting of a vacancy committee to fill a vacancy in the general assembly is open to the public. Requires a person appointed to fill a vacancy in the general assembly to take the oath of office within 30 days after the appropriate house receives the secretary of state's certification or on the convening date of the general assembly, whichever occurs first. States that, if the person does not take

the oath of office within such time, the seat shall be deemed vacant and shall be filled by the appropriate vacancy committee. Directs the president of the senate or the speaker of the house of representatives to extend the time to take the oath in extenuating circumstances. Specifies that a vacancy in the general assembly caused by the resignation of a member occurs on the effective date of the member's letter of resignation.

States that a vacancy committee may fill a vacancy in the office of county commissioner only at a meeting called for the purpose. Prohibits the vacancy committee from meeting unless a quorum of at least one-half of the voting members is present. Prohibits a member of the vacancy committee from voting by proxy. Requires the chairperson of the central committee to mail written notice of the time and location of the meeting to each member of the vacancy committee at least 6 days before the meeting.

APPROVED by Governor June 2, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1378 Ranked voting methods - authorization for municipal and special district elections - rules by secretary of state - reports. Defines "ranked voting method" as a method of casting and tabulating votes, such as instant runoff voting, choice voting, or proportional voting, that allows an elector to rank candidates for an office in order of preference and uses these preferences to determine the winner of the election.

Authorizes a statutory city or town or a special district (local government) to conduct an election using a ranked voting method if the use of ranked voting is not prohibited by the charter of the local government and the election is conducted with a system of casting, recording, and tabulating votes that is capable of conducting the election using ranked voting and has been approved by the governing body and the designated election official of the local government. Allows a local government conducting an election using a ranked voting method to adapt certain requirements of the "Colorado Municipal Election Code of 1965" or the "Uniform Election Code of 1992", as appropriate, for compatibility with the ranked voting method.

Requires the secretary of state to submit a report to the state, veterans, and military affairs committees of the house of representatives and the senate by February 15, 2011, that includes:

- An assessment of all elections conducted using ranked voting methods by local governments in accordance with the act and by home rule cities or cities and counties in accordance with their charters through the general election of November 2010;
- Recommendations for changes to statutes, rules, and local voting procedures that would be required to implement ranked voting as a permanent alternative election method for state, federal, and local special and general elections;
- An inventory of available election equipment necessary for conducting elections using ranked voting methods, including the costs associated with the equipment; and
- Any recommendations made by the designated election officials of local governments that conducted an election using a ranked voting method.

Requires a ranked voting method to:

- Allow an elector to rank as many choices as there are candidates for an office or at least three choices if the voting system cannot accommodate the total number of candidates; and
- Allow an elector to rank up to 2 qualified write-in candidates.

States that the ranked voting method used in an election in which one candidate is to be elected to an office shall be known as instant runoff voting, in which ballots are counted in rounds simulating a series of runoffs, eliminating the candidate with the fewest votes after each round until 2 candidates remain or one candidate has more votes than all other candidates combined.

States that an election in which more than one candidate is to be elected to an office in a multiple-seat district or on a governing body that includes multiple at-large seats may be conducted using the principles of instant runoff voting or using the single transferable vote method. Under this method, ballots are counted in rounds, surplus votes for candidates who reach a specified winning threshold are transferred to other candidates, and candidates with the fewest votes are eliminated until the number of candidates at the winning threshold equals the number of seats to be filled.

Requires a local government to provide an explanation of ranked voting and instructions for electors at each polling place and with each mail-in ballot and to conduct an education and outreach campaign to familiarize voters with ranked voting. States that in an election conducted using a ranked voting method, ballots shall not be counted at the polling place but shall be delivered to the canvass board for counting. Requires the designated election official to issue specified reports on an election conducted using a ranked voting method.

Directs the secretary of state to adopt rules on ranked voting methods and provide guidance to local governments on conducting elections using ranked voting methods.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1401 Voter information card - inactive registered electors - reimbursement - appropriation. Requires a county clerk and recorder to send a voter information card by forwardable mail to each active registered elector of the county and by nonforwardable mail to each inactive registered elector, except an elector whose previous communication from the clerk and recorder was returned as undeliverable or an elector whose registration record was marked "Inactive" by the clerk and recorder before the general election of 2006 because the elector did not vote in a general election.

Requires the secretary of state to reimburse a county for the cost of sending voter information cards to inactive registered electors before the 2008 general election from moneys in the department of state cash fund. Appropriates \$150,000 from the department of state cash fund to the department of state for reimbursement of local election expenses based on the number of active registered electors. Appropriates \$300,000 from the department of state cash fund to the department of state for reimbursement of counties for

the cost of sending voter information cards to inactive registered electors before the 2008 general election.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1406 Initiative and referendum petitions - protest - paid petition circulators - registration of petition entities - false or misleading statements regarding proposals - petition forms. Extends the time allowed to protest the validity of an initiative or referendum petition (petition) from 30 to 45 days after the secretary of state determines whether the petition has a sufficient number of valid signatures. Requires the secretary to make a petition available to the public upon request immediately after the secretary issues a statement as to whether the petition has a sufficient number of valid signatures or the petition is deemed sufficient because the secretary failed to issue the statement. Clarifies that the requirement that proponents of a petition report the total amount paid to persons to circulate the petition applies to amounts paid to legal entities as well as individuals.

Prohibits a person from acting as a paid petition circulator unless the person:

- Is a citizen of the United States;
- Is a legal resident of the state; and
- Has not been convicted of a felony involving fraud or a felony sex offense.

Prohibits an entity that pays petition circulators or coordinates the collection of petition signatures (petition entity) from knowingly providing compensation to a petition circulator who does not meet these requirements.

Requires a petition entity to register with the secretary of state and provide specified petition identification and contact information to the secretary. Requires the designated agent of a petition entity to submit to the secretary of state an oath or affirmation that:

- The designated agent is a resident of the state.
- The petition entity does not knowingly hire paid petition circulators who are not United States citizens and legal residents of the state or who have been convicted of a felony involving fraud or a felony sex offense.
- The petition entity has provided to each of its paid petition circulators the text of the measure proposed by the petition and instructed each circulator not to make any false or misleading statement regarding the measure.

Requires a petition form used by a paid petition circulator to contain the name of the petition entity. States that a signature on a petition is invalid if it was not gathered in compliance with the act.

States that the misdemeanor offense of obtaining a signature by deception applies to the circulation of petitions. States that a petition entity that violates the act is guilty of a misdemeanor. Requires strict compliance with the act by a petition entity.

VETOED by Governor May 30, 2008

FINANCIAL INSTITUTIONS

S.B. 08-30 Securities - purchase by public entities - delegation of contracting authority - extension of period. Increases the period for which a public entity may delegate to specified officers and members of the public entity the authority to sign a contract for the purchase of securities and to accept a binding bid for the securities from 60 days to one year after adoption of the act of issuance, or such shorter period as specified in the act of issuance.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-33 Private family trust companies - administration - restrictions - conversion to public trust company - banking board rules. Creates provisions for the administration of private family trust companies. Prohibits private family trust companies from transacting business with the general public. Allows a private family trust company to apply to the banking board for a whole or partial exemption from one or more provisions governing trust companies, and allows the banking board to grant and revoke such exemptions. Sets forth procedures by which a private family trust company may terminate its status as a private trust company, become a public trust company, and begin to transact business with the general public. Requires the banking board to promulgate rules for the administration of private family trust companies. Allows a private family trust company to make loans and extend credit to its officers, directors, and employees.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

S.B. 08-62 Misconduct of regulated persons - confidentiality - exception. Authorizes the state commissioner of financial services, the division of banking, and the state bank commissioner to inform a licensing agency within the department of regulatory agencies of possible misconduct by a person or entity licensed by the licensing agency.

APPROVED by Governor March 24, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GENERAL ASSEMBLY

S.B. 08-92 Post-enactment review of bills - removal of office of state auditor from group of legislative service agencies required to conduct reviews. Removes the office of the state auditor from the group of legislative service agencies required to conduct post-enactment reviews of the implementation of bills.

APPROVED by Governor April 10, 2008

EFFECTIVE July 1, 2008

H.B. 08-1052 Colorado commission on uniform state laws - status of life members and OLLS director or designee. Provides that Colorado life members of the national conference of commissioners on uniform state laws and the director of the office of legislative legal services, or the director's designee, who serves as ex officio secretary of the Colorado commission on uniform state laws, shall have the same status as appointed members of the Colorado commission on uniform state laws for purposes of participating in the national conference of commissioners on uniform state laws.

APPROVED by Governor March 13, 2008

EFFECTIVE March 13, 2008

GOVERNMENT - COUNTY

S.B. 08-15 Cemetery district - moneys deposited with county treasurer. Makes permissive the requirement that all moneys belonging to or collected on behalf of a cemetery district be deposited with the county treasurer of the county in which the cemetery district is located.

APPROVED by Governor March 19, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-34 Application for land use approvals - consideration of transportation factors - facility siting - group homes for aged or at-risk adults. In connection with an application for development approval of the siting of a new facility to be used exclusively as a group home for the aged or for at-risk adults under the county's zoning or other land development regulations, authorizes the county to request the applicant to submit a transportation plan showing how the operators of the facility intend to meet the transportation needs of the residents of the facility. Specifies that the sufficiency of the transportation plan may be considered by the county in reviewing the application but may not, by itself, constitute grounds for denying the application.

APPROVED by Governor March 24, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-158 Inclusion of unincorporated territory in urban renewal area - consent - requirements - authorization to enter into intergovernmental agreement. Permits an urban renewal plan, urban renewal project, or urban renewal area to include unincorporated territory outside the boundaries of a municipality but contiguous to a portion of the urban renewal area located within the municipality. Prohibits such territory from being included in the plan, project, or area without the consent of the board of county commissioners exercising jurisdiction over the unincorporated territory proposed for inclusion and the consent of each owner of, and each holder of a recorded mortgage or deed of trust encumbering, real property within the unincorporated area proposed for inclusion.

In addition to the procedures for approval of a proposed urban renewal plan by the governing body of the municipality proposing the plan, imposes additional requirements that must be met for the inclusion of the unincorporated territory in the urban renewal plan, project, or area.

Permits any urban renewal plan approved in accordance with the act to be modified on the condition that the modification is approved by the board of county commissioners, the governing body, and the urban renewal authority.

Permits an urban renewal authority, a municipality, and a county to enter into an intergovernmental agreement to further effectuate the purposes of the act.

APPROVED by Governor April 1, 2008

EFFECTIVE April 1, 2008

H.B. 08-1065 Ordinance enforcement - county noise abatement actions - ordinance violation penalties - application of ordinances in designated areas. Authorizes a county, with specified exceptions, to bring a civil action to abate violations of the state noise abatement statute. Authorizes a county to adopt penalty assessment procedures and graduated fine schedules for specified violations.

Authorizes a board of county commissioners to designate areas in the unincorporated territory of a county exclusively within which an ordinance applies. Requires the board to set a rational basis for the designation and hold a public hearing prior to making the designation.

APPROVED by Governor March 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1195 Public trustee - request to release a deed of trust - required information - county clerk and recorder - return of release of deed of trust. Specifies that the public trustee shall be provided with a current address of the original grantor, assuming party, or current owner when a request is made to release a deed of trust, or a notation on the request for release of the deed of trust or a written statement that there is no record of a current address different from the address of the property encumbered by the deed of trust being released.

Specifies that the public trustee, in his or her discretion, may release a deed of trust upon compliance with the provisions of the deed of trust if the public trustee has not received the current address of the original grantor, assuming party, or current owner.

Specifies that, after recording the release of a deed of trust, the county clerk and recorder shall return the release to the original grantor, assuming party, or current owner using the address provided to the public trustee; except that, when the public trustee, in his or her discretion, releases the deed of trust without receiving the current address of the original grantor, assuming party, or current owner, the county clerk and recorder is not required to return the release as specified. Establishes that, if the release is returned to the county clerk and recorder as undeliverable or unable to forward, the county clerk and recorder shall retain the release according to office policy. Clarifies that, if an original grantor, assuming party, or current owner seeks a copy or a certified copy of the release after recording, the original grantor, assuming party, or current owner shall be subject to appropriate copy fees.

Makes changes to the form prescribed for requesting a release of a deed of trust without production of evidence of debt to conform to statutory changes made in 2007.

APPROVED by Governor April 21, 2008

EFFECTIVE April 21, 2008

GOVERNMENT - LOCAL

S.B. 08-117 Building permit fees - cap - solar energy devices. Prohibits cities and counties, including home rule jurisdictions, from charging a building permit fee to install a solar energy device in excess of the lesser of actual costs in issuing the permit or \$500 for a residential application or \$1,000 for a nonresidential application. Repeals the act on July 1, 2011.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

S.B. 08-128 Sales tax rate cap - repeal. Eliminates the 6.9% limitation on the total amount of sales or use tax that may be levied by the state, any county, and any city or city and county.

APPROVED by Governor May 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-170 Downtown development authorities - tax increment financing - extension of period during which property and sales tax revenues allocated to special fund - inclusion of implementation information in property tax manuals. During the final 10 years of the 30-year period during which a portion of property taxes or sales taxes, or both, may be allocated to and, when collected, paid into a special fund in connection with tax increment financing by a downtown development authority, permits the governing body of the municipality that created the authority (governing body) to extend by ordinance the period during which property taxes are allocated for one additional extension of 20 years, which extension shall commence upon the expiration of the original 30-year period, if on the first day of the 20-year extension period the established base year for the property tax allocation is advanced forward by 10 years and, subsequent to the completion of the first 10 years of the 20-year extension, the base year is advanced forward by one year for each additional year until the completion of the 20-year extension. Authorizes the governing body to extend by ordinance the period during which sales taxes shall be allocated for one additional extension of 20 years with no change to the established sales tax base year. Specifies that any extension may only be considered by the governing body during the final 10 years of the original 30-year period.

In connection with any extension implemented under the act, on an annual basis, requires 50% of the property taxes levied, or such greater amount as may be set forth in an agreement negotiated by the municipality and the respective public bodies, and allocated in accordance with the requirements of existing law to be paid into the special fund of the municipality and the balance of such taxes to be paid into the funds of the other public bodies by or for which such taxes are collected. Not later than August 1 of each calendar year, requires the governing body to certify to the county assessor an itemized list of the property tax distribution percentages attributable to the special fund of the municipality from the mill levies to be certified by each public body. When certifying values to taxing entities, requires the assessor to certify only the percentage of increment value attributable to the special fund pursuant to the act as certified by the governing body. Requires the manner and method by which the requirements of the act are to be implemented by the county assessors to be

contained in such manuals, appraisal procedures, and instructions, as applicable, that the property tax administrator is authorized to prepare and publish.

APPROVED by Governor May 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1015 Counties and municipalities - authorization for marketing activities. Authorizes the governing bodies of counties and municipalities to appropriate moneys for the purpose of marketing the county or municipality, as applicable.

APPROVED by Governor February 13, 2008

EFFECTIVE July 1, 2008

H.B. 08-1053 Clerk and recorder - electronic recording and filing of plats. Permits the electronic recording and filing of plats.

APPROVED by Governor March 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1111 Flag of the United States - purchase for display - only made in the United States. Specifies that any state agency or local government that purchases a flag of the United States for display may only display such flag if it has been made in the United States.

APPROVED by Governor March 19, 2008

EFFECTIVE September 11, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1125 Special districts - annual audit report - authorized but unissued general obligation debt. Requires a special district that has authorized but unissued general obligation debt as of the end of its fiscal year to:

- Specify the amount of the debt and any current or anticipated plan to issue the debt in the report on the annual audit of the special district's financial statement; and
- Submit the special district's audit report or application for exemption from audit to the local government that approved the formation of the special district.

APPROVED by Governor March 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1141 Development permits - water supply - adequacy. Requires a local government to make a determination as to whether an applicant for a real estate development permit for a development in excess of 50 units or single-family equivalents, or fewer as determined by the local government, has demonstrated that the proposed water supply is adequate to serve the proposed development. Requires either that the water supply entity have a water supply plan that meets listed conditions or that the applicant submit a commitment letter from the water supply entity or a report regarding the proposed development's water demand and supply. Specifies the criteria pursuant to which the local government must determine whether the applicant has demonstrated a sufficient and sustainable water supply. Excludes cluster developments from the act.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

H.B. 08-1249 Law enforcement - 911 service - charges. Makes a legislative declaration. Clarifies that the 911 service charge applies to internet-based telephone systems. Sets standards for the collection of such service charge. Narrows the service supplier's limitation of liability for unpaid charges to those charges that have been billed to the service user.

Broadens the monthly remittance duty to include paid 911 charges. Deletes the September 1 deadline for the governing body to determine the amount of the 911 service charge. Lowers from 90 days to 60 days the notification period for notifying the service suppliers of a 911 rate change. Clarifies that the 911 surcharge is a part of the local government's required audits.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1347 Budget and services - intergovernmental relationships - peace officers. Allows a city and county with a population exceeding 500,000 to enter into an intergovernmental agreement with a law enforcement agency from an adjoining state for the performance of law enforcement duties. Requires a peace officer from the other state who is assigned to law enforcement duty within the city and county to be certified as a peace officer in his or her home state and to apply to the peace officer standards and training board for recognition prior to such assignment. Provides that a peace officer from the other state who is assigned to law enforcement duty within the city and county has the same power as the regular deputies or other peace officers of the city and county.

Repeals the provisions concerning intergovernmental agreements between a city and county with a population exceeding 500,000 and a law enforcement agency from an adjoining state on September 15, 2008.

APPROVED by Governor May 1, 2008

EFFECTIVE May 1, 2008

H.B. 08-1349 Urban renewal authorities - downtown development authorities - tax increment financing - modification of procedures for collection of property taxes. Specifies the following in connection with statutory provisions authorizing tax increment financing by an urban renewal or downtown development authority (authority):

- In calculating and making required payments under existing statutory provisions, authorizes the county treasurer to offset the authority's pro rata portion of any property taxes paid to the authority that are subsequently refunded to the taxpayer against any subsequent payments due to an urban renewal authority for an urban renewal project or that are due to a downtown development authority for the plan of development area. Requires the authority to make adequate provision for the return of overpayments in the event the property taxes due to the authority are insufficient to offset the authority's pro rata portion of the refunds. Authorizes the authority to establish a reserve fund for this purpose or enter into an intergovernmental agreement with the municipal governing body in which the municipality assumes responsibility for the return of the overpayments.
- Specifies that any irrevocable pledge by an authority of tax moneys collected for the payment of indebtedness shall not extend to any taxes that are placed in a reserve fund to be returned to the county for refunds of overpayments by taxpayers.
- In connection with an appeal of the decision of a county board of equalization, if the county treasurer refunds taxes and interest to the appellant based on a modification of the valuation for assessment of the property, entitles the treasurer to reimbursement for the refund of taxes and interest pro rata by all jurisdictions receiving payment from the refund and authorizes the treasurer to request reimbursement from such jurisdictions or to offset the reimbursements against subsequent payments.
- Adds a requirement that taxes to be apportioned, credited, and distributed for other political subdivisions shall first be reduced by an amount equal to an entity's pro rata share of any tax refunds granted subsequent to distribution by the county treasurer if the amount has not otherwise been returned by the entity.

Exempts cities and counties from the provisions of the act.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - MUNICIPAL

S.B. 08-9 Fire and police pension association - ensure proper benefit payments. Establishes penalties related to fire and police pension death and disability survivor benefits for a member who, as otherwise required by law, fails to submit to a medical examination or fails to provide information to the board of directors of the fire and police pension association (board) or its designee.

Permits the board to review a fire and police pension award of benefits or a benefit payment under any benefit plan in the defined benefit system, the statewide money purchase plan, or the statewide death and disability plan for the purpose of determining whether there has been fraud, an overpayment, an error, or a mistake. Permits the board to review a benefit payment under any other benefit plan or compensation plan that the board administers for the purpose of determining whether there has been an overpayment, an error, or a mistake. If there is a finding by a preponderance of the evidence of fraud, an overpayment, an error, or a mistake, establishes consequences and procedures related thereto.

Makes it a class 5 felony to willfully make a false statement or representation material to a benefit claim for the purpose of obtaining any type of pension payment.

APPROVED by Governor March 24, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1008 Petition for municipal incorporation - requirement to send notice of filing of petition to property owners within area. Whenever the number of registered electors within the area that is the subject of a petition for municipal incorporation is less than 2,500 persons, requires notice of the filing of the petition to be sent by first-class mail to each person owning real property within the area at the address shown for the owner in the records of the county assessor's office. Requires the cost of mailing the notice to be borne by the petitioners.

Requires the notice to include the name, address, and telephone number of a contact person who is able to provide information on the petition to the public, the case number of the civil action concerning the petition, and the district court in which the petition is filed. Also requires the notice to inform the property owner that, if he or she would like to obtain a copy of the petition, the property owner shall submit to the contact person a request for a copy of the petition along with the payment of a fee. Requires the notice to specify the amount of the fee and instructions as to the manner in which payment shall be made. Specifies requirements governing the amount of the fee. Specifies that, upon receipt of payment, the contact person shall mail a copy of the petition to the property owner. Requires the notice to be sent prior to the date on which the district court makes its findings and determination concerning the sufficiency of the petition.

APPROVED by Governor March 17, 2008

EFFECTIVE September 1, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1070 Fire and police pension association - new hire pension members - redetermination of benefits. Modifies how the board of directors of the fire and police pension association may increase the benefits payable under statewide defined benefit plans for members of the association hired on or after April 8, 1978.

APPROVED by Governor February 21, 2008

EFFECTIVE February 21, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1215 Contracted health care providers. Expands the authority of a municipality with a population of 20,000 people or less to contract with any licensed health care provider to provide services for the municipality. Repeals the sunset of the municipalities' contracting authority.

APPROVED by Governor March 26, 2008

EFFECTIVE March 26, 2008

GOVERNMENT - SPECIAL DISTRICTS

S.B. 08-46 Regional transportation district - compensation of directors. Increases the annual compensation for members of the board of directors of the regional transportation district elected or appointed to the board at the 2008 general election or any general election thereafter to \$12,000.

APPROVED by Governor April 3, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1354 Regional transportation district - private activity and exempt facility bonds - authorization. Authorizes the regional transportation district (district) to issue private activity and exempt facility bonds as authorized by federal law. Specifies requirements relating to the issuance and repayment of bonds and the use of bond proceeds. Specifies that the only sources of repayment for bonds are revenues or property of, or credit enhancement obtained by, the private business on whose behalf they are issued and that bonds therefore do not create any district indebtedness or multiple-fiscal year obligation.

Authorizes public entities to make direct or indirect loans or grants to a private business developing or operating a mass transportation system project financed with private activity or exempt facility bonds issued by the district, and specifies that an indirect loan or grant passed through the district to a private business shall not be considered revenues of the district. Exempts the provision of mass transportation services by private operators under contract to and operating within the district from regulation by the public utilities commission.

APPROVED by Governor May 22, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - STATE

S.B. 08-1 Public safety - schools - school safety resource center - appropriation. Creates in the department of public safety ("department") the school safety resource center ("center") to assist schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations. Sets forth the duties of the center. Authorizes the center to employ staff. Authorizes the department to contract for services to fulfill the duties of the center.

Creates in the department the school safety resource center advisory board ("advisory board") to recommend the policies of the center. Describes the members of the advisory board, including the appointing authority of each member. Repeals the advisory board following sunset review in 2017.

Requires the director of the center to report to the executive director of the department concerning the efficacy and value of the services provided by the center to schools. Requires the executive director of the department to report to the education and judiciary committees of the house of representatives and senate concerning the efficacy and value of the services provided by the center to schools.

Appropriates from the general fund to the department \$466,336 and 6.0 FTE, or so much thereof as may be necessary, for implementation of the act.

APPROVED by Governor May 13, 2008

EFFECTIVE May 13, 2008

S.B. 08-4 State employment - persons with developmental disabilities - appropriation. Creates the state employment program for persons with developmental disabilities ("program") within the department of human services. Directs the executive directors of the department of human services and the department of personnel ("executive directors") to convene a working group to study and recommend how the state's policies and practices in employing, supervising, and supporting persons with developmental disabilities may be improved to implement the program. Directs the working group to make recommendations to the executive directors by January 1, 2009.

If the working group recommends that statutory or constitutional changes may be necessary to implement the program, prohibits the department of human services and the department of personnel from implementing the program until the general assembly has rejected the proposed changes or until the proposed changes have become law. Requires the state board of human services and the state personnel board to promulgate rules as necessary for implementation of the program. Following adoption of the rules, directs the department of human services, in collaboration with the department of personnel, to implement the program and to provide information to state agencies to explain and promote the program. Encourages each state agency to participate in the program.

Appropriates \$34,293 from the general fund to the department of human services, for allocation to the division of vocational rehabilitation, for implementation of the act.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

S.B. 08-26 Public safety - fire safety - cigarettes - reduced ignition propensity standards - appropriation. Requires all cigarettes sold in Colorado on or after July 31, 2009, to be tested for, and to meet, specified standards for reduced ignition propensity. Specifies labeling to identify complying cigarettes. Prescribes the testing methods to be used. Requires manufacturers to certify in writing that their cigarettes have been tested and meet the standards.

Prescribes penalties for failure to properly test cigarettes, to maintain records of such tests for at least 3 years, or to sell cigarettes that do not meet the standards. Grants primary authority over the administration and enforcement of the testing and certification program to the division of fire safety in the department of public safety (division). Gives additional enforcement authority to the attorney general and the department of revenue.

Imposes certification fees on cigarette manufacturers to defray the costs of the program. Creates a fund, known as the reduced cigarette ignition propensity standards and firefighter protection act enforcement fund, into which such fees and penalty assessments are to be deposited and from which the division may support processing, testing, enforcement, and oversight activities.

Designates noncomplying cigarettes sold or offered for sale after July 31, 2009, as contraband under the criminal forfeiture statutes. Exempts cigarettes intended only for sale outside the state. Preempts conflicting local regulations.

Appropriates \$30,532 and 0.3 FTE to the department of public safety, for allocation to the division of fire safety, for the implementation of this act.

APPROVED by Governor May 28, 2008

EFFECTIVE January 1, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-39 Wild land-urban interface areas - training courses for directors of fire protection districts - pilot program - sunset review - appropriation. Directs the division of fire safety in the office of preparedness, security, and fire safety in the department of public safety (division) to establish a pilot program (program) to offer training courses to board members of fire protection districts whose territory includes wild land-urban interface areas. Specifies that the course subjects shall include strategic planning and community outreach on wild land-urban interface issues. Creates an advisory board to advise the division on course content and program implementation.

Directs the division to issue a certificate of wild land-urban interface fire safety to a board member of a fire protection district who successfully completes the training courses. Directs the division to offer the courses at no charge. Requires the division to seek gifts, grants, and donations to fund the program. Prohibits the division from implementing the program until sufficient gifts, grants, or donations are received to cover the costs. Specifies that no general fund moneys shall be expended on the program.

Directs the director of the division to report to the general assembly on the results of the program by July 1, 2010. Repeals the program in 2018 pending sunset review.

Appropriates \$12,400 to the division for implementation of the act.

APPROVED by Governor May 28, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-78 State historical fund - grant distribution standards - sustainable solutions. Requires the state historical society and the cities that distribute grant moneys from the state historical fund to adopt standards for the distribution of the moneys that allow the appropriate use of sustainable solutions such as environmentally sensitive and energy efficient windows, insulating materials, and heating and cooling systems as long as the use of the sustainable solutions does not adversely affect the appearance or integrity of a historic property.

APPROVED by Governor March 19, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-81 Renewable energy authority - duties. Clarifies the duties of the Colorado renewable energy authority ("authority"). Clarifies the manner in which the authority is required to report to the business affairs and labor committee of the house of representatives and the business, labor, and technology committee of the senate concerning the results achieved by an energy research project. Repeals the requirement that the authority remit to the state treasurer 50% of any revenues received by the authority as a result of the licensing of any patent, trademark, or copyright. Allows the director of the national renewable energy laboratory and the presidents of the Colorado school of mines, Colorado state university, and the university of Colorado to appoint designees to the board of directors of the Colorado renewable energy authority.

APPROVED by Governor April 10, 2008

EFFECTIVE April 10, 2008

S.B. 08-102 Recycling resources economic opportunity fund - moneys for grant program oversight - appropriation. Permits moneys from the recycling resources economic opportunity fund to be expended for the purpose of grant program oversight for recycling resources economic opportunity activities.

For the fiscal year beginning July1, 2008, increases by 1.0 FTE the appropriation made to the department of public health and environment in the annual general appropriation act.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

S.B. 08-107 Enterprise zone program - audit by state auditor - frequency. Eliminates the requirement that the state auditor conduct an audit of the enterprise zone program at least once every 5 years, and specifies that the state auditor shall conduct an audit of the enterprise

zone program and submit an audit report to the governor and the general assembly at the discretion of the state auditor and the legislative audit committee.

APPROVED by Governor March 19, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-122 Disclosure of wage information by employee - discrimination prohibited. Makes it a discriminatory or unfair labor practice for an employer to discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee because the employee inquired about, disclosed, compared, or otherwise discussed wages; to require as a condition of employment nondisclosure by an employee of his or her wages; or to require an employee to sign a waiver denying the employee the right to discuss wages. Exempts employers who are exempt from the "National Labor Relations Act".

APPROVED by Governor April 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-127 Tobacco litigation settlement cash fund expenditures for Colorado benefits management system - extension of deadline. Extends the deadline for expending moneys for the Colorado benefits management system from the health care supplemental appropriations and overexpenditures account of the tobacco litigation settlement cash fund.

APPROVED by Governor April 10, 2008

EFFECTIVE April 10, 2008

S.B. 08-147 State-assisted facilities - energy efficiency. Repeals an exemption for facilities constructed with mineral impact revenues from the requirement that state-assisted facilities be designed, constructed, and renovated pursuant to a high performance standard certification program. Authorizes the department of personnel (department) to rely on any national or locally appropriate fuel escalating methodology approved by the department in performing life-cycle cost analyses.

Directs the state board of housing to adopt a nationally recognized high energy performance building standard program for publicly assisted housing projects and to report annually on the program to the general assembly. Allows the executive director of the department of local affairs to exempt a particular publicly assisted housing project from the program based on extenuating circumstances.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-155 State information technology resources - management - office of information technology - chief information officer - transfer of functions to office - responsibilities of

office - technology coordination - supervision of state agency chief information officers - information technology revolving fund - appropriation. Transfers the rights, powers, duties, property, and functions of the following executive branch state agencies (state agencies) to the office of information technology (office) in the governor's office:

- The general government computer center from the department of personnel;
- Telecommunications coordination from the department of personnel;
- The office of the chief information security officer.

Limits the office's oversight to information technology (IT) in the state agencies and not the legislative or judicial departments, the department of law, the department of state, the department of the treasury, or state-supported institutions of higher education.

Specifies that the employees of those state agencies transferred to the office whose employment is deemed necessary by the chief information officer of the office (CIO) shall become employees of the office.

Requires the office to coordinate with and provide assistance, advice, and expertise in connection with business relationships between state agencies and private sector providers of IT resources. Specifies that the office oversees and supervises the maintenance of IT and the initiation of any IT updates or projects and initiates all procurements of IT resources for state agencies and enters into the agreements or contracts in connection with those procurements.

Consistent with the office's overall responsibility for IT project oversight and procurement for state agencies, eliminates the provisions governing and distinguishing major automation system development projects.

Exempts emergency acquisitions or purchases of IT resources by the office from the state procurement code. Requires the CIO to promulgate rules specifying the criteria for those acquisitions and purchases. Requires the CIO to report annually to the state, veterans, and military affairs committees of the senate and house of representatives and the joint budget committee on emergency acquisitions or purchases of IT resources made in the preceding fiscal year.

Requires state agencies to cooperate with the office in developing and implementing processes for the sharing of data and information with the office and between state agencies. Directs the office to determine and implement statewide efforts to standardize IT resources and determine ownership of IT resources among state agencies.

Requires the CIO to prepare and submit budget requests for all IT resources to be utilized by state agencies and to develop policies and procedures for state agency requests for IT procurements of any amount, instead of those exceeding \$100,000. Adds to the duties and responsibilities of the CIO supervision of the chief information security officer and the authorization to hire or retain contractors, subcontractors, advisors, consultants, and agents that are deemed advisable or necessary.

Makes the position of CIO a member of the governor's cabinet.

Transfers the chief information officer of each state agency on July 1, 2008, and certain employees of those state agencies to the office by July 1, 2012, and makes each an employee of the office. Specifies that each chief information officer transferred to the office

may continue to act as the chief information officer for the state agency from which he or she was transferred. Makes each chief information officer subject to the immediate supervision of the CIO. Requires the CIO and the executive director and chief information officer of each state agency to determine which positions and functions affiliated with the management and administration of the state agency's IT resources and enterprises will be transferred to and centralized in the office. Directs that employees supporting the IT functions of a state agency continue under the supervision of that state agency's chief information officer until the CIO determines it is necessary for those positions or functions to come under the control and supervision of the office. Specifies that a transferred chief information officer and the employees under the supervision of that chief information officer may continue operations at the location of the information officer's state agency.

Transfers all duties and responsibilities for statewide geographic information system coordination from the department of local affairs to the office. Directs the office to develop a statewide geographic information system plan by July 1, 2010, and to submit the plan to the governor and to the state, veterans, and military affairs committees of the senate and the house of representatives.

Establishes the information technology revolving fund. Requires the office to develop and implement a method for billing users of the office's services by July 1, 2013. Requires moneys in the revolving fund to be continuously appropriated to the office to pay the costs of consolidation and information technology maintenance and upgrades. Requires that any moneys appropriated from the general fund to the office or a state agency for the 2008-09 fiscal year and for each fiscal year thereafter for the procurement of information technology resources or major automation system projects, which moneys are unexpended or unencumbered as of the close of the fiscal year as a result of savings achieved by the office or state agency in connection with such procurements, shall not revert to the general fund and shall be transferred to the revolving fund.

Makes adjustments to the 2008 long appropriations act (House Bill 08-1375) for the implementation of the act. Specifies that those adjustments are contingent on House Bill 08-1375 becoming law.

APPROVED by Governor May 22, 2008

EFFECTIVE May 22, 2008

NOTE: House Bill 08-1375 was signed by the governor April 28, 2008.

S.B. 08-156 Department of natural resources - division of wildlife - unclaimed warrants drawn from wildlife cash fund - cancellation. Specifies that a warrant drawn from the wildlife cash fund (fund), other than a warrant refunding a license fee submitted as part of an unsuccessful license application, that has not been presented to the state treasurer for payment by the last working day in June of the fiscal year following the fiscal year in which the warrant was drawn shall be scheduled for cancellation and credited to the fund. States that the law directing such a warrant to be credited to the fund shall control over the "Unclaimed Property Act".

APPROVED by Governor May 22, 2008

EFFECTIVE May 22, 2008

S.B. 08-184 Colorado clean energy finance program and rural clean energy project finance program - creation - appropriation. Creates the Colorado clean energy finance program (program) to provide below market-rate clean energy loans in amounts of up to \$12,500 to homeowners and up to \$12,500 per qualifying housing unit to nonprofit corporations or local government housing authorities that provide units in a multi-unit housing project as homes to individuals or families whose income is less than 120% of area median income for the purpose of financing home repairs, additions, or improvements to be performed by or under the supervision of certified contractors that will improve the energy efficiency of homes or allow homes to use more energy from renewable rather than nonrenewable sources (clean energy improvements). Specifies the process by which potential qualified borrowers may apply for clean energy loans, and requires the state treasurer to set 3 different interest rates for clean energy loans for 3 income-based tiers of qualified borrowers based on a formula tied to a regularly published interest rate index selected by the state treasurer. Requires the governor's energy office (office) to:

- Oversee the program;
- Select a program administrator (administrator), which can be a single entity or more than one entity, to market the program; recruit, train, and certify contractors; measure and verify energy, emissions, and gross and net costs savings resulting from clean energy improvements financed by clean energy loans; and encourage homeowners to participate in utility demand-side management programs where applicable;
- Develop and operate or contract with the administrator for the development and operation of a quality assurance, measurement, and verification program for the program; and
- Determine, in consultation with the state treasurer, when the administrative and procedural framework for the program and the available administrative and financial resources for the program are sufficiently developed to allow the office to effectively oversee the program.

Creates a clean energy program fund (program fund) and creates loan buy-down and loan loss reserve accounts within the program fund. Specifies that the program fund and accounts shall consist of moneys appropriated thereto from the clean energy fund by the general assembly and any gifts, grants, or donations that may be made to the program fund. Requires interest and income earned on the deposit and investment of moneys in the program fund and accounts to be used for the loan buy-down account and the loan loss reserve account.

Continuously appropriates all moneys in the program fund to the office, and requires the office to expend moneys in the loan buy-down account to buy down the interest rate on clean energy loans issued to income-qualified borrowers and to expend moneys in the loan loss reserve account to compensate lenders for losses from uncollectible clean energy loans written off by the lenders. Requires the state treasurer to periodically transfer moneys from the loan buy-down account to the loan loss reserve account to ensure that the balance of the loan loss reserve account is maintained at at least 5% of the total principal amount of outstanding clean energy loans.

Allows the state treasurer to invest up to \$30,000,000 in bonds or notes issued by lenders participating in the program for the purpose of funding clean energy loans during the 2008-09, 2009-10, and 2010-11 fiscal years, but allows only \$10,000,000 to be invested during the 2008-09 fiscal year and only a total of \$20,000,000 to be invested during the 2008-09 and 2009-10 fiscal years. Requires the administrator to recruit, select, screen, train,

and certify contractors and issue annual reports regarding its administration of the program. Specifies an annual deadline for and information to be included in the annual reports, and also specifies an annual deadline for the office to report to specified committees of the general assembly regarding the program.

Creates the rural clean energy project finance program. Allows an "eligible applicant", defined as an individual property owner or a group of property owners that do not own the entirety of a cooperative electric association and that seek to construct, expand, or upgrade an eligible clean energy project located or to be located on the individual's or group's property, to apply to the board of county commissioners of the county or city and county in which it proposes to construct, expand, or upgrade an eligible clean energy project (board) for assistance in the financing of the project. Defines an "eligible clean energy project" as a project owned by an eligible applicant that produces or transmits clean energy for public benefit only, has a nameplate rating of no more than 50 megawatts and is not a part of a larger project with a nameplate rating of more than 50 megawatts, and is located within the certificated service area of a cooperative electric association, and specifies that such a project also includes transmission lines to the point of entry to the power grid of a cooperative electric association, a generation and transmission electric corporation or association, or any federal agency and any other equipment or facility, including, but not limited to, substation upgrades needed to deliver the clean energy produced by an eligible clean energy project to a market.

Subject to requirements and limitations specified in certain federal and state statutes, allows a board that approves an eligible applicant's application for financing assistance to issue tax-exempt private activity bonds (bonds) in a minimum amount of \$1,000,000 on behalf of the eligible applicant. Requires a board that issues bonds to do so subject to the following requirements and limitations:

- The execution of an agreement between the board and the eligible applicant under which the board agrees to loan the net proceeds of the bonds to the eligible applicant so that the eligible applicant can finance all or a portion of the eligible clean energy project and the eligible applicant agrees that it has the sole responsibility to repay bondholders and maintain any reserve deemed necessary by the board to ensure such repayment;
- Specification within the bonds that bondholders may not seek repayment of bonds from any county or city and county revenues and that the only sources of repayment are the eligible applicant's revenues, property, or credit enhancement; and
- A maximum bond repayment term of 10 years.

Clarifies that, because bonds are payable only from resources of an eligible applicant, they do not create county or city and county indebtedness or a multiple-fiscal year obligation and that a board may therefore issue bonds without voter approval. Requires an eligible applicant to set and charge rates for the delivery of clean energy produced by an eligible clean energy project that allow recovery of all costs necessarily incurred to deliver the clean energy to a market, including, but not limited to, the costs of substation upgrades, transmission lines to the point of entry of the power grid of a cooperative electric association, and any wheeling charges imposed by a cooperative electric association.

Appropriates 1.0 FTE to the office of the governor, for allocation to the governor's energy office, and specifies that the FTE shall be supported by moneys in the clean energy program fund and any gifts, grants, or donations made to the governor's energy office for the

purposes of implementing the act.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

S.B. 08-200 Prohibitions against discrimination - expansion to include discrimination on the basis of sexual orientation - preservation of constitutional rights to free exercise of religion - composition of civil rights commission - appropriation. For purposes of membership on the Colorado civil rights commission by persons who are members of groups who have been or might be discriminated against, allows for the appointment of persons who have been or might be discriminated against because of sexual orientation.

Prohibits discrimination on the basis of sexual orientation in the following areas:

- Housing practices;
- Places of public accommodation other than churches, synagogues, mosques, and other places principally used for religious purposes;
- Publication of discriminative matter;
- Consumer credit transactions;
- Membership in labor organizations;
- Inclusion in public works projects;
- Issuance or renewal of policies of automobile insurance;
- Issuance of license to practice law;
- Sales of cemetery plots;
- Determination of whether expenses paid at or to a club that has a policy to restrict membership are tax deductible;
- The provision of funeral services;
- Enrollment or classification of students at private occupational schools;
- Eligibility for jury service;
- Enrollment in a charter school, institute charter school, public school, or pilot school for expelled students;
- Written local school boards of education policies regarding employment, promotion, and dismissal;
- The assignment or transfer of a public school teacher;
- Leasing portions of the grounds of, or improvements on the grounds of, the Colorado state university - Pueblo and the Colorado school of mines;
- Employment in the state personnel system;
- Availability of family planning services;
- Employment practices of county departments of social services involving selection, retention, and promotion of employees;
- Participation in the managed care program under the children's basic health plan;
- Making or committing to make a housing facility loan by the Colorado housing and finance authority; and
- Imposition of a discriminatory occupancy requirement on charitable property for which the owner is claiming an exemption from property taxes based on the charitable use of the property.

Adds prohibitions against discriminating on the basis of sex, marital status, disability, age, national origin, ancestry, and religion, as necessary, for consistency in antidiscrimination laws.

Amends section 2 (1) (j) of House Bill 08-1375, providing for the payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado for the fiscal year beginning July 1, 2008 (general appropriations act), to prohibit the payment of moneys appropriated through the general appropriations act to any person or entity that restricts employment or membership on the basis of sexual orientation.

Appropriates \$81,805 from the general fund to the department of regulatory agencies for the implementation of the act, with \$60,073 of said amount allocated to the executive director's office for legal services and \$21,732 allocated to the civil rights division for enforcement of prohibitions against discrimination.

States that the section amending section 12-54-303 (1) (b) shall take effect only if House Bill 08-1123 is enacted and becomes law.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

NOTE: House Bill 08-1123 was postponed indefinitely in senate committee on appropriations.

S.B. 08-206 Lease-purchase agreements - state justice center - Colorado state museum - increase filing fees - justice center cash fund - appropriation. Authorizes the state to enter into lease-purchase agreements for development and construction of a state justice center and a new Colorado state museum. Authorizes an increase in civil filing fees to be deposited in a new justice center cash fund ("fund"). Provides that a portion of the costs associated with the design, construction, and lease-purchase payments for the new state justice center shall be paid from the fund. Provides for a transfer of moneys from the fund to pay for the relocation of the state museum currently located on the same block as the site of the new state justice center. Provides that a portion of the costs associated with the design, construction, and lease-purchase payments for the new state museum shall be paid from the portion of the state historical fund not reserved for the statewide grant program.

Appropriates \$18,000,000 from the state museum cash fund to the state historical society for the initial phase of capital construction costs for the new Colorado state museum.

APPROVED by Governor June 4, 2008

EFFECTIVE June 4, 2008

S.B. 08-215 Facilities and infrastructure - telecommunications - broadband service - statewide map - inventory - appropriation. Directs the chief information officer of the office of information technology, in consultation with the governor's innovation council, to identify broadband service areas within Colorado and to develop a map of such areas, with the goal of using the map to help plan the deployment of broadband service to unserved areas of the state. Uses the map as the basis for an inventory of existing and potential service areas. Calls upon the chief information officer to make the inventory available to the general assembly by April 1, 2009, and to publish the aggregate data on which the inventory is based by posting the information on a publicly available web site.

Requires the chief information officer to hold at least 4 public meetings and consider comments submitted by members of the public in preparing the inventory. Directs the office of information technology to solicit gifts, grants, and donations to pay for the meetings and the preparation of the inventory but, if the amounts received in the form of gifts, grants, and

donations as of September 1, 2008, are not sufficient to fund these efforts, authorizes the expenditure of up to \$100,000 from the high cost support mechanism administered by the public utilities commission.

Exempts from disclosure under the Colorado open records act any proprietary information submitted by private entities in connection with the inventory.

Appropriates \$21,000 and 0.1 FTE to the governor's office, for allocation to the office of information technology, for the implementation of the act.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

S.B. 08-231 Work force development council - transfer to department of labor and employment - appropriations. Transfers the state work force development council from the department of local affairs to the department of labor and employment.

Makes the following appropriations to the department of labor and employment, division of employment and training, for the implementation of the act:

- \$466,016 and 4.0 FTE, from the appropriation made from the annual general appropriation act for the fiscal year beginning July 1, 2008, to the department of local affairs, executive director's office, for the work force development council; and
- \$870,000 and 1.0 FTE, from the appropriation made from the annual general appropriation act for the fiscal year beginning July 1, 2008, to the department of local affairs, executive director's office, for work force improvement grants. Specifies that, of said sum, \$20,000 shall be cash funds from donations, and \$850,000 and 1.0 FTE shall be from federal funds.

APPROVED by Governor May 27, 2008

EFFECTIVE July 1, 2008

H.B. 08-1001 Office of economic development - bioscience research - appropriation. Eliminates in the bioscience discovery evaluation grant program ("program") provisions concerning federal agency small business innovation research programs, federal agency small business technology transfer programs, and biofuel research. Adds early-stage bioscience companies as possible recipients of program grants. Specifies which portion of moneys appropriated to the bioscience discovery evaluation cash fund ("cash fund") shall be used to provide grants to offices of technology transfer at research institutions and which portion of moneys shall be used to provide grants to early-stage bioscience companies. Allows an office of technology transfer that receives a grant under the program to designate a party to present the office's bioscience research project to elementary and secondary school science teachers who are employed in the geographic region in which the technology is being developed.

For the 2007-08 fiscal year, appropriates \$5,500,000 from the general fund to the cash fund for the implementation of the program. For the 2008-09 fiscal year, transfers \$4,500,000, and for each of the 2009-10, 2010-11, and 2011-12 fiscal years, transfers \$5,500,000 from the general fund portion of the limited gaming fund to the cash fund for the

implementation of the program.

APPROVED by Governor April 24, 2008

EFFECTIVE April 24, 2008

H.B. 08-1017 State reptile. Designates the western painted turtle as the state reptile of the state of Colorado.

APPROVED by Governor March 18, 2008

EFFECTIVE March 18, 2008

H.B. 08-1025 Governor's energy office - creation - duties. Statutorily creates the governor's energy office within the office of the governor. Specifies that the director is the head of the office. Establishes duties and powers of the office and the director.

APPROVED by Governor March 18, 2008

EFFECTIVE March 18, 2008

H.B. 08-1029 State lottery division - Colorado or multistate prize reserves - definition of cash prize. Adds expenditures made to fund Colorado or multistate prize reserves to the definition of cash prize.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1047 Procurement - source selection - contract formation - set aside for all persons with severe disabilities. Creates a set aside program in state procurement for all persons with severe disabilities. Allows any nonprofit agency that is interested in performing state services and that would like to bid on solicitations for such services through the set aside program to apply to the department of human services to become a self-certified vendor.

Directs the department of human services to accept applications from any nonprofit agency that seeks to become a self-certified vendor. To become a self-certified vendor, requires a nonprofit agency to certify, among other criteria, that it would be capable of hiring and would employ people to perform any service for which the nonprofit agency bids, and that of those people employed, a total of 75% would be persons with severe disabilities and a minimum of 20% would be persons with severe disabilities who have developmental disabilities.

Directs the department of human services to create and maintain a list of all nonprofit agencies that have attained self-certified vendor status and to make the list available to the department of personnel. Requires the department of personnel to distribute the list to each state agency. Directs the department of personnel to publish a list of the services that state agencies seek through services solicitations and to make the list available to nonprofit agencies on an annual basis.

As part of a nonprofit agency's application to become a self-certified vendor, requires the nonprofit agency to specify the tasks and activities that it is able to perform for state agencies based on the list created by the department of personnel. Directs the department of human services to review each application to become a self-certified vendor and to create a list of the types of tasks and activities that it deems appropriate for a self-certified vendor to perform. After creating the tasks and activities list, directs the department of human services

to meet with the state purchasing director to determine the types of services solicitations that would involve some or all of the tasks or activities specified on the list and that could be successfully performed by self-certified vendors. Requires the department of human services to create a list of the types of services solicitations that it deems appropriate for a self-certified vendor to perform. Specifies that the list shall be referred to as the "services set aside list".

Requires the department of human services to provide the services set aside list to the state purchasing director. Requires the state purchasing director to provide the services set aside list to the purchasing director of each state agency and to make the list available to any nonprofit agency that is self-certified to bid on services solicitations.

Requires any state agency that intends to solicit bids for a service that is included on the services set aside list to first solicit bids from self-certified vendors for such service. Specifies procedures that the agency is required to follow in the event that 2 or more, one, or no self-certified vendors bid on the solicitation for the services.

Directs the department of personnel to establish a process whereby any state agency that intends to solicit bids for a service that is included on the services set aside list may solicit bids solely from self-certified vendors. Requires any state agency that has awarded a solicitation for services to a self-certified vendor, before the expiration of the contract, to renegotiate a fair and reasonable price for the services with the self-certified vendor that has performed the services for the state agency. Specifies the circumstances under which the state agency is permitted to solicit new bids for the services previously performed by a self-certified vendor.

Prohibits any state agency that is required to solicit bids for a service that is included on the services set aside list from bundling the service with one or more services before soliciting bids from self-certified vendors. Requires that any self-certified vendor that is awarded a solicitation for services comply with state and federal laws regarding employee compensation, employee protections, workers' compensation, and workplace safety.

APPROVED by Governor June 5, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1048 State emblems - size of state seal. Establishes that the size of the state seal shall be specified by the secretary of state.

APPROVED by Governor March 18, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1056 Driver's license database - emergency contact information. Directs the department of revenue (department) to place a form on its official web site by January 1, 2009, allowing a person with a driver's license or state identification card to input the names and contact information of persons to be contacted in an emergency. On and after January 1, 2009, requires the department to include on the application forms for driver's licenses,

instruction permits, and state identification cards a place for the applicant to specify the names and contact information of persons to be contacted in an emergency. Directs the department to add emergency contact information received from the web site or on an application to the person's record in the driver's license database.

Authorizes an officer of a law enforcement or public safety agency who is authorized to access the driver's license database to:

- Obtain a person's emergency contact information from the driver's license database if the person is injured or killed as a result of an accident, criminal act, or other emergency situation; and
- Contact the persons listed in the emergency contact information and notify them of the emergency situation and the condition and location of the person who has been injured or killed.

Prohibits the department from disclosing a person's emergency contact information, except to the person or to an officer of a law enforcement or public safety agency.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

H.B. 08-1076 Criminal justice records - copies - fees. States that criminal justice agencies may assess reasonable fees, not to exceed actual costs, for the search, retrieval, and redaction of criminal justice records. Limits the amount that criminal justice agencies may charge for copies of criminal justice records to:

- 25¢ per standard page; or
- The actual cost of providing a copy, printout, or photograph of a criminal justice record in a format other than a standard page.

Applies the limit on fees for copies of criminal justice records to county and municipal criminal justice agencies.

States that the provision of the open records act on copies of criminal justice records does not apply to discovery materials that a criminal justice agency is required to provide in a criminal case pursuant to rule 16 of the Colorado rules of criminal procedure.

APPROVED by Governor April 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1078 Transfer to Colorado state veterans trust fund. Transfers \$2,280,900 from the general fund to the Colorado state veterans trust fund. Specifies that the amount shall be retained as principal in the trust fund.

APPROVED by Governor May 16, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1082 Public records - sealing of criminal conviction records for offenses involving controlled substances - appropriation. Reduces the number of years from 15 to 10 that a person must wait before filing a petition to seal arrest and criminal records information pertaining to a criminal offense that was not charged or a case that was dismissed due to a plea agreement in a separate case. Requires a probation department under certain circumstances to advise a defendant of the right to seal criminal justice records.

Establishes a criminal justice record sealing procedure for convictions for offenses involving controlled substances. Permits a defendant, after 10 years following the completion of a sentence or release from supervision, whichever is later, to petition the district court to seal criminal conviction records information for an offense involving a controlled substance ("conviction records"). Prohibits the sealing of conviction records if the defendant still owes court-ordered restitution, fines, or fees. Specifies the procedure for sealing conviction records. Requires the court, in making the decision whether to seal conviction records, to weigh the privacy interests of the defendant against the public interest in retaining the conviction records as open records. Requires a defendant who successfully petitions a court for the sealing of conviction records to provide to the Colorado bureau of investigation ("bureau") and each custodian of the conviction records with a copy of the court's order to seal the conviction records and to pay to the bureau any costs related to the sealing of the conviction records in the custody of the bureau.

Prohibits employers and certain institutions and agencies from requiring an applicant to disclose information in sealed conviction records. Permits the bar committee of the state board of law examiners to make inquiries into the fact of a conviction that comes to the attention of the bar committee through other means. Permits any member of the public to petition a court to unseal any file that has been previously sealed upon a showing that circumstances have come into existence since the original sealing and, as a result, the public interest in disclosure now outweighs the defendant's interest in privacy.

Requires the office of the state court administrator to post on its web site a list of all petitions to seal conviction records that are filed with a district court. Prohibits a district court from granting a petition to seal conviction records until at least 30 days following the posting.

In regard to any conviction of a defendant resulting from a single case in which the defendant is convicted of more than one offense, prohibits the sealing of conviction records unless the records of every conviction of the defendant resulting from that case may be sealed.

Requires a defendant to be advised of the right to seal conviction records by the court, the probation department, and the defendant's parole officer under the appropriate circumstances.

Specifies that the conviction records sealing procedure shall apply to judgments of conviction entered on and after July 1, 2008. Permits the procedure to apply to judgments of conviction entered before July 1, 2008, with the consent of the prosecuting attorney and subject to the satisfaction of certain conditions by the defendant.

Specifies that court orders sealing conviction records shall not limit the operation of the rules of discovery or the rules of evidence promulgated by the supreme court of Colorado or any other state or federal court. Specifies that court orders sealing conviction records shall not limit the operation of the provisions of section 13-90-101, C.R.S., concerning witness

testimony.

Appropriates \$445,781 and 6.2 FTE from the judicial stabilization cash fund to the judicial department for the implementation of the act. Appropriates to the bureau \$36,893 for the implementation of the act, which sum shall be from payments collected by the bureau from defendants for costs related to sealing conviction records.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

H.B. 08-1088 Appropriations - unexpended and unencumbered moneys - expenditure in next fiscal year - specified cash funds. Specifies that at the end of any fiscal year, any moneys not expended or encumbered from any appropriation to the new jobs incentives cash fund, the film incentives cash fund, the state council on the arts cash fund, or the Colorado travel and tourism promotion fund shall remain available for expenditure in the next fiscal year by the commission, council, or board that administers the fund without further appropriation.

APPROVED by Governor March 13, 2008

EFFECTIVE March 13, 2008

H.B. 08-1097 Civil air patrol missions and state level emergencies - members of civil air patrol and qualified volunteers - job protection. Prohibits any employer from discriminating against or discharging from employment any member of the civil air patrol (member) because of such membership and from preventing any member from performing a civil air patrol mission for which the member is entitled to leave. Allows a member to seek civil action against an employer for a violation of the protections allowed to members.

Allows a member who is a state or local government employee and is called to duty for a civil air patrol mission to take a leave of absence from his or her employment without loss of pay or benefits during the period of the mission. After completion of service, entitles the member to return to the same position and classification held by the member before the leave of absence.

Allows a member who is employed on a nontemporary basis by a private employer and is called to duty for a civil air patrol mission to take a leave of absence from his or her employment during the period of the mission. Specifies that the leave shall be considered an absence with leave and without pay and shall not otherwise affect the benefits that the member receives in connection with his or her employment. After completion of service, requires the member's employer to restore the member to the same position or a position similar to the position that the member held before the leave of absence.

Limits the amount of leave to which a member is entitled to 15 work days annually, and requires the member to return to employment as soon as practicable after he or she is relieved of service for the civil air patrol.

Authorizes any county sheriff, the director of any local government, any local emergency planning committee, or any state agency (governmental entity) to develop and enter into a memorandum of understanding with one or more volunteer organizations to assist the governmental entity in providing services in the event of a disaster. Specifies the information that the memorandum of understanding may include and that national or statewide training and certification standards shall be used in the memorandum, if applicable

to certain types of volunteers.

Directs the executive director of the department of local affairs (department) to create and maintain a list of volunteer organizations that shall be known as the "qualified volunteer organization list". Allows any governmental entity to nominate a volunteer organization with which it enters into a memorandum of understanding to be included on the qualified volunteer organization list.

States that a volunteer who is associated with a qualified volunteer organization is eligible to receive certain job protections and leave of absence benefits and be subject to governmental immunity if the volunteer is a qualified volunteer. Specifies the circumstances under which a volunteer shall be deemed a qualified volunteer

Allows any qualified volunteer who is a public employee and is called into emergency volunteer service by a volunteer organization to take a leave of absence from his or her employment without loss of pay or benefits during the period of the emergency volunteer service. After completion of emergency volunteer service, entitles the volunteer to return to the same position and classification held by the volunteer before the leave of absence.

Allows a qualified volunteer who is employed by a private employer and is called into service by a volunteer organization for a disaster to take a leave of absence from the qualified volunteer's employment, other than employment of a temporary nature, during the period of the emergency volunteer service. Specifies that the leave shall be considered an absence with leave and without pay and shall not otherwise affect the benefits that the volunteer receives in connection with his or her employment. States that the leave shall be allowed only if the volunteer is called into service for a disaster and provides proof that he or she is a qualified volunteer.

Limits the amount of leave to which a volunteer is entitled to 15 work days annually, and requires the volunteer to return to employment as soon as practicable after he or she is relieved of emergency volunteer service. Specifies that an employer shall not be required to provide leave pursuant to this section to more than 20% of the employer's employees on any work day and that an employer shall not be required to allow leave for any employee designated as an essential employee.

Requires the department to create a process for a governmental entity to nominate a volunteer organization to be included on the qualified volunteer organization list and a process to provide proof that a qualified volunteer provided volunteer services during a disaster. Clarifies that the act does not affect legal protections for volunteer firefighters or any preexisting intergovernmental agreement.

APPROVED by Governor April 24, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1102 Liquor enforcement division and state licensing authority cash fund - reversion of funds - reserve requirement. Specifies that any moneys remaining in the liquor enforcement division and state licensing authority cash fund at the end of each fiscal year shall remain in the fund and shall not revert to the general fund or any other fund. Requires

the fund to be maintained in accordance with a statutory section related to cash funds, the limit on uncommitted reserves, and the reduction in amount of fees.

APPROVED by Governor March 31, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1108 Sales tax receipts distribution - older Coloradans cash fund. In all future state fiscal years, increases the amount allocated to the older Coloradans cash fund from the receipts collected from the state sales and use tax. Decreases the allocation to the general fund by an amount equal to the increase.

APPROVED by Governor May 20, 2008

EFFECTIVE July 1, 2008

H.B. 08-1112 Victims assistance and law enforcement fund - distribution of funds. Allows the division of criminal justice in the department of public safety to make distributions, with recommendations from the victims assistance and law enforcement fund ("fund") advisory board, from the fund directly to certain agencies without having to follow a grant process.

Allows certain agencies and organizations to apply for moneys through the fund grant process.

APPROVED by Governor March 13, 2008

EFFECTIVE July 1, 2008

H.B. 08-1179 Public employees' retirement association - distributions payable by association subject to legal process - tax distraints and liens - allegations of employee misconduct. Authorizes the department of revenue to collect by distraint distributions payable by the public employees' retirement association (association) to a member of the association (member) when the member is liable to pay any tax or license fee that is due to the state and that the member neglects or refuses to pay.

Prohibits a member who terminates membership with the association from receiving a refund of the member's contribution account if the association has been served with an order, injunction, or warrant that is applicable to the member contribution account based upon allegations of theft, embezzlement, misappropriation, or wrongful conversion of public property by the member, until a court order or the issuing authority releases the member contribution account from the order, injunction, or warrant.

APPROVED by Governor March 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1181 Procurement - purchase of compost by a governmental body. In addition to any other applicable requirement specified in the procurement code, prohibits a governmental body from purchasing compost unless the compost satisfies minimum standards specified by

the department of agriculture.

APPROVED by Governor April 10, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1183 Economic development - performance-based incentives for new job creation - requirements. Modifies the performance-based incentive for new job creation program (program) as follows:

- Eliminates the specific dollar amount of the performance-based incentive for new job creation to which an employer is entitled based on the average wage of all new jobs created by the employer.
- Eliminates the requirement that an application for a performance-based incentive for new job creation include specified information regarding the new jobs that the employer created.
- Eliminates the duty of the Colorado economic development commission (commission) to establish certain deadlines in connection with the administration of the incentive program.
- Directs the commission to establish a procedure for employers to apply for a performance-based incentive and for the commission to issue payment of the incentive.
- Allows an employer that satisfies the same criteria for an employer to qualify for a grant or loan from the Colorado economic development fund to be eligible to receive a performance-based incentive from the commission from the moneys in the new jobs incentives cash fund.
- Directs the commission to issue incentives for new job creation to applicants at the commission's discretion, rather than in the order in which the commission received the applications, until the amount appropriated has been expended.

APPROVED by Governor May 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1189 Employees in the state personnel system - labor organizations - strikes or inciting strikes - prohibition. Prohibits any employee in the state personnel system or any labor organization, through formal action or through its agents, from inciting, encouraging, aiding, or participating in a strike, stoppage of work, slowdown, or interruption of operations by employees in the state personnel system.

APPROVED by Governor April 3, 2008

EFFECTIVE April 3, 2008

H.B. 08-1207 Procurement - environmentally preferable products. Repeals the requirement that the state procure environmentally preferable services and specifies that the environmentally preferable products preference does not apply to the purchase of services, including construction services. Requires a governmental body to award contract to a bidder

who offers environmentally preferable products unless the specifications used in the solicitation contain environmentally preferable product criteria or selecting an environmentally preferable product would otherwise be disadvantageous to the state. Requires invitations for bids for products to describe the availability of the purchasing preference for environmental products. Bases the 5% ceiling for increased costs of procuring environmentally preferable products solely on the bid price and clarifies that the analysis of increased costs includes the costs of ownership and a life-cycle analysis. Directs the governor's energy office to maintain a list of entities that certify whether products are environmentally preferable.

APPROVED by Governor April 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1216 Consumer outreach and education program - creation - cash fund created - fines - office of insurance ombudsman plan - appropriation. Creates the consumer outreach and education program (program) in the department of regulatory agencies (department) for the purposes of informing consumers of their rights regarding regulated professions and occupations, decreasing regulatory violations, and ensuring public awareness of consumer protection information available from the department.

Creates the consumer outreach and education cash fund for the purpose of developing, implementing, and maintaining the program. Allows the executive director of the department to collect a surcharge on fines from violations related to regulated professions and occupations for transfer to the fund. Requires the executive director to report annually to the joint budget committee of the general assembly on expenditures from the fund.

Requires the commissioner of insurance to present a plan to the joint budget committee of the general assembly regarding the establishment of an office of insurance ombudsman.

Appropriates \$200,000 from the consumer outreach and education cash fund to the department.

APPROVED by Governor June 5, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1264 Judicial department - name index and register of actions - electronic read-only access for certain agencies and attorneys. Allows statewide electronic read-only access to the name index and register of actions of certain public case types to county departments and attorneys who represent the county departments, the office of the state public defender, guardians ad litem under contract with the office of the child's representative or authorized by the office of the child's representative to act as a guardian ad litem, attorneys under contract with the office of the alternate defense counsel, respondent parent counsel appointed by the court and paid by the judicial department, and criminal justice agencies. Specifies which people or agencies shall have access to court records of juvenile delinquency proceedings and dependency and neglect records and information.

Authorizes the supreme court to adopt rules regarding access to the name index and register of actions. Requires all agencies with access to ensure that individuals who will be using the system receive training on appropriate usage and confidentiality of register of action information.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1266 Secretary of state - liens - filings - Colorado Statutory Lien Registration Act. Allows a secured party as well as a debtor to file a correction statement to a financing statement to perfect a security interest or agricultural lien. Allows any person who incorrectly files an amendment affecting a record to file a correction statement. States that the filing of a correction statement does not amend the financing statement.

Eliminates the requirement that the secretary of state (secretary) provide information on federal tax lien notices to persons requesting information on records filed with the secretary.

Eliminates the requirement that the fee for filing and indexing a record submitted to the secretary in writing be at least twice the amount of the fee for a record communicated by another medium authorized by the secretary.

Corrects references to the international association of commercial administrators.

Repeals the requirement that the secretary accept documents for filing that are sent by facsimile transmission. Specifies that the repeal shall take effect on August 5, 2008, or on the effective date of Senate Bill 06-188, enacted at the Second Regular Session of the Sixty-fifth General Assembly, whichever is later.

Enacts the "Colorado Statutory Lien Registration Act", which:

- Specifies the information that a notice of a designated statutory lien (notice of lien) or an amendment to a notice of lien (notice of amendment) filed with the secretary shall or may contain;
- Specifies the circumstances in which the secretary shall or may refuse to accept a notice of lien or notice of amendment for filing;
- Requires the secretary to mark, maintain, and index notices of lien and notices of amendment;
- Requires the secretary to notify a person who presents a notice of lien or notice of amendment for filing if the secretary refuses to accept the notice and to provide the reason for the refusal;
- Allows the secretary to remove a notice of lien from the secretary's records one year after the notice expires;
- Requires the secretary to provide to any person upon request specified information regarding any notice of lien or notice of amendment on file that designates a particular owner;
- States that a notice of lien or notice of amendment that the secretary wrongfully refuses to accept is effective as a filed record except as against a purchaser of the property described in the notice who gives value in reasonable

- reliance on the absence of the record in the records of the secretary; and
- Requires the secretary to adopt rules to implement the act.

Specifies that the "Colorado Statutory Lien Registration Act" shall take effect on August 5, 2008, or on the effective date of Senate Bill 06-188, enacted at the Second Regular Session of the Sixty-fifth General Assembly, whichever is later.

APPROVED by Governor March 31, 2008

EFFECTIVE (see note)

NOTE: As of publication date, the revisor of statutes had not received certification from the secretary of state that approval of changes to the central filing system had been obtained from the United States department of agriculture and that the necessary computer system was ready pursuant to section 12 of said Senate Bill 06-188.

H.B. 08-1267 Public safety - school safety resource center - school mapping system - appropriation. Requires the school safety resource center ("center") in the department of public safety ("department") to designate at least one but not more than 3 schools to participate in a cooperative effort to create a first responder school mapping system ("mapping system") to provide first responders immediate access to maps of school buildings and other information in the event of an emergency at a school building. Allows the participant schools to contract with one or more public or private entities with experience in creating mapping systems. Requires the participant schools, before entering into any contract or otherwise proceeding with plans for the creation of the mapping system, to submit the contract or plans to the center to approve or disapprove. Requires the department to reimburse the participant schools for the direct and indirect costs of creating the mapping system.

Appropriates \$150,000 from the state education fund to the department of education for the implementation of the act. Reappropriates \$150,000 from the department of education to the department for the implementation of the act.

Specifies that the act takes effect either upon passage or upon the effective date of Senate Bill 08-001, whichever is later; except that this act shall only take effect if Senate Bill 08-001 is enacted and becomes law.

APPROVED by Governor May 13, 2008

EFFECTIVE May 13, 2008

NOTE: Senate Bill 08-001 was signed by the governor May 13, 2008.

H.B. 08-1274 Address confidentiality program - program changes - funding. Makes the following changes to the address confidentiality program for victims of domestic violence, a sexual offense, or stalking that is administered by the secretary of state:

- Modifies the definition of the term "actual address" to include an individual's county and voting precinct number;
- Changes the way the secretary of state designates an application assistant;
- Eliminates restrictions on the substitute address designated by the secretary of state;
- Eliminates the requirement that a program application be delivered to the secretary of state;

- Permits a family member of a program applicant other than a parent, spouse, or child to become a program participant if such person's participation is necessary to ensure the safety of the applicant;
- Requires the consent of any person other than the applicant who is 18 or older to be a program participant;
- Temporarily exempts a substitute address from being used in the administration of any public assistance, social services, welfare, or medical assistance program where the actual address and other individual identifying information is confidential and protected from public disclosure; and
- Requires a school district to use a substitute address for admission purposes and to verify student enrollment information with the secretary of state.

Requires the state treasurer to deduct \$10,000 from the department of state cash fund (department cash fund) and transfer such sum to the address confidentiality program surcharge fund (program fund). Permits additional transfers from the department cash fund during the state fiscal year 2008-09 if there is insufficient money in the program fund and the secretary of state requests such a transfer. Requires the unappropriated moneys in the program fund to be transferred to the department cash fund until all transfers are repaid.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1305 Enterprise zones - administration - transfer of responsibility. Transfers the responsibility for the administration of the enterprise zone program from the department of local affairs to the Colorado office of economic development created in the governor's office. Specifies the responsibilities of the Colorado economic development commission regarding the enterprise zone program.

APPROVED by Governor March 26, 2008

EFFECTIVE March 26, 2008

H.B. 08-1319 Factory-built structures - certification - installer and inspector education and testing - rules - appropriation. On and after July 1, 2008, requires a person seeking to be registered initially as a manufactured home installer (installer) to furnish written evidence of 12 months of installation experience and completion of 8 hours of installation education approved by the division of housing (division), pass a division-approved installation test, and carry and provide proof of liability insurance in an amount of at least \$1,000,000. On and after January 1, 2009, repeals the requirement that an installer seeking to renew registration file a letter of credit, certificate of deposit, or surety bond with the division, but requires such an installer to provide proof of liability insurance and completion of 8 hours of division-approved installation education within the past 12 months.

On and after July 1, 2008, requires a new manufactured home installation inspector (inspector) to pass a division-approved installation test. Commencing in 2009, requires all inspectors to complete, and maintain records of the completion of, either 12 hours of division-approved education and 12 hours of international code council education every 3 calendar years or 24 hours of division-approved education every 3 calendar years.

Authorizes the division to promulgate rules to implement the new installer and inspector education and testing requirements and to oversee the education and testing. Requires all rented or leased factory-built structures occupied on or after March 1, 2009, to bear an insignia of approval issued by the division and affixed by the division or an

authorized quality assurance representative.

For the fiscal year commencing July 1, 2008, appropriates from the building regulation fund to the department of local affairs, for allocation to the division of housing, \$113,632 and 1.7 FTE for the implementation of the act.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1320 Appropriations categories - elimination of cash funds exempt - designation as reappropriated funds. In conformance with the elimination of cash funds exempt as a category of appropriations in the annual general appropriation act and changing the designation of such funds to reappropriated funds, makes the following changes commencing in state fiscal year 2008-09:

- Eliminates the designation of those funds received by an institution of higher education as stipends as cash funds exempt.
- Requires that the report the executive director of the department of revenue must prepare when employees are shifted between divisions, groups, or branches demonstrate that the total FTE appropriated to such a division, group, or branch that are funded with reappropriated funds, instead of cash fund exempt appropriations, has not been exceeded.
- Authorizes the governor to transfer unlimited amounts of reappropriated funds, instead of cash fund exempt appropriations, between the department of health care policy and financing and the department of human services under certain circumstances.
- Changes the current authority of a department head to transfer cash funds spending authority within any item of appropriation that operates to increase a cash funds exempt appropriation by decreasing a cash funds appropriation in a corresponding amount by authorizing such transfers that either increase a cash funds appropriation by decreasing an amount of reappropriated funds in a corresponding amount or that increase an amount of reappropriated funds by decreasing a cash funds appropriation in a corresponding amount.
- Allows the department of health care policy and financing, upon approval of a specified state plan amendment, to receive and expend federal moneys without a corresponding reduction in spending authority generally, instead of cash funds exempt spending authority, from the Colorado health care services fund.
- Allows the department of health care policy and financing to receive and expend all available federal moneys without a corresponding reduction in the spending authority generally, instead of cash funds exempt spending authority, from the comprehensive primary and preventive care fund.

APPROVED by Governor March 31, 2008

EFFECTIVE March 31, 2008

H.B. 08-1321 Annual general appropriation act - headnote definitions - footnotes - purposes. Defines the headnotes that specify the purpose for certain items of appropriation in the annual general appropriation act (long bill), including the following terms:

- Capital outlay;
- Centralized appropriation;

- Communications services payments;
- FTE;
- Health, life, and dental;
- Indirect cost assessment;
- Leased space;
- Lease purchase;
- Legal services;
- Motor vehicle;
- Multiuse network payments;
- Operating expenses;
- Personal services;
- Pueblo data entry center payments;
- Purchase of services from computer center;
- Short-term disability;
- Utilities; and
- Vehicle lease payments.

Specifies the purposes of and limitations on the footnotes at the end of each department's appropriations in the long bill.

Provides that where no purpose is specified or where a special program is specified for an item of appropriation, the appropriation shall be for operating expenses and personal services.

Directs that expenditures of funds appropriated for the purchase of goods and services be in accord with the law requiring institutions, agencies, and departments to purchase goods and services that are produced by the division of correctional industries from that division.

APPROVED by Governor March 24, 2008

EFFECTIVE March 24, 2008

H.B. 08-1333 Capital construction fund - supplemental transfers. For the fiscal year commencing July 1, 2005, transfers from the general fund to the capital construction fund \$54,847. For the fiscal year commencing July 1, 2007, transfers \$1,921,746 from the general fund to the capital construction fund.

APPROVED by Governor April 3, 2008

EFFECTIVE April 3, 2008

H.B. 08-1350 Renewable energy and energy efficiency projects - financing - clean energy development authority - county and municipal governments. Facilitates the financing of renewable energy and energy efficiency projects by local governments and the clean energy development authority (authority). Updates the authority's ability to issue bonds for such projects. Directs the authority to create a Colorado clean energy development authority fund in a financial institution within or outside the state.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

H.B. 08-1364 Data - interdepartmental data protocol - cash fund - preschool uniquely identifying student numbers. Directs the chief information officer ("CIO") in the office of information technology created in the governor's office to convene the data protocol

development council ("council") consisting of representatives from executive branch state agencies. Identifies the minimum contents of the data protocol, and directs the CIO and the council to set time lines for implementation of the data protocol.

Creates the interdepartmental data protocol cash fund ("cash fund") for gifts, grants, and donations received by the office of information technology for implementation of the act. States that the CIO is not required to implement the act until at least \$113,500 is credited to the cash fund and that the act is to be implemented without using state moneys. Requires the CIO to report to the governor and the state, veterans, and military affairs committees of the general assembly concerning the data protocol.

Clarifies that the data protocol shall not nullify any existing memoranda of understanding nor prohibit the creation of new memoranda of understanding among state agencies concerning data sharing. Provides that the data protocol shall not prohibit the release or sharing of data with nongovernmental entities or individuals pursuant to the open records statutes or pursuant to contract. With the implementation of the data protocol, authorizes state agencies to share and release data.

Directs the commissioner of education and the executive director of the department of human services to convene a working group to review issues concerning, and adopt protocols for, assigning a uniquely identifying student number to children who receive government-subsidized early childhood education services. Requires the commissioner to report the working group's findings to the CIO. Following adoption of the protocols for uniquely identifying student numbers, requires the state board of education and the state board of human services to adopt rules as necessary for assignment of the numbers.

APPROVED by Governor May 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1371 Legislative printing - bids - legislative council print shop. When authorized by the executive committee of the legislative council, permits the director of research of the legislative council, in conjunction with the legislative council print shop, to submit bids for the printing of legislative bills, memorials, resolutions, calendars, and journals of the general assembly. Makes an adjustment in the annual legislative appropriation act effective only if the legislative council print shop is the successful bidder for legislative printing as authorized in this act.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

H.B. 08-1376 Capital construction fund - transfers. Makes the following transfers to the capital construction fund:

- For the 2007-08 fiscal year \$47,821,746 from the general fund; and
- For the 2008-09 fiscal year \$11 million from the general fund and \$9 million from the general fund exempt account.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1387 Low-income energy assistance programs - funding from the operational account of the severance tax trust fund. Extends the funding for the low-income energy assistance programs by providing \$13 million for state fiscal years 2009-10, 2010-11, and 2011-12. Changes the distribution of the funding for those particular fiscal years, and requires the state treasurer to distribute the funding as follows:

- 25% is distributed to the department of human services low-income energy assistance fund;
- 25% is distributed to the energy outreach Colorado low-income energy assistance fund; and
- 50% is distributed to the governor's energy office low-income energy assistance fund.

By placing the extension of funding within the structure of House Bill 08-1398 (HB 08-1398), makes the funding for low-income energy assistance programs out of the operational account of the severance tax trust fund subject to the proportional reduction specified for all tier 2 programs. Makes the funding for low-income energy assistance programs subject to the requirement that all tier 2 programs receive funding in three installments (40% on July 1, 30% on January 4, and 30% on April 1) during a fiscal year. Specifies a slightly different installment structure than other tier 2 programs under HB 08-1398 by requiring all of the funding to the governor's energy office low-income energy assistance fund to be made on July 1, all of the funding to the department of human services low-income energy assistance fund to be made on January 4, and all of the funding to the energy outreach Colorado low-income energy assistance fund to be made on April 1. Adjusts any proportional reduction requirements imposed by HB 08-1398 for the transfers to the low-income energy assistance programs so that any reduction be made whole in the following fiscal year from money the treasurer is to transfer to the programs in that fiscal year and then transfer the remaining money, after making the program(s) whole, as follows: 25% to the department of human services low-income energy assistance fund, 25% to the energy outreach Colorado low-income energy assistance fund, and 50% to the governor's energy office low-income energy assistance fund.

Modifies an existing provision to make it clear that it is appropriate to use moneys from the severance tax trust fund to fund programs to reduce the burden of increasing home energy costs on low-income households.

Creates in the state treasury the department of human services low-income energy assistance fund, the energy outreach Colorado low-income energy assistance fund, and the governor's energy office low-income energy assistance fund for purposes of receiving and distributing moneys transferred from the operational account of the severance tax trust fund. There were no substantive changes made to the programs except for the qualification levels for the governor's energy office home energy efficiency program which was changed from persons eligible to receive assistance under the low-income energy assistance program administered by the department of human services to those households at or below one hundred percent of the area median income guidelines adjusted for family size based on the most recently published area median income limits established by the United States department of housing and urban development.

Specifies that no later than December 15, 2008, the legislative commission on low-income energy assistance (commission) shall make recommendations to the governor, the speaker of the house of representatives, and the president of the senate regarding any

necessary legislative changes to improve the effectiveness and efficiency of the state's low-income energy assistance services. Specifies that the study is to include assistance and consultation from representatives from two counties chosen by the executive director, or his or her designee, of Colorado counties, incorporated, or its successor organization. Specifies what the commission is to study and specifies that the commission may seek and receive public and private funding to assist in the conduct of the study.

Makes adjustments to the 2008 general appropriations act (House Bill 08-1375) for the implementation of the act.

Specifies that certain sections are contingent on HB 08-1398 being enacted and becoming law.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

NOTE: House Bill 08-1398 was signed by the governor June 2, 2008.

H.B. 08-1394 Reporting requirement to the general assembly - review - continuation - electronic notification. Continues the requirement for a periodic report to the general assembly by a legislative oversight committee regarding issues addressing the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems.

Continues the requirement for periodic reports to the education committees of the house of representatives and the senate by the state board of education regarding whether the board believes that a new year should be used as the baseline performance year to recalculate the overall standardized, weighted total scores assigned to each academic performance rating.

Continues the requirement for periodic reports to the joint budget committee of the general assembly by the Colorado commission on higher education regarding the number of undergraduate full-time equivalent students who are eligible for stipends from the college opportunity fund program at each state institution of higher education and each participating private institution of higher education.

Continues the requirement for periodic reports to the general assembly by the microenterprise development advisory council detailing the status of microenterprise in Colorado and recommending the best practices available for microenterprise development.

Continues the requirement for periodic reports to the general assembly by the state auditor regarding a performance audit of the procedures and application of data, including any survey conducted by the state personnel director, regarding state employee compensation.

Continues the requirement for periodic reports to legislative audit committee and the joint budget committee of the general assembly by the board of directors established as the governing body of the fire and police pension association regarding the annual actuarial valuation report for certain death and disability benefits to state employees.

Whenever a report is required or allowed to be made to the general assembly, allows electronic notice to legislators that the report is available to be deemed sufficient. Requires the electronic notification to include a hyperlink to the report. Allows a legislator to request

a hard copy of the report.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1403 Public employees' retirement association - Denver public schools retirement system - merger negotiations. Modifies the existing law that authorizes a school district retirement system (merging system) to enter into an agreement to merge into another public employee retirement system (continuing system) as follows:

- Specifies that the effective date of the merger is January 1, 2009, or a later date as agreed to by the merging system, the continuing system, and the school district (the parties).
- Requires the merger agreement to define the material adverse changes that may allow a party to terminate the merger prior to the effective date.
- Requires the parties to define what effect any litigation initiated subsequent to the signing of the merger agreement may have on the merger.
- Specifies that the school district and its related employers will become affiliated employers with the continuing system, subject to the continuing system's laws and rules, and that all ongoing contributions will be governed by the continuing system's laws and rules.
- Directs the parties to negotiate a separate agreement to address health care coverage for retirees, beneficiaries, and members of the merging system.
- Directs the parties to negotiate portability rules and to include the rules in the merger agreement.
- Requires initial and final valuations to be completed by the continuing system's actuary, and specifies the dates of the audited financial reports on which the valuations will be based.
- Requires the valuations to establish a single up-front payment that will be the amount of assets that must be transferred from the merging system to the continuing system in order to avoid any subsidy between the parties and equalize the funding status of the systems.
- Requires the parties to agree to the methodology that will be used for the valuations. If disagreement about the methodology is preventing a merger agreement, allows the parties to take the dispute to nonbinding arbitration before a panel of 3 actuaries.
- If there is a dispute as to the calculation of a single up-front payment based on the final valuation, allows either party to take the dispute to final and binding arbitration before a panel of 3 actuaries.
- Requires an asset surplus account to be created and calculated based on the initial valuation. Specifies that the account shall consist of the total value of the assets transferred on the date of the merger minus the single up-front payment, and requires the account to be updated based upon the final valuation. Specifies how the moneys in the account may be used.
- Specifies which parties will be responsible for the various costs associated with the merger.
- Specifies that the continuing system will hire the staff of the merging system as at-will employees as of the effective date of the merger, but that the staff will continue to accrue the merging system's benefits as administered by the

continuing system, and the school district or the merging system will be responsible for payment of accrued employment benefits of those staff.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

H.B. 08-1415 Colorado office of economic development - film incentives cash fund - Colorado film commission - transfer of moneys - appropriation. For the 2008-09 fiscal year, specifies that of the moneys that would otherwise be transferred from the limited gaming fund to the film incentives cash fund, \$300,000 shall be transferred to the Colorado office of economic development to be used for the operating costs of the Colorado film commission.

Decreases the appropriation from the film incentives cash fund by \$300,000 and appropriates, out of the portion of limited gaming fund moneys transferred to the Colorado office of economic development, \$300,000 to be distributed to the Colorado film commission.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

HEALTH AND ENVIRONMENT

S.B. 08-37 Environmental remediation - notice of environmental use restrictions. Authorizes the creation, modification, and termination of a notice of environmental use restrictions by the department of public health and environment for property that contains residual environmental contamination after completion of an environmental remediation project. Specifies notification requirements for, and the right to comment by, owners of interests in the land affected by the notice. Requires notices of environmental use restrictions, including modifications and terminations, to be recorded in the real estate records. Authorizes the use of a notice of environmental use restrictions in lieu of an environmental covenant.

Authorizes the solid and hazardous waste commission to set annual fees by rule for generators of hazardous waste and for facilities that treat, store, or dispose of hazardous waste. Specifies that the fees shall be set at a level that, when combined with an appropriate share of available federal grant moneys, will generate revenues approximating the actual reasonable program costs attributable to such facilities.

Allows professional services contracts for superfund remediation, brownfields redevelopment, and natural resource damage repair, replacement, or restoration to be encumbered within 18 months after the date on which the appropriation that includes the project for which the professional services are required becomes law. Deletes the repeal dates for the plastics and cathode ray tube recycling programs, the waste tire program, and the authority of the department of public health and environment to address imminent and substantial endangerment from solid wastes.

APPROVED by Governor March 24, 2008

EFFECTIVE March 24, 2008

S.B. 08-44 Colleges and universities - tuberculosis screening process - recommendations to general assembly. Allows each college and university in Colorado to create a tuberculosis screening process. Allows the department of public health and environment to attend and participate in meetings regarding the creation of a screening process. Requires colleges and universities that participate in the process to report recommendations to the health and human services committees of the general assembly.

APPROVED by Governor May 21, 2008

EFFECTIVE July 1, 2008

S.B. 08-55 Air pollution control - fee increase - appropriation. Increases fees for the registration of sources of ozone-depleting compounds, emissions of regulated and hazardous air pollutants, the filing of air pollutant emission notices, and significant users of prescribed fires.

Appropriates \$737,929 and 5.0 FTE to the department of public health and environment for allocation to the division of administration for the implementation of the act.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

S.B. 08-58 Colorado Alzheimer's coordinating council - creation - duties - report. Creates the Colorado Alzheimer's coordinating council (council) to develop a Colorado state plan for Alzheimer's disease (state plan). Establishes the composition of the council and delineates the duties and responsibilities of the council, as well as the permissive activities of the council. Requires the council to submit a report that includes recommendations and the state plan to the governor, the health and human services committees of the senate and house of representatives, and the participating state departments.

Requires the president of the senate and the speaker of the house of representatives to designate a nonprofit or private organization to solicit, accept, and expend moneys for the council, to engage staff support for the council, and to prepare an operating budget for the council. Creates a cash fund to which the general assembly may appropriate moneys to help fund the council's operations. Repeals the council on July 1, 2012.

APPROVED by Governor May 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-63 Noise abatement - off-highway vehicles - snowmobiles. Effective July 1, 2010, replaces current off-highway vehicle and snowmobile sound standards with a statewide SAE international standard of:

- 99 db(A) for off-highway vehicles manufactured prior to 1998;
- 96 db(A) for off-highway vehicles manufactured in or after 1998;
- 90 db(A) for snowmobiles manufactured on or after July 1, 1972, but prior to July 2, 1975; and
- 88 db(A) for snowmobiles manufactured on or after July 2, 1975.

Exempts vehicles operated on closed-circuit race tracks, vehicles used in an emergency for search and rescue, vehicles used for agricultural purposes, and vehicles that have not been modified to increase sound levels. Provides for certain affirmative defenses to a violation of the act. Makes a violation of the act a petty offense punishable by a fine of up to \$100. Requires the director of the division of parks and outdoor recreation to research certain information and report findings to the executive director of the department of natural resources and certain legislative committees regarding implementation and enforcement of the act.

APPROVED by Governor June 3, 2008

PORTIONS EFFECTIVE July 1, 2009

PORTIONS EFFECTIVE July 1, 2010

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-138 Physician designations by health care entities - full disclosure - appeals - violations. Creates the "Physician Designation Disclosure Act" to address the practice of health care entities (entities) making physician designations. Describes acceptable criteria for entities to use in making physician designations and requires a disclaimer to accompany any designation. Mandates that entities disclose all data and methodologies used in formulating designations if such information is requested by the designated physician or the

commissioner of insurance. Requires written and timely notice of a change to an existing designation. Entitles physicians to appeal designations and describes the processes by which physicians may challenge designations.

Makes a violation of the act an unfair or deceptive trade practice under insurance laws. Authorizes private rights of action as an enforcement mechanism.

APPROVED by Governor June 3, 2008

EFFECTIVE September 1, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-153 Home care agencies - licensure - penalties - minimum standards - fees - cash fund created - application - inspection - criminal history record checks enforcement - rules - repeal - appropriation. Requires the department of public health and environment (department) to license home care agencies. Makes it unlawful for an unlicensed entity to operate a home care agency without meeting license application requirements and obtaining a license by specified dates. Creates penalties for entities that do not comply with the licensing requirements.

Requires the state board of health (state board) to promulgate rules that provide minimum standards for the operation of home care agencies. Requires the rules to include inspection requirements; educational, training, and experience standards and requirements that address the character of the applicants; authorized enforcement remedies; and written plans required to be submitted by the agencies to the department.

Creates a home care advisory committee to advise the department and the state board regarding the promulgation of rules and licensing issues. Creates a home care agency cash fund, to consist of fees and any civil penalties paid by agencies, to pay for the costs of the department to implement and maintain regulation of home care agencies.

Requires home care agencies to apply to the department for licensure annually. Requires the department to inspect the home care agencies of each applicant. Authorizes the department to make additional inspections as necessary. Requires the owner, applicant, or licensee to submit to fingerprint-based criminal history record checks. Specifies standards for the department to refuse to issue a license. Allows the department to issue a provisional license if the applicant cannot conform to all of the minimum standards required by the department if the applicant demonstrates an effort to comply. Requires a home care agency or home care placement agency to require persons seeking employment to submit to a criminal history record check. Allows the department to suspend, revoke, or refuse to renew a license of a home care agency. Allows the department to impose intermediate restrictions or conditions on a license. Specifies an appeals process for the denial, suspension, or revocation of a license.

Repeals the licensure requirements of home care agencies, effective July 1, 2014.

Appropriates \$184,389 from the home care agency cash fund to the department of public health and environment for allocation to the health facilities and emergency medical services division, and reappropriates \$2,881 of that amount to the department of law for the purchase of legal services. Appropriates \$18,170 to the department of public safety for

fingerprint processing services.

APPROVED by Governor June 5, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-154 Hospitals - life safety code and physical plant requirements - facilities contiguous with acute treatment units - appropriation. Authorizes the department of public health and environment (department) to establish life safety code and physical plant requirements for an occupancy that is contiguous with an acute treatment unit if the occupancy provides outpatient triage services to determine appropriate placement or detoxification services.

Requires the state board of health to promulgate rules authorizing the department to assess a penalty if the department finds that an occupancy is not compliant with life safety code requirements. Requires a licensee who is subject to the life safety code requirements to pay a fee in accordance with rules promulgated by the state board.

Appropriates \$4,029 to the department for allocation to the health facilities and emergency medical services division for the implementation of the act.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

S.B. 08-174 Health care contracts - summary disclosure form. Clarifies that when a proposed health care contract is presented by a person or entity for consideration by a health care provider, the person or entity shall provide a summary disclosure form to the health care provider at the time the contract is presented.

APPROVED by Governor April 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-194 Public health - district and county health agencies and boards - powers and duties - comprehensive public health plans - appropriation. Repeals statutes concerning county and district health departments, local boards of health, and regional health departments. Reenacts repealed sections concerning powers and duties of county and district health boards and agencies.

Specifies duties of the state board of health ("state board") concerning public health. Subject to the receipt of gifts, grants, or donations, directs the department of public health and environment ("department") to develop a comprehensive, statewide public health improvement plan to be approved by the state board. Creates the comprehensive public health plan cash fund.

Directs each county to either establish a county public health agency or join other counties in the establishment of a district public health agency. Specifies the duties of county and district public health agencies, including the preparation of local public health plans.

Establishes county or district boards of health. Specifies the membership and duties of each county or district board of health, including the duty to select a public health director for the county or district public health agency. Specifies the duties of a public health director.

Clarifies that health care practitioners employed by county or district public health agencies are considered governmental employees for purposes of governmental immunity.

Appropriates from the general fund \$30,000 to the department for the implementation of the act. Appropriates from the comprehensive public health plan cash fund \$149,761 to the department for the development of the comprehensive, statewide public health improvement plan.

APPROVED by Governor June 3, 2008

EFFECTIVE July 1, 2008

S.B. 08-196 Hospital report card - inclusion of nursing-sensitive quality measures - prioritization - access to data for research - exemption for small hospitals. Directs the association selected by the executive director of the department of public health and environment to help develop the comprehensive hospital information system and Colorado hospital report card to collect, review, and prepare to implement specified nursing-sensitive quality measures as part of the system and report card. Prioritizes the implementation of certain nursing-sensitive quality measures and requires other such measures to be implemented by November 30, 2010. Obligates the association to involve and seek input from up to 7 direct-care nurses recommended by the governor in reviewing and implementing the measures.

Requires the association to develop a process for access to the collected data for research purposes, and allows the association to exempt hospitals with not more than 100 licensed beds from the requirements regarding nursing-sensitive quality measures.

APPROVED by Governor May 6, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-220 Employment of physicians - community mental health centers - federally qualified health centers - school-based health centers - rural health clinics. In addition to licensed or certified hospitals and licensed hospices, allows a community mental health center currently licensed by the department of public health and environment (department), a federally qualified health center, a school-based health center, or a rural health clinic to employ a physician as long as the center or clinic:

- Does not limit or exercise control over the physician's independent judgment;
- Does not offer the physician any percentage of fees charged to patients by the center or clinic or any other financial incentive; and
- Does not discriminate with regard to credentials or staff privileges based on the physician's employment status.

Requires a center licensed by the department that employs a physician to report to the department, upon initial and renewal license application, the number of physicians so

employed by the center. Requires a federally qualified health center, a school-based health center, or rural health clinic that employs a physician to annually report to the department the number of physicians so employed. Requires the center's or clinic's policies to contain a procedure for physicians to make complaints alleging a violation of the requirements pertaining to the employment of physicians by such centers or clinics.

APPROVED by Governor May 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1038 Assisted living residence - regulation - fees - appropriation. Repeals a recurring 5-year report concerning underfunded statutory and regulatory mandates that the state board of health issues to various committees within the general assembly. Replaces the current fees assessed on assisted living residences with a fee set by the state board of health to cover the direct and indirect costs of regulating assisted living residences.

Appropriates \$173,182 and 2.2 FTE to the department of public health and environment for allocation to the health facilities and emergency medical services division for the implementation of the act.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1054 Wholesale food facility fees - increases - appropriation. Increases the annual registration fees assessed by the department of public health and environment against a wholesale food manufacturer or storage facility to register the facility with the department and the fee for issuance of a certificate of free sale as follows:

- For registration of a small wholesale food manufacturer or storage facility, \$185;
- For registration of a medium wholesale food manufacturer or storage facility, \$307;
- For registration of a large wholesale food manufacturer or storage facility, \$390; and
- For issuance of a certificate of free sale, \$128.

Makes the fee increases effective July 1, 2008, and applicable to wholesale food manufacturer and storage facility registrations and certificates of free sale issued or renewed on or after said date.

Appropriates \$27,394 and 0.3 FTE to the department of public health and environment from the wholesale food manufacturing and storage protection fund for the implementation of the act.

APPROVED by Governor May 21, 2008

EFFECTIVE July 1, 2008

H.B. 08-1073 Water pollution control - treatment facility operator certification - exemption. Authorizes the water and wastewater facility operators certification board to exempt certain industrial wastewater treatment facilities or classes of facilities from the requirement to operate under the supervision of a certified operator, based upon a nonexhaustive list of criteria.

APPROVED by Governor April 10, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1099 Environmental control - authority of water quality control commission - authority of solid and hazardous waste commission - deadlines regarding water discharge permit applications. Authorizes the water quality control commission, rather than the state board of health, to hear appeals of penalties imposed for violations of minimum general sanitary standards and regulations for drinking water.

Requires the division of administration (division) in the department of public health and environment to begin the review of a water discharge permit application within 45 days after receipt of the application and to notify the applicant within 90 days after receipt as to whether the application is complete. Allows the division to request additional information when it deems an application is incomplete, and requires the division to determine whether the additional information submitted by the applicant satisfies the request within 15 days after receipt of the additional information.

Extends the deadline for the division to hold a public meeting on a water discharge permit application and the division's analysis thereof from 60 to 75 days after public notice of the application and analysis is provided. Changes the time by which the division must give notice of a public meeting on a water discharge permit application from 15 days prior to the meeting date to 30 days prior to the meeting date. Extends to 45 days the deadline for a division determination on a permit application when a public hearing is held.

Authorizes the solid and hazardous waste commission, rather than the state board of health, to adopt rules pertaining to, and set the bond amount required to be posted by, waste tire haulers.

APPROVED by Governor April 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1100 State registrar - vital statistics - fees - Colorado responds to children with special needs program - appropriation. Allows the office of the state registrar to adjust its fees to reflect the direct and indirect costs necessary to maintain and operate the Colorado responds to children with special needs program ("program").

Appropriates \$143,657 from the vital statistics records cash fund to the department

of public health and environment for the program.

APPROVED by Governor June 3, 2008

EFFECTIVE June 3, 2008

H.B. 08-1116 Dental assistance program for seniors - state board of health - rules. Requires the state board of health to promulgate rules regarding allowable procedures and fees for the dental assistance program for seniors. Repeals the existing fee schedule. Removes an obsolete provision pertaining to the period of operation of the program.

APPROVED by Governor April 10, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1144 Health care credentials application review committee - continuation - uniform data - electronic data submission. Continues the health care credentials application review committee beyond its scheduled repeal date of July 1, 2008. Requires the review committee to make recommendations regarding the feasibility of submitting uniform credentialing data and the electronic submission of such data. Allows the state board of health to determine feasibility and to promulgate rules.

APPROVED by Governor May 1, 2008

EFFECTIVE July 1, 2008

H.B. 08-1167 Group policy health insurance - continuation of coverage - issuance of medicare supplement policies - restroom access act- developmental assessment referrals for abuse and neglect - retaliation against developmentally disabled prohibited. Allows an insurance policyholder to elect to contract with an insurer to continue a policy or contract covering an employee if the employee is employed and insured; a reduction in working hours is due to the employee's injury, disability, or chronic health condition; and the policyholder intends to restore the employee to work as soon as the employee is able to return to full-time work.

Requires an insurer to issue a medicare supplement policy to an eligible person as defined by rule of the commissioner of insurance. Requires the guaranteed issue period to be not less than 6 months after the previous policy has been involuntarily terminated for reasons other than nonpayment of premiums, or for fraud or abuse.

Requires a retail establishment that has a toilet facility for its employees to allow a customer to use the facility if certain conditions are met. Creates a penalty for not providing the required access to the facility.

Directs the appropriate county department of human services to refer each child under 5 years of age who is the subject of abuse or neglect for developmental screening. Requires the state board of health to promulgate rules to implement such requirement.

Prohibits retaliation against a person who participates in an investigation, proceeding, or hearing involving a dispute regarding care and services to a developmentally disabled person.

Delays for 6 months, until July 1, 2009, the authority of advanced practice nurses to petition for the involuntary commitment of certain persons who are addicted to alcohol or drugs.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

H.B. 08-1199 Tuberculosis - treatment and control - updates to the statutes to reflect current medical practices - reporting requirements - distribution of funds based on actual caseload. Updates the statutes governing the treatment and control of tuberculosis in this state to reflect current medical practices, including eliminating references to quarantine, emphasizing that control methods are targeted at persons who are infected or suspected of being infected with tuberculosis, and reflecting that the tuberculosis program is carried out primarily through control efforts and treatment rather than an active program of hospitalization.

Authorizes the state chief medical officer in the department of public health and environment (department) to have the same investigatory powers and authority over tuberculosis as local health officers, which include:

- Investigating reported or suspected cases of active tuberculosis within the health officer's jurisdiction;
- Identifying, evaluating, and offering treatment to persons who came into contact with cases of active tuberculosis;
- Issuing orders to a person to undergo a medical examination;
- Issuing isolation orders;
- Screening programs of populations at risk of developing tuberculosis or having latent tuberculosis.

Specifies factors to be considered by a health officer prior to issuing an order of isolation for a person.

Clarifies what persons and facilities are required to report to the department about cases of active or suspected tuberculosis. Clarifies what information is required to be reported. Eliminates the statistical case register. Specifies when medical records may be inspected and by what authorized persons.

Rewrites the statutes regarding the relationship between the department and local public health agencies to reflect that funds are distributed locally through contracts based in part upon actual caseload and not on the funding formula in the statute. Eliminates language in the statute referring to eligibility requirements for hospitalization assistance.

APPROVED by Governor April 7, 2008

EFFECTIVE April 7, 2008

H.B. 08-1234 Health care facilities - licensure - ambulatory surgical centers - appropriation. Deems an ambulatory surgical center that is applying for licensure from the department of public health and environment (department) to meet licensure requirements if the applicant is accredited by the joint commission on accreditation of hospitals, the American association for ambulatory health care, the accreditation association for ambulatory health care, or the American osteopathic association, or any successor entities. Subjects an ambulatory surgical center with deemed status to inspection requirements by the department.

Adjusts appropriations made to the annual general appropriation act to the department by decreasing the appropriation for personal services by \$11,071 and 0.2 FTE and decreasing the appropriation for operating expenses by \$4,498.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1244 Passenger tramways - passenger tramway safety board - continuation - membership - qualifications. Extends the scheduled repeal date of the passenger tramway safety board (board) until July 1, 2019, under the sunset law. Allows one of the members of the board to represent a ski area operator. Requires all members of the board to have relevant experience with tramway design, manufacturing, or operation.

APPROVED by Governor April 10, 2008

EFFECTIVE July 1, 2008

H.B. 08-1308 Animal rabies vaccination - waiver. Allows a veterinarian, with the written consent of an animal's owner, to issue a written waiver exempting the animal from a rabies vaccination if the veterinarian determines that the rabies inoculation is contraindicated due to the animal's medical condition.

Directs the executive director of the department of public health and environment ("health department") to enact rules for the exemption of an animal from a rabies vaccination. Exempts county and municipal health departments, health officers, and persons enforcing rabies laws from liability for any subsequent accident, disease, injury, or quarantine that may occur as a result of an animal being exempted from a rabies vaccination pursuant to the rules of the health department.

Provides that a waiver shall be accepted and recognized by local or regional licensing authorities.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

H.B. 08-1372 Adult stem cells cure fund - creation - income tax checkoff - department facilitation of donation and collection of umbilical cord blood. Creates the adult stem cells cure fund (fund) in the state treasury. For income tax years commencing on or after January 1, 2008, but before January 1, 2011, requires a voluntary contribution designation line for the fund to appear on individual income tax return forms. Authorizes the department of public health and environment (department) to accept gifts, grants, and donations for transfer to the fund. Requires the department to set standards for hospitals for the donation and collection of umbilical cord blood for hospitals that choose to participate in umbilical cord donation. Encourages the department to facilitate umbilical cord donations and to promote public awareness of how to donate umbilical cords.

APPROVED by Governor June 3, 2008

EFFECTIVE June 3, 2008

H.B. 08-1393 Hospitals - charges for services - health care charge transparency - hospital and carrier reporting required - association web site - division of insurance web site - appropriation. Requires the commissioner of insurance (commissioner) to work with the association of hospitals (association) to approve an information system that records charges reported by hospitals for common inpatient procedures. Directs the commissioner to require the association to submit a plan and report to the commissioner regarding the publishing of this information on the association's web site. Requires the web site to include information reported by health insurance carriers. Requires the commissioner to have a link to the information on the division of insurance (division) web site. Provides for annual reporting by each health insurance carrier of specified information to the division. Requires the health care task force to study the submission of data by ambulatory surgical centers.

Appropriates \$14,705 to the department of regulatory agencies for allocation to the division for the implementation of the act.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

H.B. 08-1396 Water quality - study - Canterbury tunnel. Appropriates \$325,000 from the hazardous substance response fund in the current fiscal year to the department of public health and environment to conduct or contract to conduct studies to determine whether water from the Canterbury tunnel in Leadville, Colorado, is contributing to an increase in the mine pool that feeds into the Leadville mine drainage tunnel that may lead to potential contamination of a public water source. Reappropriates \$25,000 and 0.2 FTE of such appropriation to the department of law. Directs the department to report to the general assembly its findings and recommendations based upon the studies no later than November 1, 2008. Makes a legislative declaration.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

H.B. 08-1414 Solid waste - oil and gas exploration and production wastes - technical requirements - rules. Requires the solid and hazardous waste commission to promulgate rules for the disposal of exploration and production wastes from oil and gas operations at commercial solid waste facilities, including:

- Mandatory set-backs from occupied structures and designated outside activity areas of at least one-half mile;
- Mandatory liners to prevent the migration of wastes to ground water;
- Waste analysis and reporting requirements to ensure that only exploration and production wastes are disposed of at such facilities;
- Restrictions on access to the facilities to protect the public and wildlife;
- Contingency plans to respond to emergencies; and
- Financial assurance requirements for closure and reclamation costs.

Requires existing facilities that accept exploration and production wastes to submit an application to amend the facilities' certificate of designation within 3 months after the rules become effective and to comply with the rules, other than the set-back requirements, within 24 months after the rules become effective. Directs the department of public health and environment to coordinate with the Colorado oil and gas conservation commission, local

governments, and the federal bureau of land management in identifying potential disposal sites.

APPROVED by Governor June 4, 2008

EFFECTIVE June 4, 2008

HEALTH CARE POLICY AND FINANCING

S.B. 08-3 Medicaid - family planning pilot - waiver. Directs that the percentage of the federal poverty level used to determine eligibility for the family planning pilot program be established in the request for a federal waiver. Specifies that the waiver shall not seek authority to disregard specified federal law.

APPROVED by Governor March 13, 2008

EFFECTIVE March 13, 2008

S.B. 08-6 Medicaid - suspension of benefits for confined persons - appropriation. Unless federal financial participation is available, suspends medicaid benefits for persons who are:

- Confined to a correctional institution or in a jail;
- Committed to a juvenile commitment facility; or
- Committed to or placed in a department of human services facility pursuant to court order or certification.

Increases the general fund appropriation to the office of the executive director of the department of health care policy and financing, for information technology contracts, by \$74,624 for implementation of the act. Anticipates that the department of health care policy and financing will receive an additional \$223,871 in federal funds.

Increases the appropriation to the department of human services, office of information technology services - medicaid funding by \$44,079 for implementation of the act. Anticipates the department of human services will receive an additional \$44,384 in federal funds.

Increases the appropriation to the department of human services, for the Colorado benefits management system, by \$150,392 for implementation of the act. Anticipates the department of human services will receive an additional \$112,688 in federal funds.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

S.B. 08-22 Children's basic health plan - overexpenditure authority. Upon approval of the governor, authorizes expenditures of the department of health care policy and financing ("department") for the children's basic health plan ("plan") to exceed the amount appropriated. Limits an overexpenditure from the general fund for said purpose to \$250,000 in any fiscal year.

Deletes language requiring the general assembly to establish enrollment caps for the plan. Deletes language directing the department in years in which plan enrollment is limited, to prioritize children who would be eligible for medicaid as if there were no asset testing.

APPROVED by Governor April 14, 2008

EFFECTIVE April 14, 2008

S.B. 08-68 Medicaid - mental health - telemedicine. Allows the use of telemedicine for mental health care services under medicaid.

APPROVED by Governor March 19, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-90 Medicaid - mail-order prescription drugs - appropriation. Expands the use of mail-order prescription drugs to recipients who have third-party insurance that requires the recipient to obtain maintenance medications through mail order. Prohibits a mail-order pharmacy from charging the recipient more than the medicaid copayment. Authorizes a mail-order pharmacy to bill the medicaid program for the difference between the medicaid copayment and the third-party insurer's copayment or deductible.

Reduces the general fund appropriation to the department of health care policy and financing for medical services premiums by \$279,272.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

S.B. 08-99 Medicaid - foster children - eligibility after eighteen years of age - appropriation. Allows a person for whom the state made foster care maintenance payments but who did not meet certain federal requirements and who attained 18 years of age or otherwise became emancipated to continue to be eligible for medicaid until reaching 21 years of age. Requires a court or guardian ad litem, before closing a youth's child welfare case prior to the youth's 18th birthday, to notify the youth that he or she will lose the right to receive medicaid until the youth's 21st birthday.

Appropriates \$346,061 from the health care expansion fund to the department of health care policy and financing ("department") for medical services premiums. Anticipates that the department will receive an additional \$346,060 in federal moneys for this purpose.

Appropriates \$368,339 from the health care expansion fun to the department for mental health capitation payments for medicaid-eligible clients. Anticipates the department will receive an additional \$368,340 in federal moneys for this purpose.

APPROVED by Governor May 28, 2008

EFFECTIVE July 1, 2008

S.B. 08-118 Medicaid - disease management programs - transfers - appropriation. For fiscal years 2008-09 through 2012-13, annually transfers \$2 million from the prevention, early detection, and treatment fund to the department of health care policy and financing ("department") for medicaid disease management programs ("programs"). In developing and implementing the programs, directs the department to consult with the department of public health and environment.

Appropriates \$2,000,000 to the department from the amount transferred for implementation of the act. Anticipates the department will receive an additional \$2,000,000

in federal funds for implementation of the act.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

S.B. 08-148 Medicaid - managed care system - definitions. Defines a "managed care entity" for the statewide managed care system under the "Colorado Medical Assistance Act" to mean an entity that contracts to provide services in a managed care system, including managed care organizations, prepaid inpatient health plans, and prepaid ambulatory health plans, but excluding primary care case managers.

APPROVED by Governor April 10, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-160 Children's basic health plan - eligibility - mental health services. For the children's basic health plan:

- Effective March 1, 2009, increases the percentage of the federal poverty level for eligibility for persons at least 6 and under 19 years of age to 225%, and authorizes the department of health care policy and financing ("department") to increase the percentage level to 250% subject to available appropriations;
- Effective October 1, 2009, increases the percentage of the federal poverty level for eligibility for pregnant women to 225%, and authorizes the department to increase the percentage to 250% subject to available appropriations;
- Effective January 1, 2009, directs the medical services board to include in the schedule of services mental health services that are at least as comprehensive as those provided to medicaid recipients; and
- Authorizes certain moneys in the children's basic health plan trust ("trust") to be used to pay the state's portion of computer changes necessary to expand eligibility under the plan.

Appropriates from the trust to the department \$64,386 for information technology contracts and projects; \$350 for children's basic health plan administration; \$1,577,258 for children's basic health plan premium costs; \$98,845 for children's basic health plan dental costs; and \$16,835 for information technology services. Also appropriates to the department \$30,328 from enrollment fees for children's basic health plan premium costs and \$21,776 from the trust to the department of human services for the Colorado benefits management system.

APPROVED by Governor June 3, 2008

PORTIONS EFFECTIVE June 3, 2008
PORTIONS EFFECTIVE January 1, 2009
PORTIONS EFFECTIVE March 1, 2009
PORTIONS EFFECTIVE October 1, 2009

S.B. 08-161 Medicaid - children's basic health plan - income eligibility verification - appropriation. Subject to the receipt of sufficient gifts, grants, or donations to cover the costs and to the extent authorized by federal law, provides that the department of health care policy and financing ("department") shall adopt rules to:

- Allow the department to verify income eligibility under medicaid and the children's basic health plan through the records of the division of employment and training in the department of labor and employment ("division") or through the income, eligibility, and verification system ("verification system");
- Allow applicants to submit income information more current than the records of the division or the verification system;
- Reenroll recipients of medicaid and the children's basic health plan if the records of the division or the verification system establish the recipient's income eligibility;
- Provide that the department shall not pursue recovery from a county department if it is determined that a recipient was not eligible for benefits solely based upon the recipient's income after the recipient had been determined eligible based upon the records of the division or the verification system; and
- Exclude from the provision that the department verify income eligibility through the records of the division or the verification system recipients who have self-employment income.

Directs the advisory committee on covering all children in Colorado to investigate the feasibility of combining medicaid and the children's basic health plan.

Appropriates \$10,541 to the department of health care policy and financing, executive director's office, general administration, for operating expenses; appropriates \$2,933 to the department of health care policy and financing, department of human services Medicaid-funded programs, office of information technology services - Medicaid funding, for the Colorado benefits management system; and appropriates \$9,345 to the department of human services, for the Colorado benefits management system for the implementation of this act. Anticipates the department and the department of human services will receive additional amounts in federal funds.

APPROVED by Governor June 3, 2008

EFFECTIVE June 3, 2008

S.B. 08-214 Medicaid - hospitals and home health care agencies - local provider fees. Subject to receipt of federal authorizations, authorizes certain local governments to charge a provider fee to and collect a provider fee from hospitals and home health care agencies within the local government's territorial jurisdiction. Authorizes the department of health care policy and financing ("department") to distribute directly to qualified providers the federal financial participation received for local governments that make certified payments to hospitals or home health care agencies ("qualified providers").

Authorizes a local government that imposes a fee on qualified providers within the local government's jurisdiction to either pay the fee to the department itself or direct the qualified provider to pay the fee to the department. Requires the department to distribute, less its administrative costs, the fee and any matching federal financial participation received to the qualified providers. Establishes a cash fund for the moneys received by the department. Authorizes an appropriation from the cash fund to pay the department's administrative costs associated with the fee.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

S.B. 08-217 Centennial care choices program - request for information - value benefit plans - report to legislative committees - future legislation - request for proposals - dedicated funding source - appropriation. Authorizes the creation of the centennial care choices program (program) to reduce the state's uninsured population and improve access to affordable health care. Prior to enactment of the program, requires the state department of health care policy and financing (state department), in coordination with the division of insurance (division) in the department of regulatory agencies and a panel of expert advisors (panel), to issue a request for information (RFI) to health insurance carriers and other interested parties, including the state, regarding the development of the program and requesting specific information regarding the design of and benefits included in a value benefit plan (VBP) to be offered in the individual market with a specified benchmark standard and the percentage differential in rates for VBPs depending on whether an individual mandate to purchase health insurance is or is not imposed by the state. Precludes the state department from specifying in the RFI the benefit design or other details to be included in a proposed VBP. Requires the state department, division, and panel, in developing the RFI, to consider the potential risks of adverse selection, crowd out, and other factors that may destabilize the small group and individual insurance markets resulting from the availability of VBPs in the individual market.

Specifies certain assumptions that interested parties are to make in responding to the RFI, including the following:

- An assumption that a VBP will, at a minimum, include benefits for primary and preventive care and participation in wellness programs; provide the lowest level of benefits available in the individual market; encourage the use of health information technology and telemedicine; encourage the use of pay-for-performance for health care providers, as appropriate; provide consumers with educational materials regarding access to internet-based health care tools; specify an adequate network of providers; encourage the use of regional networks of providers; include optional coverage choices for purchase by consumers; limit demographic rating characteristics to age and geography and specify premium levels for each VBP based on age group, region by region; be offered statewide and issued to eligible Colorado residents; and allow for payment of all or a portion of the premium from a state-paid subsidy;
- An assumption that the state may impose a requirement that all Coloradans obtain creditable health care coverage and, if so, that the state will establish an enforcement mechanism;
- An assumption that a VBP will be the minimum benefits package available in the individual market;
- An assumption that the state will create a sliding scale premium subsidy program to assist low-income residents in paying health insurance premiums;
- An assumption that the state will amend the state plan to expand eligibility for participation in medical assistance programs under the "Colorado Medical Assistance Act" to adults whose family income does not exceed 100% of the federal poverty level; and
- An assumption that the state will create a dedicated source of revenue, if necessary, to fund the program.

Requires the state department, division, and panel to submit a progress report to the health and human services committees of the senate and house of representatives (legislative committees) by December 15, 2008, and to submit a final report to the legislative committees by March 1, 2009, detailing the results of the RFI process and actuarial and cost savings

research conducted by the state department, division, and panel, and containing a detailed summary of the information submitted by parties responding to the RFI. Requires the final report to also include information regarding any legislation that would be required if the general assembly chooses to proceed to implement the program and cost projections regarding funding necessary to implement the program.

Requires the legislative committees to meet jointly to consider the final report and to determine whether to proceed with the program and recommend legislation necessary to implement the program and create a funding source. If legislation is recommended, specifies inclusion of the following elements in the legislation:

- Standards for VBPs to satisfy in order to be offered in the individual market;
- A process for periodic review of VBPs;
- Creation of a consumer advisory council for the program;
- A mechanism to encourage the use of evidence-based medicine;
- Authority to create health marts to assist individuals in selecting the VBP that best meets his or her needs; and
- A ballot question to seek voter approval for a new or increased tax or tax rate, if that is the mechanism chosen to fund the program.

If the general assembly enacts legislation creating the program and has identified a funding source for the program, authorizes the state department, division, and panel to develop and issue a request for proposals (RFP) to interested parties to submit proposals for plan designs for VBPs to be offered in the individual market based on the parameters specified in the RFI and implementing legislation. Prior to issuing the RFP, requires the state department, division, and panel to develop a benchmark price or affordability standard for VBPs to ensure that eligible individuals are able to purchase a VBP.

Allows interested parties that do not yet hold a certificate of authority to engage in the insurance business in this state to participate in the RFI and RFP processes, but requires such parties to obtain a certificate of authority from the insurance commissioner prior to offering a VBP in this state. If the general assembly modifies the design of VBPs after an interested party has submitted a response to the RFI or RFP, exempts the party from any further participation requirements.

Clarifies that the act does not impose a mandate that individuals in the state purchase health insurance and does not limit the ability of the general assembly to enact health care reforms that do not include such a requirement.

Appropriates \$128,700 from the general fund and \$62,500 from gifts, grants, and donations to the department of health care policy and financing for the implementation of the act. Appropriates \$29,500 from the division of insurance cash fund to the division of insurance in the department of regulatory agencies for the implementation of the act.

APPROVED by Governor June 3, 2008

EFFECTIVE June 3, 2008

S.B. 08-230 Medicaid - unit of government hospital care providers - taxing authority - state university teaching hospital - appropriation. Authorizes specified governmental hospital care providers, subject to voter approval, to levy and collect a sales tax within certain geographic areas.

Establishes a definition of "state university teaching hospital". Authorizes the general assembly to appropriate moneys annually to state university teaching hospitals for services provided under the state's medicaid program.

For the 2007-08 fiscal year, appropriates from the general fund to the department of health care policy and financing ("department") \$410,000 for Denver health and hospital authority and \$95,251 for university of Colorado hospital authority and reduces appropriations to other medicaid programs by the same amounts. For the 2008-09 fiscal year, appropriates from the general fund to the department \$914,504 for the Denver health and hospital authority and \$348,919 for university of Colorado hospital authority, and reduces appropriations to other medicaid programs by the same amounts.

APPROVED by Governor May 22, 2008

EFFECTIVE May 22, 2008

H.B. 08-1032 Medicaid - generic drugs - state maximum allowable cost program. Authorizes the department of health care policy and financing ("department") to use a state maximum allowable cost program ("S-MAC") to adjust the amount paid to pharmacies for prescription drugs. For prescription drugs that are subject to the federal upper payment limit as established in the federal "Deficit Reduction Act of 2005", to the extent possible, directs the department to maximize the federal financial participation paid to local pharmacies for prescription services. If the department changes the method used to establish prices under S-MAC, requires the department to notify the joint budget committee of any anticipated fiscal impacts.

VETOED by Governor June 2, 2008

H.B. 08-1062 Prescription drug information and technical assistance program - expansion. Allows the department of health care policy and financing to expand the prescription drug information and technical assistance program to include all programs administered by the department.

APPROVED by Governor March 31, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1063 Medicaid - community mental health services - capitated rates. Specifies that a managed care organization that provides community mental health services to recipients of medicaid is not subject to the usual rate calculation requirements for medicaid managed health care organizations, including the 100% fee-for-service upper payment limitation, but that a proposal from such a managed care organization must be certified as actuarially sound. Directs the department of health care policy and financing to establish cost-effective capitated rates for community mental health services that include cost containment mechanisms.

APPROVED by Governor April 3, 2008

EFFECTIVE April 3, 2008

H.B. 08-1072 Medicaid - developmental disability buy-in program - appropriation. Directs the department of health care policy and financing ("department") to obtain and submit to the joint budget committee an actuarial study of a program to expand eligibility under medicaid through a medicaid buy-in program ("program") for individuals with disabilities who would otherwise be eligible for supplemental security income except for their income and for individuals with disabilities whose medical condition improves. If approved by the joint budget committee, directs the department to submit an amendment to the state medical assistance plan and to request any waivers necessary to implement the program. Specifies the eligibility requirements for the program.

Requires the medical services board to promulgate rules to implement the program, including specifying the amount of the premium determined from a sliding-fee scale to buy into medicaid. Directs that the rules and premiums be based on the actuarial study.

Appropriates \$27,500 from the general fund to the department for implementation of the act. Anticipates that the department will receive an additional amount of \$27,500 in federal funds to implement the act.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

H.B. 08-1094 Medicaid - advanced practice nurses - direct reimbursement. Authorizes payment to an advanced practice nurse for services provided under the "Colorado Medical Assistance Act". Requires reimbursement for services to be made directly to the advanced practice nurse upon request, except when the services are provided within the scope of employment of a salaried employee of a public or private institution or a physician.

APPROVED by Governor March 20, 2008

EFFECTIVE July 1, 2008

H.B. 08-1114 Medicaid - Class I nursing facility providers - reimbursement methods - provider fee - appropriation. Changes the method of reimbursing class I nursing facilities under medicaid including:

- Establishing per diem rates for the actual cost of direct and indirect health care services and raw food subject to a maximum amount and adjusted based upon the acuity or case-mix of recipients;
- Providing for additional per diem rates for administrative and general services costs and fair rental allowance;
- Providing for additional per diem rates based upon performance measures;
- Providing for additional per diem rates for residents with a mental health condition, cognitive dementia, or acquired brain injury; and
- Providing for additional per diem rates to offset the provider fee.

Includes allowances for inflation in certain categories, and limits increases in certain categories to 3% per year. Specifies that the reimbursements for performance measures, mental health condition, cognitive dementia, or acquired brain injury, and the provider fee offset are to be paid solely from the provider fees and any associated federal moneys.

Authorizes the department of health care policy and financing ("department"), subject to the receipt of any necessary federal waivers, to charge and collect a provider fee from

specified nursing facilities. Specifies that the provider fees are to be credited to a new cash fund and shall be appropriated only to assist in the payment of the per diem rates to class I facilities.

Repeals the statute that provided for the feasibility study of a new reimbursement system for class I nursing facilities.

If the executive director of the department does not submit a notice to the revisor of statutes by March 31, 2009, that the federal government has approved the waiver authorizing provider fees, appropriates \$119,968 and 1.3 FTE from the general fund to the department for the executive director's office. If the executive director of the department submits a notice to the revisor of statutes by March 31, 2009, that the federal government has approved the waiver authorizing provider fees, appropriates \$127,461 and 1.3 FTE from the general fund to the department for the executive director's office and appropriates \$5,927,160 from the medicaid nursing facility cash fund to the department for medical services premiums.

APPROVED by Governor June 2, 2008

PORTIONS EFFECTIVE June 2, 2008
PORTIONS EFFECTIVE April 1, 2009

H.B. 08-1150 Medicaid - complementary or alternative therapy - pilot program. Establishes a pilot program to provide complementary or alternative therapies to an eligible person with a disability ("pilot program"). Limits complementary or alternative therapies to chiropractic care, massage therapy, and acupuncture. Defines eligible persons. Directs the medical services board to adopt rules to administer the pilot program. Requires the department of health care policy and financing to report to specified committees of the general assembly. Repeals the pilot program, effective September 1, 2014.

VETOED by Governor June 5, 2008

H.B. 08-1203 Licensed hospitals - transactions - material change - consideration. For purposes of the laws relating to transactions involving licensed hospitals, requires the attorney general to consider, among other factors, the reduction in the accessibility or availability of health care services in the communities served by a hospital in determining whether a material change exists in the charitable purposes to which the assets of the hospital have been dedicated.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1373 Breast and cervical cancer prevention and treatment program - fund - appropriation. For purposes of funding the breast and cervical cancer prevention and treatment program ("program"), appropriates 100% of the state costs of the program from the breast and cervical cancer prevention and treatment fund ("fund") for fiscal years 2007-08 and 2008-09. Appropriates 50% of the state costs of the program from the general fund and 50% of the state costs of the program from the moneys credited to the fund for fiscal years 2009-10 through 2013-14. Extends the repeal date for the program until July 1, 2014.

Makes appropriate adjustments in the moneys appropriated for the program in fiscal years 2007-08 and 2008-09.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1374 Medicaid - all-inclusive care for the elderly - cap - repeal - appropriation. Repeals the cap based on fee-for-service costs on the capitated rate under the program of all-inclusive care for the elderly.

Appropriates \$1,567,464 to the department of health care policy and financing for medical services premiums, and anticipates receipt of an equal amount in federal funds.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1409 Medicaid - third party liability - legislative declaration - appropriation. Specifies that the department of health care policy and financing ("department") is authorized to determine whether a health insurance plan or other third-party payor ("third party") is liable for payment for services provided to a medicaid recipient. Provides that benefits for a recipient who knowingly or wilfully fails to provide information concerning the liability of third parties may be terminated.

Requires a third party that may be liable for payment of services provided to a medicaid recipient:

- To provide the department or the department's business associate on a monthly basis the minimum information concerning the eligibility of persons covered by the third party to determine if a medicaid recipient is covered by the third party;
- To accept the state's right to recover for services provided to medicaid recipients;
- To respond to inquiries from the department concerning benefits available from the third party; and
- To agree not to deny claims of the department based upon specified criteria.

Provides a private right of action against a department's business associate that negligently uses the data for an unauthorized purpose. States that it is the intent of the general assembly that the medical assistance program be the last resort for payment for benefits furnished to recipients.

Decreases the appropriation to the department of health care policy and financing, division of medical services premiums, for medical service premiums, contained in the annual general appropriations act by \$300,000.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

HUMAN SERVICES - SOCIAL SERVICES

S.B. 08-2 Persons with developmental disabilities - family caregiver - appropriation. Expands the definition of "least restrictive environment" to include the family home, if appropriate, and adds a definition for "family caregiver". Allows the department of human services to directly reimburse a qualified family caregiver for services or supports provided to the family caregiver's child with developmental disabilities. Clarifies that family support services can be delivered to a child or an adult family member.

Appropriates \$17,132 from the general fund to the department of health care policy and financing, for allocation to the department of human services Medicaid-funded programs, services for people with disabilities - Medicaid funding, community services for people with developmental disabilities administration, for the implementation of the act.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

S.B. 08-5 Persons with developmental disabilities - employment services pilot program. Establishes a pilot program to implement an outcome-based supported employment model for integrated employment services for persons with developmental disabilities and recommend a payment system for supported employment services in Colorado for persons with developmental disabilities. Requires the department of human services to submit to the general assembly, the governor, and the lieutenant governor a report evaluating the pilot program.

APPROVED by Governor April 10, 2008

EFFECTIVE April 10, 2008

S.B. 08-163 Autism commission - duties - designation of nonprofit organization - funding. Creates an autism commission ("commission") to study autism spectrum disorders, identify existing services and gaps in services for people with autism spectrum disorders, and identify best practices in providing services. Directs the commission to develop a 10-year strategic plan for Colorado that:

- Clarifies the array of services and supports needed for persons with autism spectrum disorders;
- Provides effectively coordinated services and supports to persons with autism spectrum disorders in this state; and
- Estimates the funding and sources of funding needed to provide necessary and coordinated services to persons with autism spectrum disorders.

Specifies the duties and membership of the commission. Directs the commission to submit a final report to the governor and the general assembly by October 1, 2009.

Requires the executive director of the department of human services to designate a nonprofit organization as the custodian of funds for the commission. Authorizes the organization to receive and expend funds to operate the commission. Provides that all costs of the commission shall be paid by contributions, grants, services, and in-kind donations from private sources. Repeals the commission, effective July 1, 2010.

APPROVED by Governor April 14, 2008

EFFECTIVE April 14, 2008

S.B. 08-165 Persons with disabilities - advisory council - appropriation. Creates the Colorado advisory council for persons with disabilities ("council") in the office of the governor. Outlines the membership and duties of the council.

Authorizes the council to receive and expend gifts, grants, and donations.

Appropriates \$9,030 from the general fund to the office of the governor, for the Colorado advisory council for persons with disabilities, for the implementation of this act.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

S.B. 08-177 Colorado works program - temporary aid to need families - basic cash assistance grant amount - types of assistance - county reserves - reporting - program maintenance fund - strategic allocation committee - statewide strategic use fund - appropriation. Makes amendments to the Colorado works program ("program") to comply with changes in federal law and to provide greater flexibility in administering the program.

Changes the term "basic assistance grant" to "basic cash assistance grant" and "diversion" to "short-term assistance". Adopts the term "ongoing assistance" to apply to any type of assistance other than short-term assistance. Repeals the specific circumstances included in the definition of "qualified alien", and instructs the state board of human services ("state board") to define the term by rule in conformance with federal law. Repeals the specific circumstances included in the definition of "work activities", and instructs the state board to define it by rule in accordance with federal law.

Clarifies the various types of assistance available under the program, including ongoing assistance payments, short-term assistance payments, and support services. Repeals the provisions concerning diversion grants. Clarifies the language concerning determination of eligibility under the need standard. Instructs the state board, by rule, to establish the amount of the basic cash assistance grant, requiring the state board to increase the amount by at least 20% over the amount paid as of January 1, 2008, and encouraging the state board to increase the amount by up to 30%.

Clarifies the distribution of duties between the state department of human services ("state department") and the county departments of social or human services ("counties"). Repeals the specific criteria for setting the amount of the county block grants, and directs the state department, with input from the works allocation committee, to set the amount based on demographic and economic factors within the counties. Repeals specific reporting requirements, and directs the state department to submit case record information as required by federal law.

Beginning in fiscal year 2008-09, caps the amount that counties may retain as unspent reserves and lowers the cap annually through fiscal year 2011-12. Repeals the cap, effective July 1, 2012, but recognizes the general assembly's intent that a cap continue to exist in statute, and directs the state department to collaborate with the counties and with advocates for program participants and review the county reserve levels existing as of fiscal year 2011-12 and make recommendations to the health and human services committees of the general assembly for further legislation.

Repeals the short-term works emergency fund and replaces it with the county block grant support fund. Changes the name of the Colorado long-term works reserve fund to the

Colorado long-term works reserve ("reserve"), and clarifies the uses of the reserve. Creates the Colorado works program maintenance fund ("maintenance fund") to consist of moneys appropriated from the reserve. Makes the moneys in the maintenance fund subject to annual appropriation to the executive director of the state department ("executive director") for use in responding to emergency or otherwise unforeseen purposes in implementing the program. Requires the executive director to report annually to the joint budget committee and the legislative health and human services committees concerning the use of moneys in the maintenance fund.

Creates the strategic allocation committee ("committee") to make recommendations to the state department for allocation of the moneys in the Colorado works statewide strategic use fund ("strategic use fund"). Specifies the membership, terms, and compensation of the committee members. Repeals the committee, effective July 1, 2018, subject to prior review.

Creates the strategic use fund to consist of moneys appropriated from the reserve. Makes the moneys in the strategic use fund subject to annual appropriation to the state department to be allocated to help fund initiatives and programs that support the program and either have achieved or are likely to achieve specified goals in implementing the program. Identifies entities that are eligible to receive moneys from the strategic use fund, the procedure for applying for moneys, and the procedure by which the committee will review the applications and recommend recipients to the executive director. Directs the executive director to approve the committee's recommendations, but allows the committee to seek approval from the state board if the executive director does not approve a recommendation. Directs the state board, by rule, to establish monitoring and reporting requirements for entities that receive moneys from the strategic use fund, and instructs the state department to review the programs that receive moneys from the strategic use fund. Requires the executive director to report annually to the joint budget committee and the legislative health and human services committees concerning programs and initiatives that receive moneys from the strategic use fund.

Appropriates \$3,000,000 from the reserve to the maintenance fund; appropriates \$10,000,000 from the reserve to the strategic use fund; appropriates \$65,071 and 1.0 FTE from temporary aid to need families ("TANF") block grant funds to the state department for allocation to the office of self sufficiency for administration; appropriates \$140,000 from federal TANF block grant funds to the state department for allocation to the office of self sufficiency for county training; appropriates \$168,400 from federal TANF block grant funds to the state department for allocation to the office of self sufficiency for federal TANF reauthorization Colorado benefit management system changes.

APPROVED by Governor June 2, 2008

PORTIONS EFFECTIVE June 2, 2008
PORTIONS EFFECTIVE January 1, 2009

S.B. 08-210 Child care - provider reimbursement. Requires the department of human services to establish a child care provider reimbursement rate task force ("task force") to study the most efficient and cost-effective way for the state to adopt consistent, statewide child care provider reimbursement rates for low-income families. Describes membership for the task force. Requires the task force to report its findings to the general assembly.

APPROVED by Governor June 4, 2008

EFFECTIVE June 4, 2008

S.B. 08-216 Residential child care facilities - county contribution for cost of placement - repeal - appropriation. For the 2008-09 and 2009-10 fiscal years, limits the county contribution for residential child care facilities to 10% of the cost of placement for children in said facilities. Repeals the 10% limitation effective July 1, 2010.

Appropriates \$8,001,927 from the general fund to the department of human services, division of child welfare, for child welfare services. Decreases the cash fund appropriation to the department of human services, division of child welfare, for child welfare services by \$8,001,927.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

H.B. 08-1005 Multi-agency services - services for children and families - appropriation. Requires parties to a memorandum of understanding for the coordination of services for children and families to specifically identify the amount of anticipated reinvestment savings realized as a result of the implementation of the collaborative system of management of multi-agency services program ("program"). Authorizes the department of human services ("department") to contract for an external evaluation of the program. Requires the department to seek input from participating counties and entities in the development of the evaluation criteria and components. Requires any county participating in the program to participate in the evaluation. Requires the department to develop a training package for counties to assist them in developing more effective strategies to deliver services to children and families. Authorizes the use of moneys from the performance-based collaborative management incentive cash fund for the external evaluations and for development of the training package.

Appropriates \$376,950 from the performance-based collaborative management incentive cash fund to the department of human services for the implementation of the act.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

H.B. 08-1031 Persons with developmental disabilities - waiting list navigator pilot program - appropriation. Requires the department of human services ("department") to create, in consultation with community centered boards, a waiting list navigator pilot program ("pilot program") to assist persons with developmental disabilities and their families who are on the waiting list for services and supports. Requires the department to report the results of the pilot program to the general assembly, including recommendations for a permanent program.

Appropriates \$500,000 out of the general fund to the department of human services for allocation to services for people with disabilities, community services for people with developmental disabilities, and program costs.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

H.B. 08-1051 Family preservation services - core services for families. Clarifies statutory language concerning core services for families received through the department of human

services. Removes time limits on intensive services.

APPROVED by Governor February 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1101 Developmental disabilities - waiting lists for services - joint legislative hearing - cash fund - appropriations authorized. Creates the developmental disabilities services cash fund (cash fund). Directs the joint budget committee and the health and human services committees of the senate and the house of representatives to hold a joint hearing during each regular session of the general assembly and to take public testimony on the status of the waiting lists for adult comprehensive services, adult supported living services, and family support services for persons with developmental disabilities and the availability of general fund moneys to reduce the number of persons on the waiting lists and the amount of time eligible persons wait for such services. States that the goal of the joint hearing shall be to propose an appropriation from the general fund to the cash fund in an amount equal to 2% of the amount by which total general fund appropriations for the fiscal year may increase over the prior fiscal year in accordance with the statutory limit on general fund appropriations. Authorizes the general assembly to appropriate moneys in the cash fund to:

- The department of human services for program costs for adult comprehensive services, adult supported living services, and family support services for persons with developmental disabilities; and
- The department of health care policy and financing for adult comprehensive services and adult supported living services for persons with disabilities.

APPROVED by Governor June 5, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1210 In-home support services - repeal. Continues in-home support services until July 1, 2011.

APPROVED by Governor April 7, 2008

EFFECTIVE April 7, 2008

H.B. 08-1220 Federal waiver provisions - persons with developmental disabilities. Changes statutory provisions in order to comply with federal waiver requirements and current practices associated with services and supports for persons with developmental disabilities.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

H.B. 08-1221 Public assistance - adult foster care - in-home services. Makes technical changes to clarify existing policy for programs administered by the department of human services for people who qualify for public assistance. Exempts from the mandatory comprehensive and uniform client assessment process the home care allowance program, adult foster care, and in-home services under the federal "Older Americans Act of 1965".

Specifies that adult foster care facilities shall be licensed by the department of public health and environment. Specifies the amount of the home care allowance grant.

APPROVED by Governor April 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1229 Child care licensing - family child care home - substitute providers. Defines the term "substitute child care provider" to include persons who provide temporary care in a family child care home during the absence of the licensed provider for more than 14 days or 112 hours in any calendar year. Requires a substitute child care provider to be certified by the department of human services ("department") and to submit to a fingerprint-based criminal history records check. Prohibits the department from certifying a person as a substitute child care provider if the person has been convicted of certain crimes. Requires the state board of human services ("state board") to promulgate rules for the certification of substitute child care providers.

Requires the state board to establish the circumstances under which a licensed family child care home provider must use a certified substitute child care provider when the licensed provider is absent from the home.

APPROVED by Governor April 10, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1246 Persons with developmental disabilities - abuse and neglect - plan for registry of caregivers - appropriation. Requires the department of human services ("department") to convene a working group to make recommendations for the development of a plan by the department to implement a registry of caregivers who have a substantiated allegation of exploitation, mistreatment, neglect, physical abuse, or sexual abuse of a person with developmental disabilities ("registry"). Outlines the issues to be addressed in the creation and implementation of a registry. Authorizes the department to seek and accept gifts, grants, and donations for the implementation of the act. Creates the caregiver abuse registry fund ("fund"). Specifies that the department need not begin developing a plan for a registry until at least \$33,000 is credited to the fund.

Appropriates \$33,000 out of any moneys in the fund to the department, for allocation to services for people with disabilities, community services for people with developmental disabilities, administration, for the implementation of the act.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

H.B. 08-1250 County contingency fund - county tax base relief payments - formula - appropriation. Creates the county tax base relief fund ("fund"), and transfers all remaining moneys in the county contingency fund to the fund. Changes the method of calculating distributions from the fund to supplement county expenditures for public assistance. Allows the executive director of the department of human services to transfer unexpended moneys

between the county tax base relief fund and the county administrative line in the annual general appropriation act.

Appropriates \$3,400,000 to the department of health care policy and financing, \$1,000,000 of which is from general fund, \$700,000 of which is from cash funds, and \$1,700,000 of which is anticipated from federal funds.

Appropriates \$10,200,000 to the department of human services, \$4,000,000 of which is from general fund, \$1,600,000 is from cash funds, and \$4,600,000 is anticipated from federal funds.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1265 Colorado child care assistance program - eligibility guidelines. Amends the eligibility guidelines for the Colorado child care assistance program ("CCCAP") to align the state eligibility income requirements with the federal economic guidelines, making families whose income does not exceed 85% of the Colorado state median income eligible for the CCCAP.

If a county reduces its income eligibility requirement, requires the county to continue to provide CCCAP services for a family until the family's next redetermination or for 6 months, whichever is longer, so long as the family's household income remains at or below the prior income eligibility requirements.

APPROVED by Governor April 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1268 Department of human services - rental of surplus lands - appropriation. Expands the rental authority of the department of human services to rent surplus facilities. Creates the department of human services buildings and grounds cash fund ("fund"). Excludes the fund from the limitations on the amount of uncommitted reserves that may be maintained by state agencies for cash funds. Repeals the rental properties salvage fund, the Fort Logan state hospital fund, and the regional center enterprise fund.

Appropriates \$81,024 and 1.0 FTE from the fund to the department of human services, office of operations, for implementation of the act.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

H.B. 08-1307 Public assistance - supplemental security income benefits - interim assistance for costs. Clarifies that neither the state department of human services nor any county shall pay any portion of the costs, including legal fees, incurred by a recipient of public assistance in seeking supplemental security income benefits or any other federal benefits.

APPROVED by Governor March 26, 2008

EFFECTIVE March 26, 2008

H.B. 08-1366 Children with disabilities - early intervention services. Reorganizes and recodifies existing statutory provisions related to early intervention services for infants and toddlers with significant developmental delays or disabilities. Recodifies the coordination system of payment for early invention services for infants and toddlers as it relates to part C child find activities of the federal "Individuals with Disabilities Education Improvement Act of 2004" ("part C activities"). Clarifies the division of responsibilities between the department of human services ("department") and the department of education for part C activities.

APPROVED by Governor May 28, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1404 Child welfare - counties - cash fund - appropriation. Requires the department of human services ("department") to report to the general assembly concerning the work of the governor's child welfare action committee. Creates the child welfare action committee cash fund. Requests county departments of human services ("county departments"), upon request, to report information to the department concerning employees of the county departments.

Appropriates \$350,000 from the general fund to the department for the implementation of the governor's child welfare action committee, created by Executive Order B 006 08. Appropriates \$200,000, or so much as may be available, from the child welfare action committee cash fund to the governor's child welfare action committee.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

INSURANCE

S.B. 08-11 Automobile insurance - medical payments coverage required - option to reject coverage - scope of coverage - providers eligible for payment - priority of payments to trauma care providers - reserve requirement - subrogation prohibited - exemptions from medical payments coverage - appropriation. Requires automobile insurance policies issued, delivered, or renewed in the state on or after January 1, 2009, to contain coverage for medical payments with benefits of \$5,000 for bodily injury, sickness, or disease arising from the ownership, maintenance, or use of a motor vehicle. Allows the named insured under an automobile insurance policy to reject medical payments coverage, in which case the insurer is required to maintain proof of such coverage rejection for at least 3 years after the date of the rejection. Protects an insurance agent or insurer that obtains a rejection of medical payments coverage from liability to any person thereafter seeking medical payments coverage under the policy.

Establishes a presumption that \$5,000 in medical payments coverage is contained in an automobile insurance policy if the insurer fails to offer the coverage to the insured or fails to maintain proof of rejection of the coverage. Preserves the ability of an insured to purchase medical payments coverage in excess of \$5,000.

Specifies that medical payments coverage benefits are payable to persons providing medically necessary and accident-related trauma care or medical care to a person injured in an automobile accident. Includes the following as "providers" to whom medical payments benefits are payable:

- Licensed ambulances;
- Licensed air ambulances;
- Trauma physicians, which include trauma surgeons, orthopedic surgeons, neurosurgeons, intensive care unit physicians, anesthesiologists, or other physicians providing trauma care to an injured person;
- Trauma centers, which include the emergency department in a licensed or certified hospital or a health care facility that is designated by the department of public health and environment as a level I, II, III, IV, or V facility or as a regional pediatric trauma center; and
- Licensed health care providers, which include licensed or certified hospitals, health care facilities, or dispensaries, persons licensed or certified to practice medicine, osteopathy, chiropractic, nursing, physical therapy, podiatry, dentistry, pharmacy, acupuncture, or optometry, and occupational therapists.

Requires an insurer, upon receipt of notice of an accident for which medical payments coverage may be claimed, to reserve \$5,000 of the medical payments coverage for the payment of trauma care providers that provided trauma care to the injured person in the following priority, as applicable:

- Payment is to be made first to licensed ambulances and licensed air ambulances that provide trauma care at the scene of or immediately after the accident, including transport to or from a trauma center;
- Payment is to be made next to trauma physicians who provide trauma care to stabilize or provide the first episode of care to the injured person;
- Payment is to be made next to level IV or V trauma centers that provide trauma care to stabilize or provide the first episode of care to the injured person;

- Payment is to be made next to level I, II, or III trauma centers or a regional pediatric trauma center that provide trauma care to stabilize or provide the first episode of care to the injured person.

Obligates insurers to maintain the reserve for 30 days to pay claims made by trauma care providers submitted during that 30-day period. After the 30-day period, requires the insurer to use any remaining amount of the reserve for the payment of claims made by all providers that provided trauma care or medical care to the injured person. During the 30-day period, suspends the prompt payment of claims requirements, but only to the extent the medical payments coverage benefits not held in reserve are insufficient to pay a claim submitted by a provider during that period.

Precludes the ability of an insurer to recover from the person at fault for the automobile accident any amount of medical payments coverage benefits paid under an automobile policy and the ability of the insurer to bring a direct cause of action against the alleged at-fault party for recovery of benefits paid under medical payments coverage.

Exempts self-insurers, motorcycles, motorscooters, motorbicycles, motorized bicycles, toy vehicles, snowmobiles, and any vehicle designed primarily for use off the road or on rails from the requirements of the act. Defines terms.

Appropriates \$10,848 and 0.2 FTE to the division of insurance from the division of insurance cash fund for the implementation of the act.

APPROVED by Governor June 5, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-57 Health insurance - mandatory coverage provisions - hearing aids for children - appropriation. Finds that providing hearing aids to hearing-impaired children will improve the language development of such children. Declares that providing hearing aids to such children will reduce the costs borne by the state in connection with providing special education and other costs associated with such hearing loss.

Requires insurance providers to cover hearing aids for minor children when medically appropriate. Requires the coverage to include a new hearing aid not more frequently than every 5 years, a new hearing aid when alterations to the existing hearing aid cannot meet the needs of the child, and services and supplies such as the initial assessment, fitting, adjustments, and auditory training. Requires that coverage be provided with the same annual deductible or copayment established for all other covered benefits within the insured's policy.

Appropriates \$19,000 to the department of health care policy and financing, indigent care program, for children's basic health plan premium costs from the children's basic health plan trust for the implementation of the act. Specifies the department is expected to receive an additional \$35,300 in federal funds for the implementation of the act.

APPROVED by Governor June 3, 2008

EFFECTIVE January 1, 2009

S.B. 08-110 Commissioner of insurance - authority to adopt rules - frequency of automobile insurance premium payments - small group health benefit plans. Allows the commissioner of insurance (commissioner) to adopt rules establishing monthly premium payments, in addition to quarterly, semiannual, and annual premium payments, for insureds under an automobile insurance policy.

Allows the commissioner to amend the rules implementing the basic and standard health benefit plans offered in the small group market as often as necessary.

Deletes an error in an internal statutory citation.

APPROVED by Governor April 10, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-135 Health benefit plans - standardized cards - electronic access to coverage and benefit information - work group - rules - appropriations. Requires the commissioner of insurance (commissioner) to adopt, by October 31, 2008, initial rules requiring every health insurance carrier providing a health benefit plan in the state to issue, to covered persons to whom a health benefit plan identification card is issued, a standardized, printed card containing plan information. Specifies that the rules establishing the card format are to include a standard size for the cards, are to require the card to be legible and capable of photocopying, and are to delineate the information to be contained on the card, including at least the following information, as applicable:

- The covered person's name and applicable plan number;
- Copayment and deductible amounts for the most commonly used health care services;
- Contact information for the carrier or plan administrator; and
- An indication of whether the plan is regulated by the state.

Requires carriers to issue the standardized cards upon the purchase or renewal of or enrollment in a plan on or after July 1, 2009, and, by July 1, 2010, to issue standardized cards to all covered persons to whom identification cards are issued.

Requires the commissioner, in consultation with the director of the division of registrations in the department of regulatory agencies and the executive director of the department of public health and environment, to establish a work group consisting of representatives from the divisions of insurance and registrations in the department of regulatory agencies; the departments of public health and environment, personnel, and health care policy and financing; the governor's office of information technology; carriers; health care providers; private businesses; consumers; and other appropriate stakeholders. Charges the work group with making recommendations regarding the following:

- Standards for technology and tools through which information concerning health benefit plans may be electronically recognized, exchanged, or transmitted between carriers and providers;
- Specific information that such technology and tools should be able to

- electronically exchange or transmit;
- Simplifying eligibility and coverage verification through electronic data interchange using swipe card or other appropriate technology;
- Eligibility notification, preauthorization, or service notification and retroactive denial through electronic data interchange using swipe card or other appropriate technology;
- How to incorporate uniform prescription drug information cards as part of the technology and tools for electronically recognizing, exchanging, or transmitting information between carriers and providers;
- Whether standardized, printed cards are necessary once electronic data interchange technology and tools are fully implemented and, if so, what information needs to be included on printed cards;
- When such technology could be implemented for medicaid; and
- Creation of a pilot program for initial use of the recommended technology and tools, if the work group so chooses.

Requires the work group to report its recommendations within 6 months after its first meeting and allows for an extension of time of up to an additional 6 months if the work group is unable to timely complete its tasks. Requires the commissioner, upon receipt of the work group's recommendations, to adopt rules to implement the standardized technology to be used by carriers, providers, and covered persons no later than 2 years after the effective date of the rules. Allows a 6-month extension for full implementation if the work group finds that carriers cannot meet the original deadline. Requires the commissioner to update the rules, as necessary, to reflect the most current technology available.

Requires hospitals and physicians to use the standardized cards and technology to access information about coverage available to covered persons and children's basic health plan enrollees to whom health care services are provided. Allows carriers and providers located in rural areas of the state to apply for an extension of any of the deadlines established in the act if meeting the deadline imposes a financial hardship on the rural carrier or provider.

Appropriates \$12,928 to the department of regulatory agencies, for allocation to the division of insurance, for the implementation of this act.

APPROVED by Governor June 3, 2008

EFFECTIVE June 3, 2008

S.B. 08-203 Blue ribbon commission for health care reform - repeal. Repeals the blue ribbon commission for health care reform, created in Senate Bill 06-208, on July 1, 2008. Specifies that any moneys remaining in the health care reform cash fund on June 30, 2008, shall be transferred to the general fund, and abolishes the cash fund effective July 1, 2008.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

S.B. 08-207 Insurance producers - licenses - applications - collection of statistical data. Requires an application for an insurance producer examination to request demographic information from each applicant and to specify that an applicant does not have to provide information concerning gender, native language, or race or ethnicity. Directs the commissioner of insurance to annually prepare and publish a report regarding the

demographic information gathered from the application.

APPROVED by Governor May 28, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1043 Consumer insurance council - creation - advisory body to commissioner of insurance. Codifies the existing consumer insurance council within the division of insurance to operate as an advisory body to the commissioner of insurance concerning matters of interest to the public. Authorizes the commissioner to appoint up to 15 members to the council to serve 2-year terms. Requires the members to be representatives of consumers. Authorizes the council to meet no more than 8 times per year, with regular meetings held at the office of the division. Allows the chair of the council and the commissioner to remove a person from the council who has 3 or more unexcused absences. Requires the council to elect a chair and a vice-chair to serve one-year terms. Repeals the council in 2018.

APPROVED by Governor March 24, 2008

EFFECTIVE July 1, 2008

H.B. 08-1060 Health insurance - participating provider determinations - advanced practice nurses. Beginning in 2009, requires carriers that provide health benefit plans to use objective and reasonable criteria, and to consider the provider-to-covered-person ratio for the covered benefits that may be provided by an advanced practice nurse, when evaluating an application for status as a participating provider submitted by an advanced practice nurse. Specifies that the carrier is to make the determination on the advanced practice nurse's participating provider application, and notify the applicant of its determination, within the same period in which the carrier makes a participating provider determination for physicians. When an application is denied, requires the carrier to notify the advanced practice nurse of the reason for the denial. When an application is approved, requires the carrier to include the advanced practice nurse in the provider directory for the health benefit plan.

APPROVED by Governor March 20, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1087 Denial of health insurance benefits - first-level appeal - dental care. Allows the first-level appeal in the case of dental care to be evaluated by a dentist, who must consult with an appropriate clinical peer, unless the reviewing dentist is a clinical peer. Allows a licensed dentist familiar with standards of care in Colorado to sign a written denial of request for covered benefits for dental care.

APPROVED by Governor March 18, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1131 Mergers of insurers - procedures for approval by commissioner - investigation - report. Requires the commissioner of insurance (commissioner) to conduct an independent investigation to determine the impact on competition when a proposed merger involves a domestic entity or a domestic insurer. Requires the investigation to include an analysis of the probable effects on consumers and on suppliers of services. Requires the commissioner to issue a public report on his or her findings within a certain period after the filing of the insurers' statements regarding the proposed merger. Specifies that all data and reports pertaining to the proposed merger and collected or used by the commissioner in his or her investigation and analysis shall be made available to the public, and sets forth the procedures and time frames for such independent investigation and for public hearings. Specifies that, if the procedures set forth in the act are not followed, an aggrieved party may seek remedies.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1213 Insurance producers - continuation of licensing by division of insurance - crop hail lines of authority - registration of similar names - cooling-off period after license revocation or surrender. Continues the functions of the division of insurance (division) relating to the licensing of insurance producers until July 1, 2019. Allows insurance producers to obtain new crop hail lines of authority. Eliminates the requirement that the commissioner of insurance reject the registration of any insurance producer whose name is similar to that of another registered insurance producer. Precludes an insurance producer whose license has been revoked or surrendered to avoid discipline from applying for a new license for 2 years after the revocation or surrender.

APPROVED by Governor March 26, 2008

EFFECTIVE March 26, 2008

H.B. 08-1228 Unfair business practice in the business of insurance - financial responsibility - restitution. Authorizes the commissioner of insurance to collect restitution from insurance producers and insurance companies for wrongful acts. Requires an insurer to be financially responsible for the unfair business practices of an insurance producer authorized to sell a product or plan of the insurer, if the insurer knew or should have known about the unfair business practices.

APPROVED by Governor April 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1309 CoverColorado program - funding - assessments on carriers - task force. Continues the assessments imposed upon health insurance carriers to fund the CoverColorado program (program) and removes the repeal of the assessment. Creates the CoverColorado long-term funding task force to develop and submit a plan to the general assembly by March 31, 2009, regarding funding for the program for the next 10 years. In developing the funding plan, requires the task force to consider at least the following:

- The anticipated enrollment growth;

- The long-term viability of current funding structure;
- Increasing the premium tax credit for donations to the program;
- Revising the methodology, administration, and collection of the assessment imposed on carriers; and
- Reducing program claims costs by modifying benefit designs, implementing a provider fee schedule, imposing an enrollment limit, or other cost-containment measures.

APPROVED by Governor May 1, 2008

EFFECTIVE May 1, 2008

H.B. 08-1334 Group sickness and accident insurance - emergency service providers authorized to contract for coverage of bona fide volunteers. Authorizes emergency service providers to enter into group health insurance contracts with carriers for the purpose of providing insurance to bona fide volunteers who are active and in good standing. Allows the governing body of each emergency service provider the discretion to negotiate the details related to the procurement and administration of the insurance contracts. Specifies that bona fide volunteers and emergency service providers fall within the purview of existing group sickness and accident insurance law.

APPROVED by Governor April 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1385 Consumer guide to health insurance web site - financial disclosure by insurance producers - appropriation. Finds that providing reliable cost and quality information about health care insurance empowers consumer choice. Requires the commissioner of insurance to maintain a web site that displays a consumer guide on insurance information provided to the division of insurance by health insurance carriers. Creates an exception for information that is proprietary pursuant to Colorado open records laws. Requires insurance producers to disclose financial information to consumers.

Appropriates \$8,774 to the division of insurance from the division of insurance cash fund for the implementation of the act.

APPROVED by Governor June 3, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1389 Health insurance - approval of insurance rate increases prior to implementation - penalties for false reporting - report of cost and financial information required - consumers' choice award - appropriation. Requires each insurance carrier to file with the commissioner of insurance (commissioner) a detailed description of its rating and renewal practices for health insurance. Makes all such information public when filed, unless it is determined to be confidential.

Requires each carrier to file annually with the commissioner the number of lives insured in the previous year. Requires requested rate filing increases for health insurance to

be submitted to the commissioner at least 60 days prior to the proposed implementation date. Allows the rates to be implemented if the commissioner does not approve or disapprove the rates within a 60-day period. Allows the commissioner to disapprove the rates upon later review. Requires the commissioner to disapprove the rates for health insurance if certain conditions apply.

Prohibits persons from knowingly withholding information that will affect rates or premiums charged or from giving false or misleading information. Creates penalties for violations.

Requires each carrier to report specific cost and financial information to the commissioner annually. Directs the commissioner to aggregate the data submitted, publish it on the division of insurance's web site, and report annually to the general assembly on the costs of health care and financial information on carriers.

Allows the consumer insurance council to issue an annual consumers' choice award.

Applies the act to insurance rates that take effect on or after January 1, 2009.

Appropriates \$309,985 and 4.5 FTE to the department of regulatory agencies for allocation to the division of insurance from the division of insurance cash fund.

APPROVED by Governor June 5, 2008

PORTIONS EFFECTIVE June 5, 2008

PORTIONS EFFECTIVE July 1, 2008

H.B. 08-1390 CoverColorado program - funding allocation - required carrier assessments - supplemental transfers from unclaimed property trust fund - long-term funding plan. Allows the board of directors (board) of the CoverColorado program (program) to establish the period of service of the carrier selected to administer the program.

Establishes the following percentages of total funding for the program from the various sources of funding for the program:

- 25% from the unclaimed property trust fund;
- Up to 25% from special fees assessed against insurers; and
- 50% from premiums, grants, donations, and other available funds.

If, in a given calendar year, the program enrollment or claims expenses exceed projected enrollment or claims expenses by more than 115% and the program's losses exceed projected losses, requires the board to report the amount of excess losses to the state treasurer, who is to make a supplemental transmittal from the unclaimed property trust fund to cover the excess losses of the program.

Effective January 1, 2009, requires, rather than allows, the program to assess special fees against insurers, and allows the board to determine the amount of the special fees so as to provide the necessary percentage of total funding for the program. Eliminates the repeal of the assessments.

Repeals the funding structure for the CoverColorado program on July 1, 2017, and requires the state auditor, prior to the repeal, to review and evaluate the efficacy of the funding structure and submit a report and recommendations to the general assembly by

January 1, 2017, regarding the funding structure.

Establishes the CoverColorado long-term funding task force to develop and submit a plan to the general assembly by March 31, 2009, for funding the program in the future.

APPROVED by Governor May 27, 2008

EFFECTIVE July 1, 2008

H.B. 08-1407 Insurance carriers - penalties imposed by commissioner of insurance - unreasonable delay or denial of insurance claim - cause of action created - remedies - appropriation. Increases the penalties that the commissioner of insurance may impose for the violation of any law, rule, or order of the commissioner. Prohibits an insurer from unreasonably delaying or denying a claim for payment of benefits by a claimant. Creates a cause of action for a claimant who is unreasonably denied insurance benefits. Allows a claimant to recover reasonable attorney fees, court costs, and 2 times the amount of the covered benefit. Exempts workers' compensation, life, and title insurance. If an insurer denies a health insurance claim pursuant to the prompt pay laws and the denial is determined to be unreasonable, requires a penalty to be paid to the insured.

Decreases the appropriation to the department of health care policy and financing, division of medical services premiums, for medical services premiums by \$277,780.

APPROVED by Governor June 4, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1410 Health insurance - mandated coverage - colorectal cancer screening - consideration by commission on mandated health insurance benefits. Requires most health insurance plans to cover colorectal cancer screening. Specifies that the mandated coverage is not subject to policy deductibles, but that copayments and coinsurance may apply. Limits cost sharing to 10% of the cost of the screening for health maintenance organizations that directly provide health care services to their enrollees. Exempts small group basic health plans other than the high-deductible plan from the requirements of the act. Specifies that the substantive portions of the act take effect only if the commission on mandated health insurance benefits either twice fails to reach a quorum to consider the mandated coverage or concludes that the benefits of the mandated coverage outweigh its harms.

States that certain provisions of the act shall take effect only if the commission on mandated health insurance benefits twice fails to reach a quorum to consider the mandated health insurance coverage established by section 10-16-104 (18) or concludes that the benefits of the mandated health insurance coverage established by section 10-16-104 (18) outweigh its harms.

APPROVED by Governor June 3, 2008

EFFECTIVE June 3, 2008

LABOR AND INDUSTRY

S.B. 08-51 Boilers and explosives - enforcement authority of division of oil and public safety - injunctions - inspections - appropriation. Grants enforcement authority to the director of the division of oil and public safety (division) in the department of labor and employment for violations of laws and rules concerning boilers and explosives. Allows the director to seek an injunction restraining a person from violating laws or rules concerning public school construction, boilers, and explosives. Allows the division to inspect blast sites or request a blast demonstration.

Appropriates \$123,950 and 2.0 FTE to the division, of which \$84,825 is from the public safety inspection fund and \$39,125 is from the boiler inspection fund.

APPROVED by Governor May 21, 2008

EFFECTIVE May 21, 2008

S.B. 08-114 Employee leasing companies - wages - workers' compensation - unemployment taxes - certification renewal - bonding requirement - disciplinary action. Requires an employee leasing company to pay wages and unemployment taxes for all covered employees. Specifies that the contract provisions of the "Workers' Compensation Act of Colorado" apply to employee leasing companies and work-site employers equally. Requires an employee leasing company to be certified and to annually file a renewal of its certification, along with evidence that it meets specified financial criteria, and to remit a fee as determined by the executive director of the department of labor and employment (department).

Authorizes the department to reduce or waive the bonding requirement for an employee leasing company.

Prohibits a person from acting as an employee leasing company without certification from the department. Authorizes the department to take disciplinary action against an employee leasing company and to impose a fine or rescind the ability to make unemployment insurance contributions.

APPROVED by Governor May 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-116 Job security - volunteer firefighters - responding to emergency summonses during work. Protects the job of an employee who leaves work to respond to specified emergency summonses as a volunteer firefighter when the employer:

- Does not deem the employee to be essential to the operation of the employer's daily enterprise;
- Has been notified previously of the employee's status as a volunteer firefighter; and
- Receives written verification that the employee so responded.

APPROVED by Governor April 8, 2008

EFFECTIVE April 8, 2008

S.B. 08-120 Payment of wages - paycard authorized. Authorizes an employer to deposit wages on a paycard so long as the employee receiving the paycard is provided free means of access to the entire amount of net pay at least once per pay period. Allows the employee to choose to receive payment of wages by other authorized means.

APPROVED by Governor March 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-139 Employee work eligibility status - electronic verification program - notice to employers. Requires the department of labor and employment (department), as part of its quarterly electronic publication distributed to employers in the state, to notify employers of the prohibition against hiring or continuing to employ an unauthorized alien and the availability of the optional federal electronic verification program (e-verify program) to verify the work eligibility status of new employees. Requires the notice to warn that the e-verify program, like other verification programs, is not 100% accurate and that an employee has recourse if the e-verify program provides erroneous information regarding the employee's work eligibility status. Further requires the department to provide employers information regarding when, during the hiring process, an employer may lawfully use the e-verify program.

Also requires the department and the secretary of state to post on their respective web sites information about the prohibition against hiring unauthorized aliens and the e-verify program and a link to the e-verify program web site.

APPROVED by Governor May 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-193 Public contracts for services - illegal aliens - exceptions to contract requirements - federal electronic employment eligibility verification program - creation of department program. Updates the definition of a federal electronic employment eligibility verification program to reflect the program's new name. Excludes certain types of agreements from the definition of public contract for services as used in the law relating to public contracts for services and illegal aliens.

Creates the department program in the department of labor and employment, which program requires participating contractors that enter into a public contract for services to affirm that the contractor has examined the legal work status of each employee who is newly hired for employment to perform work under the public contract for services. Modifies the precontract certification required of a prospective contractor to limit the scope of the statement about its employees and to require future participation in the federal electronic employment eligibility verification program or the department program. Requires all public contracts for services to include a provision that requires a contractor to use the federal electronic employment eligibility verification program or the department program to verify the employment eligibility of certain employees. Clarifies that nothing in the act requires a

contractor to violate any terms of participation in the federal electronic employment eligibility verification program.

APPROVED by Governor May 13, 2008

EFFECTIVE May 13, 2008

S.B. 08-204 Unemployment benefits - claims - requirement for issuance of decision - exception. Creates an exception to the requirement that deputies of the division of employment and training in the department of labor and employment issue decisions on all claims for unemployment benefits for cases in which the claimant has not filed a continued claim for benefits.

APPROVED by Governor May 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-224 Conveyances - standards. Authorizes the director of the division of oil and public safety (administrator) to adopt a schedule to implement new versions of ASTM standards covering elevators and escalators (conveyances) within a reasonable amount of time.

Directs the administrator to promulgate rules exempting a conveyance installed before July 1, 2008, from compliance with ASME A17.3 until the conveyance is substantially altered or remodeled but to apply the standard when necessary for public safety. Authorizes the administrator to adopt changes to the ASTM standards that are in the public interest.

Exempts local jurisdictions and their employees from the insurance requirements of the "Elevator and Escalator Certification Act". Replaces the requirement that liability insurance provide \$1,000,000 coverage per person per event to a requirement that the coverage equal \$1,000,000 per event.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

S.B. 08-241 Workers' compensation benefits - prosthetic devices - apportionment based on prior injuries. Amends provisions of the "Workers' Compensation Act of Colorado" (act) regarding claims for work-related injuries as follows:

- Allows a claimant to obtain an additional prosthetic device upon a showing of good cause;
- Clarifies that the medical services fee schedule developed by the division of workers' compensation in the department of labor and employment applies to all medical services related to a claim, regardless of whether the services were provided for a claimant or the employer or insurer.

Amends the apportionment and reduction of awards provisions of the act as follows:

- Precludes the reduction of awards for temporary total disability, temporary partial disability, and medical benefits based on a previous injury;
- Precludes the reduction of an employee's recovery of permanent total disability

when the disability results from work-related injury or work-related injury combined with a genetic, congenital, or similar condition, except as allowed by specific caselaw;

- In cases of permanent medical impairment, requires reduction in recovery when an employee has suffered more than one permanent medical impairment to the same body part and has obtained a prior award or settlement under the act or a comparable law from another state;
- In cases of permanent medical impairment, requires reduction in recovery when an employee has a previous non-work-related permanent medical impairment to the same body part that has been identified, treated, and, at the time of the subsequent injury, is independently disabling.

Preserves the rights of employers and insurers to seek contribution or reimbursement from each other for benefits paid for an injured employee as long as the contribution or reimbursement does not impact the injured employee's benefits.

Makes the act effective July 1, 2008, and applicable to injuries occurring on or after said date.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

H.B. 08-1103 Amusement rides - regulation - certification - inspections - registration fees - rules - appropriation. Requires the director of the division of oil and public safety (division) to promulgate rules for the regulation of amusement rides that include a requirement that each operator of an amusement ride submit a periodic certificate of inspection to the division for each amusement ride. Requires the director of the division to establish minimum certification requirements for inspectors. Requires the inspector of each ride to be an independent 3rd-party inspector. Requires the operator of an amusement ride to notify the division regarding injuries caused by amusement rides, the installation of new rides, and the schedule for the location of amusement rides. Exempts the public safety inspection fund from the statutory limit on uncommitted reserve funds.

Appropriates \$119,554 and 1.7 FTE to the division from the public safety inspection fund for the implementation of the act.

APPROVED by Governor May 21, 2008

EFFECTIVE May 21, 2008

H.B. 08-1180 Unemployment insurance - benefits - eligibility - quitting job to accompany transferred military spouse. Removes the limitation that a transfer must be during time of war or armed conflict and for medical-related purposes in order for an individual who relocates with an active-duty military spouse to be eligible for unemployment insurance benefits.

Requires the division of employment and training in the department of labor and employment to:

- Maintain records of claims made and amounts awarded to individuals who quit a job to relocate with an active-duty military spouse who is transferred; and
- Annually report such information to specified legislative committees.

Specifies that an award of benefits under these circumstances shall not affect an employer's premium.

Effective July 1, 2018, repeals the provision allowing unemployment benefits to individuals who relocate with a military spouse.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1276 Workplace accommodations - nursing mothers. Establishes a standard for an employer to provide reasonable unpaid break time or allow an employee to use paid break or meal time to express breast milk for her nursing child for up to 2 years after the birth of the child and to make reasonable efforts to provide a nursing mother with a private location in which to express milk in the workplace. Specifies that an employer that makes reasonable efforts to accommodate an employee who chooses to express milk in the workplace shall be deemed to be in compliance with the workplace accommodations standards.

Requires the department of labor and employment to provide information and links on its web site for employers to access information regarding methods to accommodate nursing mothers in the workplace.

Requires an employee to engage in nonbinding arbitration with an employer prior to pursuing litigation for a violation of the workplace accommodations requirements.

APPROVED by Governor April 7, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1325 Nonimmigrant agricultural seasonal worker pilot program - creation - advisory council - application process - violation of visa program - retaliation prohibited - cash fund - identification cards required - penalties - hearing - report to general assembly - rules - repeal - appropriation. Establishes the nonimmigrant agricultural seasonal worker pilot program (program) in the department of labor and employment (department) for the purpose of expediting the federal H-2A visa certification process. Requires the executive director of the department to implement the program to include sectors of the agriculture industry, up to 1,000 workers in the first year, and an increase of up to 1,000 additional workers each year thereafter. Requires the executive director and the commissioner of agriculture, in conjunction with the director of the office of economic development and international trade, to seek agreements between Colorado and foreign countries to assist in the recruitment and selection of H-2A workers.

Establishes an advisory council to recommend rules to implement the program, to assist in the preparation of a progress report to the general assembly, and to determine the availability of health insurance for seasonal workers.

Requires the department to work with employers participating in the program to expedite the H-2A visa application process. Authorizes the department to charge a fee to cover the costs of the program. Authorizes the director to retain local agents to aid in the application process, medical screening, travel, and documentation of return to the countries of origin of the prospective workers.

Requires each employer to reimburse workers for transportation and subsistence costs, provide free transportation to the workers, provide housing for the workers, pay fair wages to each worker that are in compliance with existing federal law, provide workers' compensation insurance, provide meals and necessary tools and supplies to the workers, provide a copy of the work contract to the worker, pay the worker at least twice per month, and guarantee a minimum number of hours of work. Requires each employer seeking to participate in the program to make assurances to the department.

Requires an employer to notify the department if a worker absconds his or her employment. Implements penalties for an employer who fails to notify the department. Requires the department to notify the United States citizenship and immigration services of any known violations of the conditions for the issuance of an H-2A visa.

Prohibits retaliation by an employer against a worker. Establishes the nonimmigrant agricultural seasonal worker pilot program cash fund for the administrative costs associated with the program. Requires worker participants in the program to obtain a Colorado identification card. Creates penalties for violations of the terms of the program.

Requires the department to promulgate rules for the program. Repeals the program, effective January 1, 2014.

Appropriates \$77,725 and 1.0 FTE from the nonimmigrant agricultural seasonal worker pilot program cash fund to the department for allocation to the division of employment and training to implement the program. Appropriates \$4,322 from the cash fund to the department for legal services. Appropriates \$7,020 from the general fund to legislative council for the implementation of the program. Decreases the appropriation to the controlled maintenance trust fund by \$7,020.

APPROVED by Governor June 5, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1400 Division of employment and training - funding - authority to accept gifts, grants, and donations. Authorizes the division of employment and training in the department of labor and employment to accept and expend moneys from gifts, grants, donations, and other nongovernmental contributions.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 08-50 Driver's license - renewal - by mail and electronically - age restrictions. Raises from 61 to 65 the maximum age at which a person may renew a driver's license electronically if the person has had an eye exam within the last 3 years. Allows a person who is older than 65 years of age to renew a driver's license by mail if the person has had an eye exam within the last 6 months, as attested by an optometrist or ophthalmologist.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-59 Commercial driver's licenses - testing - limits on fees. Replaces the statutory limit on the fees that may be charged for a commercial driver's license test with a limit set by the department of revenue by rule.

APPROVED by Governor April 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-76 Bail for DUI - conditions on summons after appearance. Authorizes a court to fix bail for a person charged with certain alcohol- or drug-related driving offenses even if the person is given a summons. If a defendant charged with certain alcohol- or drug-related offenses appears before a judge, authorizes the judge to impose conditions on the defendant's summons.

APPROVED by Governor May 14, 2008

EFFECTIVE July 1, 2008

S.B. 08-101 Registration - special license plates - NORAD. Creates the North American aerospace defense command commemorative special license plate for motor vehicles that do not exceed 16,000 pounds. Requires the department of revenue to stop issuing the plate on January 1, 2010.

APPROVED by Governor May 20, 2008

EFFECTIVE July 1, 2008

S.B. 08-105 Multipurpose trailers - identification and classification. Identifies multipurpose trailers as a new category of vehicle. Classifies multipurpose trailers for taxation purposes. Sets registration fees for multipurpose trailers for years in which TABOR surplus revenue is sufficient and for years in which TABOR surplus revenue is insufficient. Removes the maximum length specification from the definition of "trailer coach".

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-143 Registration - special license plates - alumni associations. Authorizes an alumni association that has established special license plates to collect annual dues from a member for use of the special license plates.

Lowers from 3,000 to 500 the number of license plates that need to be issued by March 1, 2011, to avoid having the special alumni license plates retired.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

S.B. 08-178 Registration - special license plates - Colorado horse development authority. Authorizes Colorado horse development authority (CHDA) special license plates for motor vehicles that do not exceed 16,000 pounds. Requires a \$30 donation to the CHDA, in addition to the standard fees.

APPROVED by Governor May 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-186 Registration - special license plates - Colorado carbon fund. Authorizes Colorado carbon fund special license plates for motor vehicles that do not exceed 16,000 pounds, conditioned upon a donation to the Colorado carbon fund established by the governor's energy office. Integrates the new special license plates into existing provisions authorizing issuance of the special license plates to persons who pay the appropriate fees, plus 2 one-time fees equaling \$50, and credits \$25 to the highway users tax fund and \$25 to the licensing services cash fund.

APPROVED by Governor May 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1010 Moving and safety violations - fines. Raises the minimum fine for a class 2 traffic misdemeanor from \$10 to \$150. Increases the minimum fine for a class 1 traffic misdemeanor from \$100 to \$300. Raises the fines for the following motor vehicle traffic infractions:

- Careless driving violation;
- Child restraint violation;
- Clinging to other vehicle from motorcycle violation;
- Coasting violation;
- Commercial restrictions on young driver violation;
- Divided or controlled access highway violation;
- Drive on right side violation;
- Driving through safety zone violation;
- Emerging or entering alley violation;
- Failure of certain vehicles to stop at railroad crossing violation;
- Failure to exercise due care violation;
- Failure to stop or yield at intersection violation;

- Failure to yield for emergency vehicle violation;
- Failure to yield to person with disability violation;
- Failure to yield to right at intersection violation;
- Failure to yield when entering roadway violation;
- Flashing signal violation;
- Following fire vehicle violation;
- Following too closely violation;
- Highway work area violation;
- Improper backing violation;
- Improper motorcycle riding violation;
- Improper overtaking on right violation;
- Improper signaling violation;
- Instruction permit violation;
- Lane violation;
- Left turn violation;
- License condition or restriction violation;
- Minimum speed and impeding traffic violation;
- Minor driver restriction violation;
- Motorcycle lane violation;
- Mountain driving violation;
- Obstruction of traffic in intersection violation;
- One-way roads and rotary traffic island violation;
- Overtaking vehicle on left violation;
- Passing lane violation;
- Passing violation;
- Pedestrian right-of-way violation;
- Railroad signal violation;
- Runaway vehicle ramp violation;
- Seat belt violation;
- Speeding and speed limit violation;
- Starting parked vehicle violation;
- Stopping or abandoning vehicle on highway violation;
- Traffic control signal violation;
- Turning around violation; and
- Turning violation.

Reduces, from 100% to 50%, the portion of seat belt violation fines that are kept by a local jurisdiction for violations occurring on state and federal highways if a peace officer employed by the local jurisdiction writes the citation. Credits the remaining amount of the fine revenue to the highway users tax fund.

Doubles the minimum fine for DUI, DWAI, UDD, and habitual user driving. Changes the percentage of the fine for such offenses that is transmitted to the highway users tax fund from 50% to 75% if the violation occurred on a state or federal highway. Doubles the minimum fines for vehicular eluding.

APPROVED by Governor June 3, 2008

EFFECTIVE July 1, 2008

H.B. 08-1036 Maintenance, repair, or construction zones - violations - penalties - automated vehicle identification systems. Authorizes a public entity to designate a roadway as a maintenance, repair, or construction zone when such activities are occurring on the roadway.

Applies the same standards to public entities for such designation as apply when the department of transportation makes a similar designation of a state highway. Doubles the fines for certain moving violations within such zones. Increases the fine for speeding within such zones by 20 to 24 miles per hour to \$540.

Requires the department of public safety to use an automated vehicle identification system upon the request of the department of transportation. Requires the department of transportation to reimburse the department of public safety for complying with the request. Authorizes a vendor to process the tickets, but prohibits forwarding the tickets to the department of revenue.

Requires a driver approaching a vehicle applying chains or a stationary or slow-moving maintenance, repair, or construction vehicle to yield the right-of-way and exercise due care. Requires a driver to move over when approached by an emergency tow vehicle with emergency lights flashing.

APPROVED by Governor June 3, 2008

EFFECTIVE June 3, 2008

H.B. 08-1045 Registration - special license plates - retirement - obsolete statutes. Repeals obsolete statutes for special license plates. Requires that the breast cancer awareness special license plate, the Italian-American heritage special license plate, and certain other plates made by rule and regulated by statute be retired if not issued to 3,000 motor vehicles by a specified date. Repeals the issuance of personalized horseless carriage special license plates. Authorizes the issuance of personalized collector's items special license plates.

APPROVED by Governor March 31, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1050 Driver's license - endorsements - motorcycles. Divides the current motorcycle license endorsement into a general endorsement for any motorcycle and limited endorsements for a 3-wheel motorcycle or motor-driven cycle. Requires a person to demonstrate ordinary and reasonable control of the operation of the motorcycle that is subject to the endorsement. Restricts a person who possesses a limited endorsement from operating other types of motorcycles.

APPROVED by Governor March 18, 2008

EFFECTIVE July 1, 2008

H.B. 08-1098 Registration - parking privileges for persons with disabilities - fee - repeal. Repeals the fee for the issuance of a placard that allows a disabled person to use parking privileges for persons with disabilities.

APPROVED by Governor March 26, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1121 Commercial driver's licenses - traffic violations - masking of convictions - permits. Prohibits the masking of convictions related to a commercial driver's license by the following:

- Prohibiting the sealing or expunging of conviction records;
- Expanding the definitions of "convicted" or "conviction" to include an adjudication of guilt, an administrative determination, a forfeiture of bail, the payment of a fine or court cost, a violation of a condition of release without bail, and a deferred sentence;
- Prohibiting deferred judgements and diversion programs.

Limits a commercial instruction permit to one year. Requires a court to notify the department of revenue of a conviction related to a commercial driver's license within 5 days of conviction.

APPROVED by Governor April 17, 2008

EFFECTIVE July 1, 2008

H.B. 08-1136 Registration and titling - stolen vehicles - electronic verification. Effective July 1, 2009, when a person applies to register or title a motor vehicle, requires the department of revenue to electronically verify with the department of public safety that the motor vehicle has not been reported stolen. Exempts the department from paying the fee for using the motor vehicle verification system. Instructs the department of revenue to promulgate rules establishing procedures for notifying the local law enforcement agency when a person attempts to register or title a stolen motor vehicle.

APPROVED by Governor May 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1151 Registration - special license plates - boy scouts. Creates the boy scouts centennial special license plate to be issued for 2 years for motor vehicles that do not exceed 16,000 pounds. Authorizes issuance of the special license plates to persons who pay the appropriate fees.

Authorizes the issuance of military special license plates for motor vehicles owned by a trust if the beneficiary is qualified to receive the license plates. Clarifies that a trust and an estate are a person for the purposes of the motor vehicle statutes.

APPROVED by Governor June 5, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1166 Driver's license - administrative revocations - DUI. Repeals and reenacts, with amendments, the statute authorizing the department of revenue to revoke a person's driver's license due to the presence of alcohol or drugs in the person's system or the person's

refusal to take a test to determine whether there is alcohol or drugs in the person's system. Relocates definitions relating to drug- and alcohol-related offenses.

APPROVED by Governor March 31, 2008

EFFECTIVE July 1, 2008

H.B. 08-1175 Registration - special license plates - United States Army fourth infantry division - appropriation. Creates a United States Army fourth infantry division special license plate for motor vehicles that do not exceed 16,000 pounds. Requires applicants to pay the appropriate fees.

Appropriates, from the license plate cash fund to the department of revenue, for allocation to driver and vehicle services, license plate ordering, the sum of \$5,360 for implementation of the act. Also appropriates, from the licensing services cash fund to the department of revenue, for allocation to driver and vehicle services, the sum of \$25,000 for implementation of the act.

APPROVED by Governor May 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1194 Alcohol-related offenses - revocations - restricted licenses - high-visibility drunk driving law enforcement episodes - appropriation. Effective January 1, 2009, extends the length of time that a person's driver's license is revoked or suspended due to certain alcohol- or drug-related offenses to 9 months for a first offense and to 2 years for a third or subsequent offense.

Effective January 1, 2009, authorizes a person whose driver's license has been revoked for a first-time alcohol-related offense:

- To seek a restricted license requiring the use of an ignition interlock device after the person's license has been revoked for at least 1 month; and
- To be eligible for an unrestricted license if no possible violations are identified for 4 consecutive monthly reporting periods.

Provides that a person who obtains a restricted license prior to a hearing on the merits of any driving restraint waives the person's right to the hearing.

Effective September 1, 2008, increases the reinstatement fee following the revocation or suspension of driving privileges. Specifies that the increased fee be transferred to the first time drunk driving offender account created in the highway users tax fund to be used to pay for the costs of the act and an ignition interlock device for a person who cannot afford the device and to increase the number of high-visibility drunk driving law enforcement episodes.

Requires the department of transportation to include as a priority within the strategic transportation project investment program an increase in the number of episodes of high-visibility drunk driving law enforcement to 12 each year. Specifies that the episodes shall be independent of the drunk driving prevention and law enforcement program.

Makes a 5-year statutory appropriation to pay for the anticipated costs of housing

inmates convicted of drunk-driving felonies. Appropriates from the first time drunk driving offender account \$2,000,000 to the department of transportation for increasing the number of high visibility drunk driving law enforcement episodes and \$614,500 to the department of revenue for the administrative costs incurred in implementing the act and for ignition interlock devices for first-time offenders who are unable to pay for the device.

APPROVED by Governor May 14, 2008

PORTIONS EFFECTIVE July 1, 2008
PORTIONS EFFECTIVE January 1, 2009

H.B. 08-1209 Registration - license plates - validating tabs or stickers. Requires the owner of a registered motor vehicle to place validating tabs or stickers on the lower left and right corners of the rear license plate. Authorizes the department of revenue to promulgate rules requiring the destruction of license plates. Requires the department, an authorized agent, or a person who receives license plates in the course of business to destroy the plate in accordance with such rules.

APPROVED by Governor April 7, 2008

EFFECTIVE July 1, 2008

H.B. 08-1257 Overweight vehicles - divisible load permits - appropriation. Authorizes permits to operate a motor vehicle with an overweight, divisible load if the vehicle has a quad axle grouping, the gross vehicle weight does not exceed 110,000 pounds, and the owner and operator comply with the federal "Motor Carrier Safety Improvement Act of 1999" and rules governing the distribution of weight in axles.

Imposes the following overweight permit fees for divisible loads:

- \$500 per vehicle for an annual permit;
- \$30 per vehicle, plus \$10 per axle, for a single trip permit; and
- \$2,000, plus \$35 per vehicle, for an annual fleet permit.

Doubles the fines for overweight and oversize vehicle loads under a permit issued for a divisible load.

Appropriates \$10,890 to the department of law for the provision of legal services to the Colorado department of transportation for the implementation of the act.

APPROVED by Governor June 3, 2008

EFFECTIVE June 3, 2008

H.B. 08-1339 Equipment - school buses. Replaces current statutory equipment standards for a school bus with the current federal regulation.

APPROVED by Governor April 10, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

NATURAL RESOURCES

S.B. 08-35 Wildlife - hunting and taking wildlife - game management programs. Directs the wildlife commission to work towards establishing at least 2 types of game management programs, based upon specified criteria, to issue hunting licenses to meet game management objectives.

APPROVED by Governor April 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-52 State park and recreation area passes - duration - subscription renewal rules. Allows the board of parks and outdoor recreation to adopt rules establishing a subscription program for renewal of annual state park and recreation area passes. Modifies the duration of the aspen leaf and columbine annual state park and recreation area passes issued by the division of parks and outdoor recreation in the department of natural resources. Specifies that if an aspen leaf pass holder uses a vehicle in a park area, the vehicle must have a current valid registration issued by the department of revenue and the pass holder must be present in the vehicle.

APPROVED by Governor April 10, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-69 Wildlife - hunting and taking game - willful destruction of wildlife. Establishes the level of culpability for the illegal selling or purchasing of wildlife to be the knowing sale or purchase of wildlife. Establishes the level of culpability for the illegal willful destruction of wildlife to be intentional.

APPROVED by Governor April 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-108 Division of wildlife licenses - free for resident purple heart recipients. Entitles Colorado residents who have been awarded a purple heart for service in the United States armed forces to receive a lifetime resident combination small game hunting and fishing license from the division of wildlife, free of charge.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-159 Water vessels - safety - DUI offenses - lower limit. Lowers the blood alcohol limit at which a person operating a vessel is deemed to be under the influence from a blood alcohol content of 0.10 to 0.08. Extends the scope of the law relating to the operation of a vessel while under the influence of intoxicating substances from motorboats and sailboats to all vessels.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-168 Species conservation - appropriations - transfers from severance tax trust fund operational account. Appropriates moneys from the species conservation trust fund (trust fund) for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

Increases the transfer for fiscal year 2008-09 from the operational account of the severance tax trust fund to the capital account of the trust fund from \$6 million to \$8,631,943. Increases the transfer for the state fiscal year beginning July 1, 2008, from the operational account of the severance tax trust fund to the operation and maintenance account of the trust fund from \$1 million to \$4,631,943.

Transfers \$917,000 from the capital account of the trust fund to the operation and maintenance account of the trust fund that was previously approved for expenditure in connection with the Platte River Three State Cooperative Agreement. Authorizes the expenditure of \$500,000 in fiscal year 2009-10 from the trust fund for acquiring water for instream flows necessary to preserve or improve the natural environment to a reasonable degree for species of concern.

Makes certain provisions contingent on House Bill 08-1398 being enacted and becoming law.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

NOTE: House Bill 08-1398 was signed by the governor June 2, 2008.

S.B. 08-169 Mined land reclamation - permit fees - in situ uranium mining - permit amendments - permit revisions - appropriation. Establishes permit application and amendment fees for in situ uranium mining analogous to such fees for oil shale. Specifies that the fees, including for oil shale, are applicable to revisions to permits other than amendments. Adds a permit amendment fee for limited impact mining operations.

Appropriates \$32,460 to the department of natural resources for the implementation of the act, of which \$15,743 is allocated to the division of reclamation mining and safety, \$4,934 is allocated to the division of wildlife, \$7,855 is allocated to the division of water

resources, and \$3,928 is allocated to the Colorado geological survey.

APPROVED by Governor May 29, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-202 Oil and gas operations - notification of surface development - Colorado oil and gas conservation commission - jurisdiction - special districts. Specifies that nothing in the notification of surface development statute limits the Colorado oil and gas conservation commission's authority to regulate oil and gas operations, including drilling windows. Limits metropolitan districts' power to finance the payment of incremental directional drilling costs to oil and gas wells drilled within the greater Wattenberg area.

APPROVED by Governor May 22, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-218 Federal mineral lease revenues - allocation - appropriation. Beginning July 1, 2008, modifies the allocation of federal mineral lease (FML) revenues, other than FML revenues generated by oil shale production on oil shale lands that current law segregates from other FML revenues, as follows:

- Segregates the portion of FML revenues attributable to bonus payments from other FML revenues, and requires 50% of the bonus payment revenues to be transferred to a newly created local government permanent fund (permanent fund) and 50% of the bonus payment revenues to be transferred to a newly created higher education maintenance and reserve fund (maintenance and reserve fund).
- For any fiscal year in which the total amount of FML revenues received by the state declines by at least 10%, allows the general assembly to appropriate and the executive director of the department of local affairs (DOLA) to make formula-based direct distributions of permanent fund moneys to counties and municipalities to the extent necessary to prevent any reduction from the prior fiscal year in the amount of formula-based direct distributions of FML revenues to counties and municipalities.
- Allows the general assembly to annually appropriate investment earnings of the maintenance and reserve fund for controlled maintenance projects of state-supported institutions of higher education, but only allows use of fund principal to mitigate reductions in general fund appropriations for operating expenses of state-supported institutions of higher education necessitated by a general fund revenue shortfall.
- For the 2008-09, 2009-10, and 2010-11 fiscal years, requires the lesser of 48.3% of the FML revenues, other than bonus payments, or \$65,000,000 of such revenues to be transferred to the state public school fund.
- For the 2011-12 fiscal year or during any succeeding fiscal year, requires the lesser of 48.3% of the FML revenues, other than bonus payments, or \$65,000,000 multiplied by 104% per year to be transferred to the state public school fund.

- For the 2008-09 fiscal year, requires the lesser of 10% of the FML revenues, other than bonus payments, or \$14,000,000 to be paid into the Colorado water conservation board construction fund.
- For the 2009-10 fiscal year or during any succeeding fiscal year, requires the lesser of 10% of the FML revenues, other than bonus payments, or \$14,000,000 multiplied by 104% per year to be paid into the Colorado water conservation board construction fund.
- Requires 40% of the FML revenues, other than bonus payments, to be credited to the local government mineral impact fund, requires the executive director of DOLA to distribute 50% of the revenues so credited as mineral impact grants in a manner that gives priority to those communities most substantially and directly impacted by energy production on federal mineral lands and to multi-jurisdictional and large projects, and requires the executive director of DOLA to make formula-based direct distributions of 50% of the revenues so credited to counties and municipalities.
- For the 2008-09 fiscal year, requires the lesser of an additional 1.7% of the FML revenues, other than bonus payments, or \$3,300,000 to be credited to the local government mineral impact fund and distributed directly by the executive director of DOLA to each school district within a county that receives formula-based direct distributions of FML revenues on the basis of both the formula used to make direct distributions to counties and the percentage of the total funded pupil count of all school districts within the county attributable to the district's funded pupil count.
- For the 2009-10 fiscal year and for each succeeding fiscal year, requires the lesser of an additional 1.7% of the FML revenues, other than bonus payments, or \$3,300,000 multiplied by 104% per year to be credited to the local government mineral impact fund and distributed directly by the executive director of DOLA to each school district within a county that receives formula-based direct distributions of FML revenues on the basis of both the formula used to make direct distributions to counties and the percentage of the total funded pupil count of all school districts within the county attributable to the district's funded pupil count.
- Requires the lesser of all FML revenues, other than bonus payments, in excess of the amounts credited to the local government mineral impact fund for distribution to counties, municipalities, and school districts, transferred to the state public school fund, or paid into the Colorado water conservation board construction fund or the first \$50,000,000 of such revenues to be transferred to a newly created higher education federal mineral lease revenues fund (revenues fund). Requires any remaining FML revenues to be transferred to the maintenance and reserve fund.
- Allows the general assembly to appropriate moneys in the revenues fund to directly pay for or pay the costs of financing capital construction projects at state-supported institutions of higher education that are included on a specified prioritized list of such projects approved pursuant to a joint resolution of the general assembly, and also allows the general assembly to appropriate such moneys to the department of education for distribution by the department, or any board or division within the department that the department may designate, to school districts for capital construction projects at area vocational schools. Requires priority consideration to be given to projects located in communities that are substantially impacted by energy production or conversion activities.

Appropriates \$16,292 and 0.3 FTE to DOLA, division of local government, for the

implementation of the act. Adjusts appropriations for the 2008-09 fiscal year for the implementation of the act.

APPROVED by Governor June 4, 2008

EFFECTIVE June 4, 2008

S.B. 08-226 Aquatic nuisance species - prohibition - detection - inspection of conveyances - monitoring waters of the state - violations - funds created - appropriation. Prohibits the introduction of aquatic nuisance species in Colorado. Establishes aquatic nuisance species laws to be administered by the division of parks and outdoor recreation and the division of wildlife (divisions). Allows the divisions and peace officers to inspect motor vehicles and watercraft and any associated trailers or equipment (conveyances) upon reasonable belief that an aquatic nuisance species is present. Empowers the divisions and peace officers to impound, quarantine, and decontaminate conveyances.

Requires persons who are aware of or suspect the presence of aquatic nuisance species to report such knowledge or belief to the divisions. Sets the following penalties for knowingly or willfully violating the act:

- For the first violation, the offender commits a class 2 petty offense and is subject to a \$150 fine and a warning letter of increased penalties for subsequent violations;
- For a second violation, the offender is guilty of a misdemeanor and subject to a \$1000 fine; and
- For the third and all subsequent offenses, a person is guilty of a class 2 misdemeanor.

Directs the board of parks and outdoor recreation to promulgate rules to implement the act. Requires the divisions, in cooperation with other specified state entities, to formulate a statewide plan to address aquatic nuisance species. Mandates annual reports from the divisions and the Colorado water conservation board to the agriculture committees of the general assembly.

Creates the division of parks and outdoor recreation aquatic nuisance species fund and the division of wildlife aquatic nuisance species fund in the state treasury. States that, in expending the moneys in each fund, priority shall be given to containment and eradication of aquatic nuisance species in the waters of the state in which aquatic nuisance species have been detected and prevention of introduction of aquatic nuisance species to areas determined to be most vulnerable to such an introduction.

Directs the state treasurer to make the following contingent transfers:

- Transfers \$5,956,636 from the operational account of the severance tax trust fund in the following manner: \$3,289,392 to the division of parks and outdoor recreation aquatic nuisance species fund and \$2,667,244 to the division of wildlife aquatic nuisance species fund. States that such transfer shall not take effect if House Bill 08-1398 becomes law.
- For the fiscal year beginning July 1, 2008, transfers \$5,956,636 from the operational account of the severance tax trust fund in the following manner: \$3,289,392 to the division of parks and outdoor recreation aquatic nuisance species fund and \$2,667,244 to the division of wildlife aquatic nuisance species fund. For the fiscal year beginning July 1, 2009, and every state fiscal

year thereafter, transfers \$4,006,005 in the following manner: \$2,701,641 to the division of parks and outdoor recreation aquatic nuisance species fund and \$1,304,544 to the division of wildlife aquatic nuisance species fund. Conditions such transfers on House Bill 08-1398 becoming law.

- Reduces the moneys scheduled to be transferred from the operational account of the severance tax trust fund on July 1, 2008, to the capital account of the species conservation trust fund to \$256,943 and the moneys scheduled to be transferred to the operation and maintenance account of the species conservation trust fund to \$256,943. States that such reductions shall occur only if both House Bill 08-1398 and Senate Bill 08-168 become law.

For the fiscal year beginning July 1, 2008, appropriates \$3,289,392 and 7.0 FTE from the division of parks and outdoor recreation aquatic nuisance species fund to the department of natural resources for allocation to the division of parks and outdoor recreation for implementation of the act. For the fiscal year beginning July 1, 2008, appropriates \$3,917,244 from the division of wildlife aquatic nuisance species fund to the department of natural resources for allocation to the division wildlife for implementation of the act. Clarifies that any moneys earmarked for the conservation species trust fund that are declined for the purpose of funding appropriations necessary for the implementation of the act shall be used for mitigating the effects of aquatic nuisance species on threatened and endangered species protected by the species conservation trust fund.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

NOTE: Senate Bill 08-168 was signed by the governor May 29, 2008. House Bill 08-1398 was signed by the governor June 2, 2008.

S.B. 08-228 Mined land reclamation - prospecting notice - confidentiality - public notice. Specifies that all information provided to the mined land reclamation board in a notice of intent to conduct prospecting, or a modification of such notice, is a matter of public record subject to the open records act with the exception of information relating to the location, size, or nature of the mineral deposit and, as determined by the board, other information designated by the operator as proprietary or trade secrets or that would cause substantial harm to the competitive position of the operator. Requires that information designated as exempt remain confidential until a final determination by the board. Requires the person filing such a notice or modification to give an electronic version of the notice or modification, except for that information exempted from public disclosure, to the board in a format determined by the board. Requires the board to promulgate rules implementing the confidentiality requirements and to consider the timing of the disclosure of the operator's identity. Requires the division of reclamation mining and safety to post the electronic version of the notice or modification on its web site.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1069 Federal public lands - motor vehicle travel restrictions - enforcement by state peace officers. Prohibits a person from operating a motor vehicle on any federal public land, trail, or road unless the land, trail, or road is signed or otherwise authorized for such use by the controlling land management agency. Makes violation of the prohibition a misdemeanor and establishes a fine of \$100, and, if the person was engaged in hunting, fishing, trapping, or a related activity, a penalty of 10 hunting license suspension points. If the violation takes

place in a federal wilderness area, establishes a fine of \$200, and, if the person was engaged in hunting, fishing, trapping, or a related activity, a penalty of 15 hunting license suspension points. Specifies that the unauthorized removal, defacing, or destruction of a federal motor vehicle travel authorization sign installed by the controlling land management agency, or the unauthorized installation of such a motor vehicle travel authorization sign, is a misdemeanor punishable by a fine of \$100, and, if the person was engaged in hunting, fishing, or trapping, or a related activity, a penalty of 5 hunting license suspension points.

Allows state peace officers to enforce the prohibition. Exempts from the prohibition a peace officer in the performance of his or her official duties, a person acting at the direction of a peace officer, or a person otherwise authorized to operate a motor vehicle on the public land, trail, or road by legal right or by permission of the controlling land management agency.

Requires the director of the division of wildlife in the department of natural resources to prepare an annual report to the members of the senate committee on agriculture, natural resources, and energy and the house committee on agriculture, livestock, and natural resources, or their successors, concerning the number of citations issued, the number of final convictions for violations, and the status of controlling land management agencies' efforts to notify the public of travel restrictions. Repeals the law on July 1, 2013.

APPROVED by Governor March 20, 2008

EFFECTIVE July 1, 2008

H.B. 08-1161 Mined land reclamation - in situ leach mining - permit requirements - protection of ground water quality - appropriation. Defines "in situ leach mining" as the in situ leach mining of uranium. Requires the reclamation of lands affected by in situ leach mining. Specifies that uranium mining is a type of designated mining operation. Requires all in situ leach mining to restore all affected ground water to its premining quality for all water quality parameters that are specifically identified in the baseline site characterization or in the water quality control commission's regulations. Requires applicants for in situ leach mining permits to notify the owners of record of lands within 3 miles of the affected land and to describe in their application at least 5 similar mining operations that did not result in ground water contamination and the applicants' compliance history.

In the case of in situ leach mining, requires the mined land reclamation board (board) to:

- Require the restoration of ground water to begin immediately upon any cessation of extraction or production or the detection of contaminated ground water outside of the affected land.
- Require, as a condition of permit issuance, that the applicant for an in situ leach mining operation pay for an initial site characterization and ongoing monitoring of the affected land and affected surface and ground water;
- Deny a permit if the applicant fails to demonstrate that reclamation will be accomplished; and
- Act on permit applications within 240 days.

Authorizes the board to deny a permit:

- Based on scientific or technical uncertainty about the feasibility of reclamation;
- If the existing or reasonably foreseeable potential future uses of the affected ground water include domestic or agricultural uses and the mining will adversely affect the suitability of the ground water for such uses;

- If the applicant has previously violated the reclamation laws and any violation remains unabated; or
- If the applicant has demonstrated a pattern of willful violations of environmental protection requirements.

Requires notification to the office of mined land reclamation of any failure or imminent failure of certain listed mining structures within 24 hours after such failure or the discovery of an imminent failure. Expands the list of such mining structures.

Appropriates \$42,540 to the department of natural resources for the implementation of the act, of which \$14,406 is reappropriated to the department of law.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

H.B. 08-1200 Hunting - computer-assisted remote hunting - prohibitions - scope. Prohibits participation in computer-assisted remote hunting. Makes unlawful the establishment and operation of computer-assisted remote hunting facilities. Establishes penalties for violations and excludes persons who provide general computer and internet programs and general-purpose equipment. Specifies that the division of wildlife may still establish a special license program for mobility-impaired hunters and make reasonable accommodations pursuant to the federal "Americans with Disabilities Act of 1990".

APPROVED by Governor April 3, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1304 Wildlife - bald eagles - illegal hunting, taking, or possessing. Imposes a fine of \$1,000 to \$100,000, up to one year imprisonment, and 20 hunting license assessment points for illegally hunting, taking, or possessing a bald eagle. Clarifies that a person who possess a federal permit to possess all or part of a bald eagle is not illegally possessing a bald eagle.

APPROVED by Governor April 3, 2008

EFFECTIVE July 1, 2008

H.B. 08-1379 Colorado oil and gas conservation commission - rules - promulgation deadline extension. Extends the deadline for the Colorado oil and gas conservation commission to promulgate rules concerning a consultation process with the department of public health and environment and the division of wildlife until July 16, 2008.

APPROVED by Governor May 21, 2008

EFFECTIVE May 21, 2008

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 08-100 Adult guardianship proceedings - jurisdiction between states - uniform law. Enacts the "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act". Specifies the jurisdictional rules and the rules relating to cooperation and communication between courts of different states.

APPROVED by Governor May 14, 2008

EFFECTIVE May 14, 2008

H.B. 08-1153 Colorado probate code - oversight of fiduciaries. Adds a new part to the Colorado probate code concerning oversight of fiduciaries in decedents' estates, guardianships and conservatorships, and trusts.

APPROVED by Governor April 17, 2008

EFFECTIVE July 1, 2008

H.B. 08-1173 Prudent management of institutional funds - uniform law. Replaces the "Uniform Management of Institutional Funds Act" with the "Uniform Prudent Management of Institutional Funds Act", drafted by the national conference of commissioners on uniform state laws. Excludes funds held by the public employees' retirement association and funds held by a school district retirement system from the act. Establishes the same standards for managing and investing institutional funds regardless of whether a charitable organization is organized as a trust, a nonprofit corporation, or some other entity. Imposes additional duties on those who manage and invest charitable funds to provide additional protections for charities and also protects the interests of donors who want to see their contributions used wisely. Establishes stricter guidelines on spending from endowment funds. Updates the provisions governing the release and modification of restrictions on charitable funds to permit more efficient management of these funds. Authorizes a court to modify the purposes to which a hospital foundation's funds are dedicated if the foundation proves that continued dedication of the funds to the purposes originally specified is impractical or wasteful. Directs the revisor of statutes to publish, as nonstatutory matter, the official comments to the uniform act.

APPROVED by Governor April 21, 2008

EFFECTIVE April 21, 2008

PROFESSIONS AND OCCUPATIONS

S.B. 08-27 Limited gaming - licenses - slot machines - transfers among licensees. In statutes regulating the conduct of limited gaming, extends the license period for a slot machine manufacturer or distributor license, an operator license, and a retail gaming license from one year to 2 years. Prohibits a licensed operator or retailer from transferring slot machines to anyone other than a licensed slot machine manufacturer or distributor.

APPROVED by Governor April 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-29 Architects - continuing education - continuing professional competency. Requires the state board of licensure for architects, professional engineers, and professional land surveyors (state board) to adopt rules by December 31, 2008, establishing requirements for continuing education for architects as a condition of license renewal on or after July 1, 2009.

Requires architects, after issuance of a license, to maintain continuing professional competency to practice architecture and requires the state board to adopt rules to establish a continuing professional competency program. Allows the program to include the continuing education requirements set forth in previously-adopted rules. Once the continuing professional competency program is established, requires an architect to satisfy the requirements of the program in order to renew a license to practice architecture in the state.

APPROVED by Governor May 27, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-82 Sale of alcohol beverages on Sundays. Effective July 1, 2008, eliminates the prohibition against the retail sale, service, or distribution of malt, vinous, and spirituous liquors in sealed containers on Sundays.

APPROVED by Governor April 14, 2008

EFFECTIVE July 1, 2008

S.B. 08-151 Motor vehicles - dealers, auctioneers, and wholesalers - licensing - education requirements. Requires an applicant for a used powersports vehicle dealer's license, a used motor vehicle dealer's license, a wholesale motor vehicle auction dealer's license, or a wholesaler's license to have the applicant's principal attend a prelicensing education program. Sets standards for the program. Exempts people who have held the appropriate license within the last 3 years.

Requires that program providers be approved by the motor vehicle dealer board. Requires program providers to transmit the certificate of completion to the executive director of the department of revenue. Authorizes the board to promulgate rules to implement the act,

including setting fees for the program.

APPROVED by Governor April 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-152 Occupational therapists - registration required - disciplinary action - judicial review - rules - repeal - appropriation. Creates the "Occupational Therapy Practice Act" (act). Requires an occupational therapist to register with the director of the division of registrations in the department of regulatory agencies (director) before engaging in the practice of occupational therapy or representing himself or herself as an occupational therapist. Specifies the criteria for registration. Authorizes the director to establish a schedule of renewal dates, and requires renewal of the registration in accordance with that schedule. Allows the director to set fees for the issuance of a new, renewed, or reinstated registration. Sets standards for the supervision of occupational therapy assistants by occupational therapists.

Establishes exceptions to the applicability of the act to specified persons. Sets forth grounds for disciplinary actions by the director and the types of disciplinary actions that may be taken, including denial, refusal to renew, suspension, or revocation of a registration or issuance of a cease-and-desist order. Specifies the procedure for investigating and disciplining an occupational therapist and for judicial review of a disciplinary action by the director. Sets forth conduct or actions that constitute a violation of the act and the criminal penalties for such conduct or actions.

Requires the director to promulgate rules. Sunsets the regulation of occupational therapists on July 1, 2013. Applies the act to the registration of occupational therapists on or after January 1, 2009.

Appropriates \$10,805 to the department of regulatory agencies for allocation to the executive director's office and reappropriates that amount to the department of law for implementation of the act. Appropriates \$96,311 and 1.2 FTE to the department of regulatory agencies for allocation to the division of registrations for implementation of the act.

APPROVED by Governor May 14, 2008

EFFECTIVE July 1, 2008

S.B. 08-176 Racing - license requirements - number of live racing days - percentage of gross receipts retained - transitional provisions - dates of transition. In the statutes providing for the regulation of horse and greyhound racing by the department of revenue, continues certain provisions relating to the number of live racing days and percentage of gross receipts retained, which provisions were originally adopted in 1996 and scheduled to self-repeal on or about April 20, 2008, for an additional two years.

APPROVED by Governor April 17, 2008

EFFECTIVE April 17, 2008

S.B. 08-188 Professional direct care nursing practice pilot program - study design to develop program - fund - appropriation. Creates the pilot program implementation committee (committee) for the purpose of developing and implementing a pilot program (program) for hospitals and their direct-care nurses to model professional nursing practice involvement in

the decision-making processes for staffing issues of importance to nursing that are related to patient care and nursing work environments.

Requires the committee, within 6 months after confirmation of sufficient funding, to develop the program and to complete the program within 18 months after the committee completes a study design.

Requires the committee to hire a project administrator to handle all aspects of the committee and the reporting.

Creates a fund to accept general fund moneys and gifts, grants, and donations to fund the committee and the program. Authorizes the committee to seek and accept gifts, grants, and donations for implementing and administering the program. Requires the committee to certify that there are sufficient funds available prior to the implementation of the program.

Repeals the committee and the program, effective July 1, 2011.

Appropriates \$67,400 from the general fund to the department of regulatory agencies for allocation to the division of registrations for implementation of the act and reduced the general fund transfer to the controlled maintenance trust fund by a corresponding amount.

APPROVED by Governor May 6, 2008

EFFECTIVE May 6, 2008

S.B. 08-219 Massage therapists - registration - requirements - exceptions - use of titles restricted - discipline - mental and physical examinations - unauthorized practice - penalties - rules - authority of local law enforcement to inspect registrations - repeal under sunset law - appropriation. Enacts the "Massage Therapy Practice Act" (act), requiring persons who practice massage therapy in Colorado to possess a valid registration issued by the director of the division of registrations (director) in the department of regulatory agencies. Sets criteria for registration and reciprocal registration. Requires all applicants to submit an application, pay a fee, and undergo a criminal history background check. Requires massage therapists to carry professional liability insurance.

Exempts certain practices from the scope of massage therapy. Exempts the following from the registration requirement:

- Students at an approved massage therapy school and under the immediate supervision of an instructor;
- Persons employed by a federal governmental entity while acting in the scope of such employment;
- Persons temporarily in Colorado under specified circumstances;
- Persons rendering massage therapy to a family member; and
- Persons using alternative methods that employ contact.

Establishes grounds for discipline and the types of disciplinary actions that may be taken. Criminalizes the unauthorized practice or attempted practice of massage therapy.

Sets forth the manner in which the director may commence disciplinary proceedings or seek injunctive relief. Directs the director to promulgate rules to administer the act. Specifies that the director shall set registration schedules and fees. Under certain circumstances, allows the director to require a registrant to undergo a mental or physical examination.

Prohibits local governments from regulating the practice of massage therapy.

Specifies that local law enforcement entities shall have the authority to inspect registrations for validity. Clarifies that nothing in the act shall be construed to preclude prosecutions for criminal acts.

Repeals the registration of massage therapists on September 1, 2018, pursuant to the provisions of the sunset law. Makes the act applicable to the practice of massage therapy on and after April 1, 2009.

Makes the following appropriations:

- Appropriates \$18,008 from the division of registrations cash fund to the department of regulatory agencies for allocation to the executive director's office for legal services and reappropriates that amount, and 0.2 FTE, to the department of law.
- Appropriates \$254,583 and 3.5 FTE from the division of registrations cash fund to the department of regulatory agencies for allocation to the division of registrations for implementation of the act.
- Appropriates \$243,768 from application processing fees collected by the division of registrations to the department of regulatory agencies for pass through to governmental entities conducting criminal history background checks related to the act. Out of said appropriation, reappropriates moneys in the following manner for processing fingerprint-based criminal history background checks of massage therapy registration applicants: \$131,643 and 1.2 FTE to the department of public safety, for allocation to the Colorado bureau of investigation, and \$112,125 to the federal bureau of investigation.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

S.B. 08-242 Pharmaceuticals - prescription drug pedigree - authorized distributor of record. Includes the first authorized distributor of record in the chain of distribution for the purpose of a prescription drug pedigree.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

H.B. 08-1040 Addiction counselors - relocation of regulatory scheme with other mental health professionals - direct reimbursement by health plans - immunity under "Volunteer Service Act". Relocates, within the article regulating other mental health professionals, and reorganizes statutory provisions concerning the regulation of addiction counselors by the director of the division of registrations in the department of regulatory agencies (director), and retains the current regulatory scheme for addiction counselors. Repeals the regulation of addiction counselors by the director pursuant to the sunset law on July 1, 2011.

Adds licensed addiction counselors to the list of providers who may not be denied reimbursement under a health insurance policy or contract that allows for reimbursement of services lawfully provided by a licensed provider. Adds licensed or certified addiction counselors to the list of volunteers who are immune from liability under the "Volunteer Service Act". Specifies that a licensed addiction counselor, like a licensed professional counselor who specializes in alcohol addiction, may sign an affidavit on behalf of a concealed weapons applicant, stating that the applicant has been evaluated by the counselor and has been determined to be a recovering alcoholic who has refrained from using alcohol

for at least 3 years.

APPROVED by Governor April 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1042 Veterinarians - unauthorized practice - exemptions - massage services. Exempts from the "Colorado Veterinary Practice Act" persons who perform massage on animals, so long as such persons:

- Have earned a degree or certificate in animal massage from a state-approved or accredited school; and
- Do not prescribe drugs, perform surgery, or diagnose medical conditions.

APPROVED by Governor April 3, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1061 Advanced practice nurses - signature authority. Allows an advanced practice nurse to sign affidavits, certifications, and other similar documents that document a patient's health status in certain situations, if the signing of the documents fit within the scope of practice of an advanced practice nurse and within the advanced practice nurse-patient relationship.

APPROVED by Governor March 20, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1075 Ambulatory surgical centers - formation of professional review committees. Authorizes the medical staff of an ambulatory surgical center to establish a professional review committee to review and evaluate the quality and appropriateness of patient care provided by, and the professional conduct of a physician providing patient care at, the ambulatory surgical center.

APPROVED by Governor April 1, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1105 Alcohol beverages - permits - art galleries - appropriation. Allows an art gallery to obtain a permit to serve, but not sell, alcohol beverages on the premises of the art gallery. Sets standards for the issuance of a permit. Imposes fees for the issuance of a permit. Prohibits an art gallery permit holder from holding other certain types of alcohol licenses and from serving more than 250 people at one time.

Appropriates, from the liquor enforcement division and state licensing authority cash fund, to the department of revenue, for allocation to the liquor enforcement division, personal

services, the sum of \$1,660 for the implementation of the act.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

H.B. 08-1113 Limited gaming - licenses - approval of floor plans - removal of obsolete provisions. Makes nonsubstantive changes to the limited gaming statutes to clarify definitions and disciplinary standards, remove redundant language, and correct cross-references. Eliminates the current 6-month limitation on the duration of temporary or conditional licenses and on license suspensions. Allows the director of the division of gaming to delegate responsibility to review proposed changes in the floor plans of operating casinos.

For persons having specified relationships to slot machine manufacturers or distributors, operators, retailers, key employees, support licensees, and persons contracting with the commission or division, adds a requirement that the person has not served a sentence upon conviction of certain felonies in specified types of jails or correctional facilities.

APPROVED by Governor April 21, 2008

EFFECTIVE July 1, 2008

H.B. 08-1134 Ownership of dental or dental hygiene practice - temporary ownership upon death of dentist or dental hygienist. Specifies that only a licensed dentist or dental hygienist may be the proprietor of a dental or dental hygiene practice. Allows an exception to this proprietorship limitation for a nonprofit organization that is a community health center or 50% of whose patients are low income or for a political subdivision of the state, as long as the ownership by the nonprofit organization or political subdivision does not affect the exercise of independent judgment by the dentist or dental hygienist providing care to patients on behalf of the organization or political subdivision.

Requires the name, license number, ownership percentage, and other information required by the state board of dental examiners (state board) relating to the proprietors of a dental or dental hygiene practice, including an unlicensed heir who is a temporary proprietor of the practice, to be available at the reception desk of the practice during normal hours of operation of the practice and provided to any person requesting such information.

Allows an heir of a dentist or dental hygienist who, at the time of death, was the proprietor of a dental or dental hygiene practice and was actively engaged in the practice of dentistry or dental hygiene, as appropriate, to serve as a temporary proprietor of the practice for up to one year or, upon good cause shown, for up to an additional 12 months if allowed by the state board. When an unlicensed heir serves as a proprietor of a dental or dental hygiene practice, requires all dental care to be provided only by a licensed dentist or dental hygienist, and preserves the dentist's or dental hygienist's right to exercise his or her independent professional judgment.

APPROVED by Governor March 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1170 Electricians - licensing and apprenticeship - continuing competency - renewable power sources - appropriation. Requires a person who starts an electrician apprenticeship on or after July 1, 2010, to be registered in a United States department of

labor bureau of apprenticeship and training certified program.

Requires an applicant for a master electrician's license to have held a Colorado journeyman electrician's license for one year prior to applying to be licensed as a master electrician. If an application for a master electrician license is rejected, requires the board to notify the applicant of the reason the application was rejected. Establishes a continuing competency program for licensees.

Specifies that an electrician's license is required for work on electrical equipment powered by solar and other renewable sources.

Appropriates, from the division of registrations cash fund to the department of regulatory agencies, for allocation to the executive director's office, for legal services, the sum of \$10,805 for implementation of the act. Appropriates such sum to the department of law, for the provision of legal services, to the department of regulatory agencies.

Appropriates, from the division of registrations cash fund to the division of registrations, for regulation of electricians, the sum of \$40,382 for implementation of the act.

VETOED by Governor June 5, 2008

H.B. 08-1212 Real estate professionals - continuation under sunset law - service of process - salesperson deregulation - education courses - commission membership - licensure by endorsement - disciplinary grounds - name-based criminal history record checks. Extends the automatic termination date of the real estate commission and the regulation of brokers' commissions, subdividers, and preowned housing home warranty service contracts to July 1, 2017, pursuant to the provisions of the sunset law. Authorizes service of process on real estate brokers by mail rather than upon the secretary of state. Repeals the licensure of real estate salespersons. Adds 4 hours of content to the required annual commission update course, and requires the commission to approve all other continuing education courses. Replaces the member of the commission who was required to be a subdivision developer with a member of the general public. Eliminates the reciprocity requirement from the statute authorizing a license by endorsement of another state. Expands the grounds for discipline. Authorizes name-based criminal history record checks when a candidate's fingerprints are unclassifiable. Specifies that the director of the division of real estate, not the executive director of the department of regulatory agencies, hires the division's employees.

APPROVED by Governor April 17, 2008

EFFECTIVE April 17, 2008

H.B. 08-1226 Practice of accountancy - C.P.A.s from another state - foreign business entities - limitations and conditions - board rules - fee exemption - appropriation. Allows a certified public accountant (C.P.A.) or registered public accountant whose principal place of business is located in another state or jurisdiction of the United States, or a foreign partnership, corporation, or limited liability company, to engage in the practice of accountancy in Colorado and to refer to themselves as C.P.A.s without first obtaining permission from or registering with the state board of accountancy (board). Requires practice by such accountants or entities to conform with board rules.

States that as a condition of practicing in this state, a C.P.A. from another state or jurisdiction of the United States and his or her employing firm consent:

- To be subject to the jurisdiction and disciplinary authority of the board;
- To comply with statutory and administrative requirements for such practice;
- That if the C.P.A.'s certificate, license, or registration from another state or jurisdiction becomes invalid, the C.P.A. will cease to offer or render professional services in this state;
- To appoint the state board or agency that issued the C.P.A.'s certificate, license, or registration as the agent for service of process in any action brought by the board against the C.P.A.

Allows the board to recover its reasonable costs incurred in investigative, administrative, and disciplinary proceedings against a C.P.A. from another state or jurisdiction under specified circumstances, but otherwise prohibits the board from assessing a fee against or imposing any notice or other submission requirement on such persons or entities while engaged in the accountancy practice in this state.

Appropriates \$3,602 from the division of registrations cash fund to the executive director's office in the department of regulatory agencies for legal services related to the implementation of the act, and further appropriates \$3,602 to the department of law for the provision of legal services to the department of regulatory agencies.

APPROVED by Governor May 1, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1240 Collections agencies - regulation - continuation of debt collectors under sunset law. Extends the automatic termination date of debt collectors to July 1, 2017, pursuant to the provisions of the sunset laws. Requires a collection agency to notify a consumer, in the initial communication, of the right to discontinue further communications except as authorized by law. Authorizes the attorney general to change its web site address without conflicting with certain notice provisions of statute.

Eliminates the collections manager's examination. Requires limited liability companies to inform the administrator of certain changes to corporate structure, governance, and control. Repeals on July 1, 2010, a requirement that a collection agency maintain an office in the state, and instructs the department of regulatory agencies to make a recommendation concerning this requirement by October 1, 2009. Requires a collection agency maintain a toll-free telephone number. Includes identity theft and computer crimes as a basis for license discipline or denial.

Increases from \$1,000 to \$1,500 the administrative fine for collection agency violations.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

H.B. 08-1273 Bingo and raffles - continuation under sunset law - qualified organizations - cash prizes - number of games - study and report concerning transfer of functions. Extends the automatic termination date of the regulation of bingo and games of chance by the secretary of state and the bingo-raffle advisory board to July 1, 2017. Allows the issuance of a bingo-raffle license to a political party. Eliminates the statutory restriction on cash

prizes or prizes redeemable for cash, authorizing the secretary of state to set cash-prize limits by rule.

Directs the secretary of state to confer with the executive director of the department of revenue concerning the possible transfer of bingo-raffle licensing and enforcement functions to the department of revenue and to report to the general assembly with findings and recommendations on this issue by December 31, 2008.

Eliminates the requirement that a landlord licensee submit a blueprint of his or her facility as a condition of licensure. Eliminates the statutory restriction on a bingo-raffle licensee to 158 bingo games in any calendar year, authorizing the secretary of state, in consultation with the bingo-raffle advisory board, to specify the maximum number of games per year.

APPROVED by Governor April 3, 2008

EFFECTIVE April 3, 2008

H.B. 08-1314 Gambling addiction counseling - grant program - use of percentage of local government limited gaming impact fund moneys - rules - annual report - repeal - appropriation. Establishes, within the local government limited gaming impact fund (fund), the limited gaming impact account, consisting of 98% of the moneys transferred to the fund, and the gambling addiction account, consisting of 2% of the moneys transferred to the fund. Clarifies that the moneys in the limited gaming impact account are to continue to be used to provide financial assistance to designated local governments for documented gaming impacts. Specifies that the moneys in the gambling addiction account are to be used to award grants for the provision of gambling addiction counseling to Colorado residents.

Requires the executive director (executive director) of the department of human services (department) to administer the grant program and award grants to state or local public or private entities or programs that provide gambling addiction counseling services and that have or are seeking nationally accredited gambling addiction counselors. For the first 4 years of the program, requires the executive director to award 10% of the moneys in the gambling addiction account in grants to addiction counselors who are actively pursuing national accreditation as gambling addiction counselors and who have completed at least half of the counseling hours required for national accreditation. Limits the amount of moneys in the gambling addiction account that may be used to cover the department's direct and indirect costs of administering the grant program. Authorizes the executive director to adopt rules regarding the grant program.

Requires the department to submit an annual report to the health and human services committees of the senate and house of representatives, or their successor committees, regarding the grant program, including the amount of moneys allocated to the gambling addiction account, the number of grant applications received and the total amount of grant moneys requested, the total amount of moneys awarded as grants to applicants, the entities or programs that received grants, and the amounts awarded to each grant recipient.

Repeals the gambling addiction account and the grant program, effective July 1, 2013, and transfers any moneys remaining in the gambling addiction account on June 30, 2013, to the limited gaming impact account.

Reappropriates, from moneys transferred to the department of local affairs, \$2,866 to the executive director's office in the department of human services for the purchase of legal services from the department of law and \$143,818 to the department of human services, for

allocation to the alcohol and drug abuse division for the implementation of the act.

APPROVED by Governor June 2, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1359 Manufacture of vinous liquors - alternating proprietor licensed premises - shared use of premises - rules - fees. Allows wineries and limited wineries licensed to manufacture vinous liquors in the state to manufacture vinous liquors upon an alternating proprietor licensed premises. Defines "alternating proprietor licensed premises" as a distinct and definite area that is owned by or in the possession of a licensed winery or limited winery and within which the licensee and other licensed wineries or limited wineries are authorized to manufacture and store vinous liquor. Prohibits the retail sale of vinous liquors from an alternating proprietor licensed premises.

Requires the liquor enforcement division (division) in the department of revenue to adopt rules, no later than 120 days after the effective date of the act, to ensure adequate oversight and regulation of alternating proprietor licensed premises. Requires the division to establish fees for applications for alternating use of wine premises.

Obligates licensed wineries and limited wineries to submit a separate report to the executive director of the department of revenue or his or her designee regarding vinous liquors that the winery has manufactured or inventoried at or transferred from an alternating proprietor licensed premises. Exempts licensed wineries and limited wineries that are authorized to manufacture vinous liquors upon an alternating proprietor licensed premises from the requirement to manufacture vinous liquors in the permanent location specified in the license authorizing the winery to engage in manufacturing of vinous liquors.

APPROVED by Governor June 4, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1383 Nurses - inactive license status - appropriation. Creates an inactive status for professional and practical nursing licenses. Prohibits nurses with inactive licenses from practicing nursing, and specifies that a violation of the prohibition constitutes grounds for discipline and criminal penalties. Describes procedures for nurses to request inactive license status and reactivation of inactive licenses. Sets forth bases for the state board of nursing to deny a reactivation application. Empowers the board to reactivate inactive licenses pursuant to the reactivation schedule and payment of reactivation fees as determined by the director of registrations within the department of regulatory agencies.

Makes the following appropriations for implementation of the act for the fiscal year beginning July 1, 2008:

- \$720 from the division of registrations cash fund to the department of regulatory agencies for allocation to the executive director's office, which sum is reappropriated to the department of law for the provision of legal services to the department of regulatory agencies; and

- \$33,968 and 0.5 FTE to the division of registrations.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

PROPERTY

S.B. 08-41 Condemnation of mineral interests - limitation. Clarifies that the transportation commission, any other governmental entity acquiring land through condemnation for road, highway, or mass transit purposes, or any other person or entity acquiring an easement or right-of-way may only acquire interests in oil, natural gas, or other mineral resources beneath the land acquired to the extent required for subsurface support.

APPROVED by Governor April 25, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-42 Public trustees - counties of the second class - salary adjustment. Adjusts the yearly salary of public trustees in counties of the second class in accordance with the following schedule:

- For public trustees in counties of the second class who are serving in office on or after the effective date of the act, the salary shall be increased to \$56,500 per year;
- For public trustees in counties of the second class who are serving in office on or after February 1, 2009, the salary shall be increased to \$64,500 per year;
- For public trustees in counties of the second class who are serving in office on or after February 1, 2010, the salary shall be increased to \$72,500 per year.

APPROVED by Governor March 13, 2008

EFFECTIVE March 13, 2008

S.B. 08-144 Abandoned property - motor vehicles abandoned at motor vehicle repair shops - process to obtain title and sell vehicle. Establishes a process for a motor vehicle repair shop at which a motor vehicle has been abandoned to follow in order to obtain a certificate of title and sell the abandoned motor vehicle. Requires the repair shop or its agent to:

- At least 15 days after the vehicle becomes an abandoned motor vehicle, establish the retail fair market value of the vehicle;
- Have the abandoned motor vehicle inspected and a verification of the vehicle identification number (VIN) completed by a peace officer certified to perform VIN inspections and seek to obtain a certificate of title within one year of the completion of the inspection;
- Request a Colorado title record search of the VIN of the abandoned motor vehicle from the division of motor vehicles in the department of revenue or, if the vehicle is an out-of-state vehicle, the state in which the vehicle is registered;
- Use the information provided through the title and lien search to notify the owner of record and all lienholders of its possession of the abandoned motor vehicle. The notice must specify the location of the repair shop and that, unless claimed within 30 calendar days after the date the notice was sent, the motor vehicle is subject to sale.
- Purchase a surety bond for twice the retail fair market value of the abandoned motor vehicle;
- Write a statement under penalty of perjury that includes certain specified information regarding notification, the repair shop, the abandoned motor vehicle, and the circumstances of abandonment;

- At least 30 days after the postmarked date of the notice, present documentation of these requirements to a motor vehicle office and apply for a certificate of title for the abandoned motor vehicle.

Specifies that if the retail fair market value of an abandoned motor vehicle is less than \$200, a sale shall be made only for the purpose of junking, scrapping, or dismantling the vehicle. Specifies that the purchaser shall not be entitled to a certificate of title for such a vehicle and establishes requirements for selling such vehicles.

After a repair shop has obtained a certificate of title for an abandoned motor vehicle, authorizes the repair shop, or its agent, to sell the motor vehicle in a commercially reasonable manner. Authorizes the department of revenue to promulgate rules to satisfy the requirements of the act.

APPROVED by Governor April 21, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1014 Residential real property sales - domestic wells - registration - notification. Beginning in 2009, prior to or at closing, requires a buyer of residential real estate that includes a small capacity well or domestic exempt water well used for ordinary household purposes to complete a form notifying the division of water resources in the department of natural resources (division) of the change in ownership of the well; except that, if the well is an existing well that had not previously been registered with the division, requires the buyer to complete a registration of existing well form. Requires the residential real estate contract approved by the real estate commission to require the buyer to complete the appropriate form. Requires a person who provides closing services for the transaction, or, if there is no such person, the buyer, to submit the appropriate form to the division within 60 days after closing with as much information as is available. Makes the division responsible for obtaining the necessary information from the buyer. Specifies that the person providing the closing service is not liable for delaying the closing of the transaction in order to ensure that the buyer completes the form.

APPROVED by Governor March 26, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1135 Common interest communities - covenants - architectural control - accommodation of persons with disabilities - imposition of fines - due process - alternative dispute resolution. Invalidates covenants, rules, or policies of common interest communities (CICs) that prohibit reasonable modifications of a structure as necessary to allow access by persons with disabilities in accordance with federal law.

Requires CICs to adopt and follow written policies for the imposition of fines on unit owners that, at a minimum:

- Create a fair and impartial method for determining whether a violation of the covenants actually occurred and whether the unit owner is responsible for the violation; and
- Provide the unit owner notice and an opportunity to be heard before an

impartial decision maker.

In existing law encouraging alternative dispute resolution (ADR), adds specific statutory references to available public and private ADR resources, including the office of dispute resolution established by the Colorado judicial branch.

APPROVED by Governor April 21, 2008

EFFECTIVE July 1, 2008

H.B. 08-1148 Adverse possession - proof by clear and convincing evidence - good faith belief that adverse possessor was actual owner of property - damages - separate evidentiary hearing and computation. Requires a person asserting a claim for fee simple title to real property by adverse possession in any civil action filed on or after July 1, 2008, to prove each element of the claim by clear and convincing evidence.

In addition to any other requirements under existing statutory provisions, specifies that, in any action for a claim for fee simple title to real property by adverse possession for which fee simple title vests on or after July 1, 2008, in favor of the adverse possessor and against the owner of record of the real property, a person may acquire fee simple title to real property by adverse possession only upon satisfaction of each of the following conditions:

- The person presents evidence to satisfy all of the elements of a claim for adverse possession required under common law in Colorado.
- Either the person claiming by adverse possession or a predecessor in interest of such person had a good faith belief that the person in possession of the property of the owner of record was the actual owner of the property and the belief was reasonable under the particular circumstances.

Clarifies that the provisions of the act are limited to claims of adverse possession for the purpose of establishing fee simple title to real property and do not apply to the creation, establishment, proof, or judicial confirmation or delineation of easements by prescription, implication, prior use, estoppel, or otherwise. Additionally specifies that the provisions of the act do not apply to claims or defenses for equitable relief under the common-law doctrine of relative hardships or claims or defenses governed by any other statute of limitations.

Where the person asserting a claim of fee simple title to real property by adverse possession prevails on such claim, and if the court determines in its discretion that an award of compensation is fair and equitable under the circumstances, authorizes the court, after an evidentiary hearing separately conducted after entry of the order awarding title to the adverse possessor, to award to the party losing title to the adverse possessor:

- Damages to compensate the party losing title to the adverse possessor for the loss of the property measured by the actual value of the property as determined by the county assessor as of the most recent valuation for property tax purposes. If the property lost has not been separately taxed or assessed from the remainder of the property of the party losing title to the adverse possessor, requires the court to equitably apportion the actual value of the property to the portion of the owner's property lost by adverse possession, including, as appropriate, taking into account the nature and character of the property lost and of the remainder.
- An amount to reimburse the party losing title to the adverse possessor for all or a part of the property taxes and other assessments levied against and paid by the party losing title to the adverse possessor for the period commencing 18 years prior to the commencement of the adverse possession action and expiring

on the date of the award or entry of final nonappealable judgment, whichever is later. If the property lost has not been separately taxed or assessed from the remainder of the property of the party losing title to the adverse possessor, specifies that such reimbursement shall equitably apportion the amount of the reimbursement to the portion of the owner's property lost by adverse possession, including, as appropriate, taking into account the nature and character of the property lost and of the remainder. Requires the amount of the award to bear interest at the statutory rate from the dates on which the party losing title to the adverse possessor made payment of the reimburseable taxes and assessments.

At any hearing on damages under the act, or in the event that adverse possession is claimed solely as a defense to an action for damages based upon a claim for trespass, forcible entry, forcible detainer, or similar affirmative claims by another against the adverse possessor, and not to seek an award of legal title against the claimant, specifies that the burden of proof shall be by a preponderance of the evidence. If the defendant is claiming adverse possession solely as a defense to an action and not to seek an award of legal title, requires the defendant to so state in a pleading filed by the defendant within 90 days after filing an answer or within such longer period as granted by the court in the court's discretion, and specifies that any such statement shall bind the defendant in the action.

APPROVED by Governor April 25, 2008

EFFECTIVE July 1, 2008

H.B. 08-1248 Joint tenancy - definition - means to sever - unequal interests. Clarifies that the doctrine of the four unities of time, title, interest, and possession is continued as part of the law of this state subject to other provisions. Defines the doctrine of the four unities of time, title, interest, and possession. Specifies when a joint tenant may sever a joint tenancy. Specifies that the interests in a joint tenancy may be equal or unequal, but that the interests are presumed to be equal and deemed to be equal for purposes of the "Colorado Medical Assistance Act". Establishes that the presumption is conclusive for specific people and rebuttable for all others. Specifies what happens upon the death of a joint tenant. States that nothing in the act shall be deemed to abrogate any existing case law.

APPROVED by Governor April 25, 2008

EFFECTIVE April 25, 2008

H.B. 08-1260 Manufactured homes - filing and recording of documents - affidavit of real property - declaration of value. Requires certain documents related to an application for a certificate of title for a manufactured home to be filed and recorded by a county clerk and recorder. Creates the following new certificates (certificates) related to a manufactured home that are also required to be filed and recorded by a county clerk and recorder:

- A certificate of permanent location, which is used when the manufactured home is permanently affixed to the ground;
- A certificate of removal, which is used when the manufactured home is removed from its permanent location; and
- A certificate of destruction, which is used when a manufactured home is destroyed, dismantled, or sold or otherwise disposed of as salvage.

Requires the property tax administrator to establish the form of the certificates, which must include specified information for each certificate. Requires a certificate to be filed with an authorized agent of the department of revenue (authorized agent), which is in conjunction with the current process related to a certificate of title, or with a county clerk and recorder.

Requires an authorized agent who is not a clerk and recorder who receives a certificate or other manufactured home-related document for filing and recording to forward the document to the clerk and recorder for filing and recording.

Requires certificates and other manufactured home-related documents to be indexed. Requires a clerk and recorder to forward a copy of any certificates filed and recorded to the assessor for the county or city and county (assessor). Establishes fees for the filing and recording of certificates and other manufactured home-related documents.

Creates an affidavit of real property, which can be used to prove that a manufactured home and the land upon which it has been permanently affixed are real property.

Requires any manufactured home title application that is submitted to an authorized agent to be accompanied by a declaration, completed and signed by the purchaser or transferee. Requires the authorized agent to forward the declaration to the assessor. Requires each assessor to maintain a data bank, consisting of information derived from the declarations, to be used for the valuation of manufactured homes.

Establishes the amount of an account, deposit, certificate of deposit, or bond that is required for the issuance of a certificate of title for a manufactured home.

APPROVED by Governor April 14, 2008

EFFECTIVE July 1, 2008

H.B. 08-1270 Deeds - covenants - common interest communities - void provisions - restrictions on solar, wind, and energy efficiency equipment. Extends an existing prohibition on covenants and deed restrictions that effectively prohibit solar energy devices to apply also to wind-electric generators. Allows reasonable restrictions based on aesthetic considerations, safety requirements, and, in the case of wind-electric generators, noise.

Prohibits a common interest community (CIC) from effectively prohibiting energy efficiency measures, defined to include shade structures, shutters, attic fans, evaporative coolers, energy-efficient outdoor lighting devices, and retractable clotheslines. Allows reasonable restrictions based on aesthetic considerations, so long as the CIC considers the impact of such restrictions on the cost and performance of the energy efficiency measure as well as the criteria contained in the governing documents of the CIC.

APPROVED by Governor April 24, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1356 Residential landlords and tenants - attorney fees in forcible entry and detainer action - warranty of habitability - tenant responsibilities - unlawful exclusion - legislative declarations. Prohibits a residential landlord or tenant who prevails in a forcible entry and detainer action from recovering attorney fees, unless the residential rental agreement contains a provision for either party to obtain attorney fees.

Creates a warranty of habitability in every rental agreement for a residential premises. Establishes that the warranty is breached if:

- A residential premises is uninhabitable;
- The residential premises is in a condition that is materially dangerous or

- hazardous to the tenant's life, health, or safety; and
• The landlord has received written notice of the condition described and failed to cure the problem within a reasonable time.

Specifies that misconduct by a tenant or a person under the tenant's control does not constitute a breach of the warranty of habitability, and specifies that a condition resulting from domestic violence or abuse reported to a landlord is not misconduct. Establishes that a residential premises is considered uninhabitable when it substantially lacks specified characteristics. Permits a tenant in certain circumstances to assume responsibility for one or more of these characteristics. Prohibits a deficiency in a common area from rendering a residential premises uninhabitable, unless it materially and substantially limits the tenant's use of his or her dwelling unit.

Imposes upon every tenant of a residential premises a duty to use that portion of the premises within the tenant's control in a reasonably clean and safe manner. Establishes what constitutes a failure to keep a premises in a reasonably clean and safe manner. Prohibits a tenant from knowingly, intentionally, deliberately, or negligently destroying, defacing, damaging, impairing, or removing any part of a residential premises or knowingly permitting any person within his or her control to do so.

Establishes a tenant's remedies for a breach of the warranty of habitability, which include termination of the rental agreement, injunctive relief, and damages. Specifies that only a party to or person listed on a rental agreement may allege a breach and when the breach may be used as a defense to a landlord's claim for possession. Specifies defenses to the allegation of a breach. Requires a landlord's summons and complaint in a forcible entry and detainer action to include notice to the defendant that the assertion of a claim of a breach of a warranty of habitability will require payment to the court of rent due less expenses resulting from the claimed breach.

Prohibits a landlord from retaliating against a tenant who proves a breach of the warranty of habitability by discriminatorily increasing rent, decreasing services, or taking or threatening to take legal action. Grants a landlord a rebuttable presumption that a landlord's action to terminate tenancy for a violation of a rental agreement or to increase rent, decrease services, or terminate tenancy at the end of any rental term is not discriminatory.

Subject to specified exceptions, prohibits a landlord from removing or excluding a tenant from a residential premises without resorting to court process. If a landlord willfully and unlawfully removes the tenant from the premises or willfully and unlawfully causes the termination of heat, running water, hot water, electric, gas, or other essential services, allows the tenant to seek any remedy available under the act or any other law.

Makes legislative findings and declarations that the provisions of the act are a matter of statewide concern. Establishes the underlying purposes and policies of the act. Specifies that the act does not apply to specified types of institutional, group, short-term, recreational, and other housing or occupancy arrangements.

APPROVED by Governor June 2, 2008

EFFECTIVE September 1, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1365 Time share estates - foreclosure - single action against multiple obligors.
Allows a plaintiff foreclosing an assessment lien against a time share estate to join as

defendants in a judicial foreclosure action multiple obligors with separate time share estates and the junior lienors thereto if:

- The judicial foreclosure action involves a single common interest community;
- The declaration giving rise to the right of the unit owners' association (association) to collect assessments creates default and remedy obligations that are substantially the same for each obligor named as a defendant in the judicial foreclosure action;
- The action is limited to a claim for judicial foreclosure to enforce a lien for assessments; and
- The plaintiff does not allege, with respect to any obligor, that the association's lien is prior to any security interest that has priority over all other security interests and was recorded before the assessment became delinquent, even if the plaintiff could claim that the association's lien has priority to the extent of certain common expense assessments under current law.

In a judicial foreclosure action in which multiple obligors with separate time share estates and the junior lienors thereto have been joined as defendants:

- Allows a court to sever for separate trial any disputed claim.
- Allows the plaintiff to publish a single notice for all joined defendants for whom service by publication is permitted, so long as all information required in a published notice for each defendant individually is included in the combined published notice.
- Specifies that the action is a single action, suit, or proceeding for purposes of filing fees.

States that, unless otherwise ordered by the court, each time share estate foreclosed by joining multiple obligors and junior lienors shall be subject to a separate foreclosure sale, and any cure or redemption rights with respect to the time share estate shall remain separate. Specifies that the plaintiff in a judicial foreclosure action in which multiple obligors and junior lienors are joined as defendants is deemed to waive any claims against a defendant for a deficiency remaining after the foreclosure of the lien for assessment and for attorney fees related to the foreclosure action.

APPROVED by Governor May 28, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1402 Mortgages - foreclosure process - residential foreclosures - notice to borrower - foreclosure prevention efforts - funding - grant program - appropriation. In residential foreclosures filed on or after August 1, 2008, requires a commercial lender to give the borrower a written notice, at least 30 days after the borrower's default and at least 30 days before filing its notice of election and demand, containing contact information for the Colorado foreclosure hotline and the lender's loss mitigation representative.

Creates the foreclosure prevention grant fund, to be administered by the division of housing in the department of local affairs (division), for the purpose of providing outreach and notice of foreclosure prevention assistance to persons in danger of foreclosure and communities with high foreclosure rates. Directs the division to solicit gifts, grants, and donations to the fund and to develop criteria for the award of grants to qualified local organizations to carry out these outreach efforts. Gives supervisory responsibility over the

grant program to the state housing board. Requires the division to report annually to the general assembly on its activities and the receipts and expenditures from the fund.

Appropriates \$100,000 from the general fund to the foreclosure prevention grant fund, and from the foreclosure prevention grant fund to the department of local affairs for allocation to the division, for purposes of the act.

APPROVED by Governor June 5, 2008

EFFECTIVE June 5, 2008

PUBLIC UTILITIES

H.B. 08-1160 Net metering of electricity - cooperative electric associations - municipally owned utilities. Repeals the existing law that requires cooperative electric associations (CEAs) to provide customers who generate electricity with a net metering program. Requires municipally owned utilities that serve at least 5,000 customers (MOUs) and CEAs to provide residential customers who generate up to 10 kilowatts from eligible energy resources with a net meter and to provide commercial or industrial customers who generate up to 25 kilowatts from eligible energy resources with a net meter. Allows CEAs and MOUs to net meter above the minimum amounts and requires CEAs and MOUs to provide a written technical or economic explanation of a denial of a request to net meter above the minimum amount. Requires CEAs and MOUs to credit a customer-generator's excess generation one-to-one against the customer's monthly energy consumption and to account for such excess generation annually or when the customer terminates electrical service. Requires CEAs and MOUs to provide net metering at nondiscriminatory rates. Requires CEAs and their net metered customers to indemnify each other regarding the net metering system. Specifies interconnection standards for MOUs and directs the public utilities commission to initiate a rule-making proceeding to address interconnection standards for CEAs.

APPROVED by Governor March 26, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1164 Public utilities commission - solar energy - consideration. Declares it to be in the best interests of this state to develop and utilize solar resources in increasing amounts. When the public utilities commission considers utility proposals to acquire resources, allows the commission to consider the likelihood of future regulation of greenhouse gases. Allows the commission to consider the following attributes of utility-scale solar electric generation:

- Whether the proposed generation could provide energy storage to match the times during which utility generation is generally higher cost;
- Whether the proposed generation could result in reduction of performance and financial risk for the utility;
- Whether utility-scale solar electric generation could reduce the consumption of water for electric generation;
- Whether future costs can be stabilized through mitigation of the impact of unpredictable fossil fuel prices; and
- Whether carbon-free generation reduces long-term costs and risks related to potential carbon regulation or taxation.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1222 Renewable energy - hydroelectricity - water resources review committee - study. Directs the water resources review committee to study the feasibility of expanding the types of hydroelectricity that qualify as an eligible renewable energy resource.

APPROVED by Governor May 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1227 Public utilities commission - continuation under sunset law - fees - rate regulation - use of renewables - hearings and adjudications - civil penalties - low-income energy assistance - motor carriers - rail crossings - water and sewer providers - taxicabs - applications - criminal history record checks - telecommunications - basic local exchange service - appropriations. Extends the automatic termination date of the public utilities commission (PUC) to July 1, 2019, pursuant to the provisions of the sunset law. Gives the PUC authority to assess civil penalties against fixed utilities using a procedure similar to that specified for the assessment of civil penalties against motor carriers. Allows the PUC to direct litigation by the attorney general seeking to recover civil penalties.

Includes a combined water and sewer corporation in the definition of a water corporation subject to PUC oversight. Allows the PUC to set the annual motor carrier fee administratively rather than specifying a \$5 fee by statute. Eliminates obsolete references to telegraph operations and to regulatory issues as to which state action has been preempted by federal law, including railroad-railroad crossings and time limits for pickup and delivery by motor carriers of property.

In the statutes prohibiting ex parte discussion of pending proceedings with PUC commissioners and administrative law judges, exempts rule-making proceedings and discussions on pending legislative proposals.

Specifies that, in rate investigations undertaken by July 1, 2009, the PUC shall consider rate structures that enable the use of solar or other renewable energy resources in irrigation pumping and other agricultural applications.

Harmonizes eligibility requirements for the low-income energy assistance and low-income telephone assistance programs. Establishes that to qualify for either program, a utility customer must be a citizen or legal resident of the United States and a resident of Colorado and must have a household income at or below 185% of the federal poverty level.

Shifts the burden of proof in applications for taxicab certificates, from the applicant to those protesting the application, with regard to the question of whether the public convenience and necessity require the issuance of a new certificate within the proposed geographic area of operation.

Requires criminal history record checks of taxicab drivers and others providing passenger transport service. Repeals criminal history record check requirements for household movers. Allows the PUC to deny a certificate to a passenger carrier employing a driver whose criminal history reveals crimes of moral turpitude, including any unlawful sexual offense against a child.

Allows a provider of basic local telecommunications service to raise its rates above the level in effect on May 24, 1995, subject to approval by the PUC and in consideration of specified factors including the increase in the cost of providing such service since that date and the provider's revenues derived from other services.

Appropriates \$43,218 from the public utilities commission fixed utility fund to the department of regulatory agencies, and reappropriates that amount plus 0.3 FTE to the department of law, for legal services. Appropriates \$354,255 and 4.0 FTE from the public utilities commission fixed utility fund to the department of regulatory agencies. Appropriates \$15,578 and 0.2 FTE from the low-income telephone assistance fund to the department of human services.

APPROVED by Governor June 2, 2008

EFFECTIVE July 1, 2008

STATUTES

H.B. 08-1095 Colorado Revised Statutes - enactment of 2007 statutes. Enacts the softbound volumes of Colorado Revised Statutes 2007 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor March 17, 2008

EFFECTIVE March 17, 2008

H.B. 08-1412 Revisor's bill. Amends or repeals various statutory provisions that 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 June 2, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

TAXATION

S.B. 08-13 Severance tax trust fund - operational account - appropriations to department of natural resources. For fiscal years commencing on or after July 1, 2008, modifies the scope of permissible appropriations from the operational account of the severance tax trust fund to the department of natural resources to fund programs recommended by the executive director of the department as follows:

- Reduces the maximum percentage of total available operational account moneys that may be appropriated for programs within the Colorado oil and gas conservation commission from 45% to 40%.
- Reduces the maximum percentage of total available operational account moneys that may be appropriated for programs within the division of reclamation, mining, and safety from 30% to 25%.
- Allows appropriations of up to 5% of total available operational account moneys to be made for programs within the division of wildlife that monitor, manage, or mitigate the impacts of mineral or mineral fuel production activities on wildlife in any region of the state in which production activity is occurring or, from any location in the state, research such impacts.
- Allows appropriations of up to 5% of total available operational account moneys to be made for programs within the division of parks and outdoor recreation that operate, maintain, or improve state parks in any region of the state in which production activity is occurring.

For the fiscal year beginning July 1, 2008, appropriates from the operational account of the severance tax trust fund to the department of natural resources \$1,984,058 for allocation to division of parks and outdoor recreation and \$1,519,927 for allocation to the division of wildlife.

Makes certain provisions contingent on House Bill 08-1398 being enacted and becoming law.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

NOTE: House Bill 08-1398 was signed by the governor June 2, 2008.

S.B. 08-16 Income tax - voluntary contribution to the 9Health Fair fund. Creates the 9Health Fair fund (fund) in the state treasury. For income tax years commencing on or after January 1, 2008, but before January 1, 2011, requires a voluntary contribution designation line for the fund to appear on individual income tax return forms.

Directs the department of revenue (department) to determine annually the total amount designated to the fund and to report that amount to the state treasurer and the general assembly. Directs the state treasurer to credit that amount to the fund.

Requires the general assembly to appropriate annually from the fund to the department its costs of administering moneys designated as contributions to the fund. States that all moneys remaining in the fund at the end of a fiscal year shall be transferred to 9Health Fair, a Colorado nonprofit organization, for the organization to administer in furtherance of the

work of the 9Health Fair.

APPROVED by Governor April 23, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-91 Sale of tobacco products - applications for license renewal - elimination of certain identifying information in renewal applications - elimination of civil penalty. In the case of wholesalers of cigarettes, wholesale subcontractors, distributors of tobacco products, and distributing subcontractors, eliminates statutory provisions requiring the renewal applications for the state licenses of such wholesalers, subcontractors, or distributors to include identifying information of persons who purchased cigarettes or tobacco products for resale from the licensee during the 12-month period immediately preceding the filing of the application. Eliminates existing requirements that cigarette and tobacco retailers supply the required information to licensed wholesalers, subcontractors, or distributors on an annual basis. Eliminates statutory provisions imposing a civil penalty for failure to provide the identifying information.

APPROVED by Governor March 24, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-131 Sales and use tax receipts - supplemental old age pension health and medical care fund. For any state fiscal year commencing on or after July 1, 2009, increases the amount allocated to the supplemental old age pension health and medical care fund from the receipts collected from the state sales and use tax by \$2,100,000. Decreases the allocation to the general fund by an equal amount.

APPROVED by Governor May 20, 2008

EFFECTIVE May 20, 2008

H.B. 08-1013 Sales tax - exemption for a sale that benefits a Colorado school. Creates a state sales tax exemption for a sale that benefits a Colorado school, which includes public and nonpublic kindergarten through 12th grade schools, if the sale is made by any of the following:

- A school;
- An association or organization of parents and school teachers;
- A booster club or other club, group, or organization whose primary purpose is to support a school activity; or
- A school class or student club, group, or organization.

Limits the exemption to a sale from which all proceeds, less only the actual cost of the item sold, are donated to a school or a school-approved student organization.

Permits a county or municipality that establishes a sales tax pursuant to statutory

authority to create a similar sales tax exemption.

APPROVED by Governor May 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1028 Income tax - voluntary contribution to the Alzheimer's Association fund. Extends the period during which state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the Alzheimer's Association fund.

APPROVED by Governor March 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1033 Income tax - preservation of historic properties - extension - suspension. Extends the income tax years for which a taxpayer may claim a credit for qualified costs incurred in the preservation of historic properties to income tax years commencing before January 1, 2020.

Allows a certified local government to adopt a one-time resolution to act as a reviewing entity for the purpose of performing various administrative, rehabilitation project review, and verification functions to determine whether a taxpayer is qualified to claim the tax credit.

If the revenue estimate prepared by the legislative council in December 2010 or any December thereafter indicates that total general fund revenues for that particular fiscal year will be insufficient to maintain the statutory limitation on appropriations, suspends the income tax credit for the income tax year commencing during the calendar year following the year in which the estimate was prepared. Allows any taxpayer who would have been eligible to claim an income tax credit in the year in which the credit was suspended to claim the credit in the next income tax year in which the revenue estimate indicates that the total amount of general fund revenues will be sufficient to maintain the statutory limitation on appropriations.

Directs the department of revenue to specify on its web site whether the income tax credit shall be allowed for a given income tax year.

APPROVED by Governor June 5, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1034 Tax credit - new employees. Clarifies that taxpayers or aircraft manufacturers are allowed a tax credit for new employees for whom an employee leasing company, as the employing unit or co-employer for the taxpayer or aircraft manufacturer that is the work-site employer, withholds social security, medicare, and income taxes under the employee leasing company's own federal and state taxpayer identification numbers.

Makes the act applicable to tax credits for employees hired on or after August 3, 2007.

APPROVED by Governor March 6, 2008

EFFECTIVE March 6, 2008

H.B. 08-1035 Income tax - voluntary contribution to the military family relief fund. Extends the period during which state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the military family relief fund.

APPROVED by Governor March 17, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1049 Income tax - credit for child care facilities - extension - suspension. Extends the income tax years for which a taxpayer may claim a credit for making a monetary contribution to promote child care in the state to income tax years commencing before January 1, 2020.

If the revenue estimate prepared by the legislative council in December 2010 or any December thereafter indicates that total general fund revenues for that particular fiscal year will be insufficient to maintain the statutory limitation on appropriations, suspends the income tax credit for the following income tax year. Allows any taxpayer who would have been eligible to claim the income tax credit in a year in which the credit was suspended to claim the credit in the next income tax year in which the revenue estimate indicates that the total amount of general fund revenues will be sufficient to maintain the statutory limitation on appropriations.

Directs the department of revenue to specify on its web site whether the income tax credit shall be allowed for a given income tax year.

APPROVED by Governor June 5, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1059 Property tax - revenue distributions - timing - de minimis amounts. Allows a county treasurer to distribute property tax revenues to any town, city, school district, or special district on a quarterly basis or annual basis rather than on a monthly basis if the amount collected for the entity falls below \$100 or \$50, respectively.

APPROVED by Governor March 6, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1083 Local government severance tax fund - direct distribution - employee residence report - mineral leasing fund - energy impact assistance advisory committee. With respect to the current employee-based direct distribution of the moneys in the local government severance tax fund to counties and municipalities, requires the executive director

of the department of local affairs (executive director) to allocate the moneys to counties based on the number of severance-related employees and mining and well permits issued and on the overall mineral production in each county. Requires the moneys allocated to each county to be further distributed to each municipality within the county and to the county itself based on the number of severance-related employees, the amount of road miles, and on population. Requires the executive director to prepare a biennial report for each member of the general assembly about the effectiveness of the allocation and distribution.

Requires the executive director to consider the economic needs of a political subdivision for purposes of making a discretionary grant from the local government severance tax fund.

Modifies the employee residence report used in part to calculate the distribution payments to local governments from the local government severance tax fund. Requires the report to be filed with the department of local affairs.

Modifies the composition of the energy impact assistance advisory committee. Requires senate consent for the governor's appointments to the committee. Requires the committee to make recommendations based on certain criteria to the executive director regarding the distribution of moneys derived from mineral extraction within the state.

Requires the executive director to deliver to the state auditor a detailed accounting of the distributions from the mineral leasing fund and the local government severance tax fund.

APPROVED by Governor June 2, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1084 Severance taxes - credit allowed for prior payment of impact assistance - study regarding improvement of the credit. Requires a group of specified state governmental officials and other stakeholders to determine how best to improve the impact assistance credit so that any major infrastructure needs of communities impacted by the energy and mineral industry are addressed. Requires the group to recommend proposed legislation to the agriculture, livestock, and natural resources committee of the house of representatives and the agriculture, natural resources, and energy committee of the senate no later than January 31, 2009.

APPROVED by Governor May 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1110 Income tax - deduction for landowner who performs wildfire mitigation measures on private land. For income tax years commencing on or after January 1, 2009, but prior to January 1, 2014, allows an income tax deduction for a landowner who owns private land as a natural person and not an entity and who performs wildfire mitigation measures on the land in a wild land-urban interface area. Specifies that the amount of the deduction allowed is 50% of the amount of the landowner's costs incurred in performing the wildfire mitigation measures subject to a maximum limit of the lesser of \$2,500 or the amount of the

landowner's taxable income.

APPROVED by Governor May 28, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1127 Income tax - credit for hiring employees with developmental disabilities. Establishes an income tax credit for a taxpayer who hires a person with a developmental disability for a job in Adams, Arapahoe, El Paso, Jefferson, Logan, Montrose, or Morgan county. Allows the credit only for employees hired on or after January 1, 2009, who are compensated in accordance with minimum wage laws. Sets the amount of the credit at:

- 50% of gross wages paid to the employee in the first 3 months of continuous employment; and
- 30% of gross wages paid to the employee in the subsequent 9 months of continuous employment.

Allows the credit for income tax years 2009, 2010, and 2011, unless the revenue estimate prepared by the staff of the legislative council in December of the prior year indicates that the amount of total general fund revenues for the current fiscal year will not be sufficient to reach the statutory limit on appropriations. Allows a taxpayer who would have been eligible to claim the credit in an income tax year in which the credit is not allowed to claim the credit in the next income tax year in which the revenue estimate indicates that the amount of total general fund revenues will be sufficient to reach the statutory limit on appropriations.

Allows a partnership, S corporation, limited liability company, or other entity electing not to be taxed as a corporation to pass the credit through to its participating partners, shareholders, or members in any percentage the entity chooses, up to the amount of the credit earned in the tax year.

APPROVED by Governor June 5, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1138 Penalties - professional tax return preparers - understatement of liability due to repeated assertion of untenable position. Authorizes the imposition of a \$500 penalty against a professional tax return preparer who, on behalf of the person whose tax return he or she prepares, understates the taxpayer's tax liability through a willful or reckless disregard of applicable laws or rules, as evidenced by the repeated assertion of a position that the tax return preparer knew or should have known did not have a realistic possibility of being sustained on its merits. Subjects the employer of a tax return preparer to an equivalent penalty if the employer either ordered or had knowledge of, and did not attempt to prevent, the understatement of liability.

Allows the department of revenue to make a limited disclosure of information concerning an understatement of liability to the state board of accountancy, in the case of a tax return preparer who is an accountant, and to the tax return preparer.

Exempts certified public accountants, full-time employees of an employer who orders

the preparation of a tax return on the employer's behalf, and persons who furnish only typing or other ministerial services.

Applies to offenses committed on or after July 1, 2008.

APPROVED by Governor April 14, 2008

EFFECTIVE July 1, 2008

H.B. 08-1171 Sales and use tax - taxable amount - exclusion of federal excise tax for sale of heavy truck, trailer, or tractor. As used in the context of the state sales and use tax, excludes any federal excise tax on the first retail sale of a heavy truck, trailer, or tractor for which the retailer is liable from the definition of the purchase price of such vehicle. For purposes of determining the specific ownership tax on personal property, specifies that the applicable federal excise tax, which is excluded from the actual purchase price of the property, includes the excise tax on the first retail sale of a heavy truck, trailer, or tractor for which the seller is liable.

APPROVED by Governor May 14, 2008

EFFECTIVE September 1, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1225 Property taxation - business personal property - tax exemption. Incrementally increases the exemption from property taxation for personal property listed on a single personal property schedule up to \$7,000 for the property tax year commencing January 1, 2013. Adjusts the amount of the exemption on a biennial basis thereafter for inflation. Rounds the inflation adjustment up to the nearest hundred dollar increment. Requires the property tax administrator to calculate the amount of the exemption and publish the amount on the web site maintained by the division of property taxation in the department of local affairs.

Requires an assessor to mail or deliver one copy of a personal property schedule to each owner of taxable personal property or the owner's agent, instead of 2 copies. Requires a physically delivered notice of protest concerning a personal property valuation to be given 5 days earlier than is currently required.

APPROVED by Governor May 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1241 Income tax - voluntary contribution to the Colorado healthy rivers fund. Changes the name of the Colorado watershed protection fund to the Colorado healthy rivers fund.

Extends the period that state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the Colorado healthy rivers fund.

APPROVED by Governor May 28, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1261 Sales tax - exemption - aircraft removed from state after sale. Exempts from sales tax the sale of a new or used aircraft that:

- Is sold to a person who is not a resident of the state;
- Will be removed from the state within 120 days after the sale; and
- Will not be in the state more than 73 days in any of the subsequent 3 calendar years.

Requires the purchaser of an aircraft who claims the exemption to provide to the seller an affidavit that the purchaser is not a resident of the state and that the purchaser agrees to pay sales tax on the sale of the aircraft if the aircraft is not removed from the state within 120 days or if the aircraft is in the state more than 73 days in any of the subsequent 3 calendar years.

APPROVED by Governor May 20, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1269 Sales and use tax - exemption - wood from salvaged trees infested by mountain pine beetles - repeal. Exempts from the state sales and use tax for a specified period the sales and use of wood from salvaged trees killed or infested in Colorado by mountain pine beetles.

Gives counties and municipalities the authority to grant sales and use tax exemptions for sales and use of wood from salvaged trees killed or infested in Colorado by mountain pine beetles.

APPROVED by Governor May 28, 2008

EFFECTIVE May 28, 2008

H.B. 08-1275 Property tax - loss of exempt status - incorrect filing of annual report - forgiveness of taxes owed. Forgives the balance of property taxes owed by a religious, charitable, or educational organization (organization) on or after August 5, 2008, if the organization:

- Filed an application for exemption and was granted an exemption from general taxation on real and personal property;
- After receiving an exemption from property tax, filed an annual report required for the continuation of property tax-exempt status but filed the report incompletely or incorrectly; and
- Was denied tax-exempt status for one or more property tax years as a result of the incomplete or incorrect filing and received a property tax bill for such year or years.

Specifies that any waiver of the balance of taxes owed by an organization shall be contingent upon the reestablishment of the organization's tax-exempt status by the state board of equalization. Authorizes the state board of equalization to reestablish such tax-exempt status.

Authorizes the state board of equalization to waive the filing deadline for the annual report that an organization is required to file to maintain its property tax-exempt status if the

report is filed by the filing deadline but is incomplete or incorrect when filed.

APPROVED by Governor April 14, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1353 Income tax - conservation easements - appraisers and easement holders - disclosure, appraisal, and reporting requirements. Requires an appraiser who conducts an appraisal of a conservation easement to submit a copy of the appraisal to the division of real estate (division) rather than the department of agriculture and the department of natural resources. Requires the appraisal to be submitted within 30 days of the completion of the appraisal with an affidavit containing specified information relating to the appraisal, the appraiser, and the easement being appraised. Requires the division to maintain the information in an electronic database. Authorizes the division to share the information with the DOR. Requires the division to deny an open records request to inspect the information until the division files a notice of charges related to the information.

Authorizes the board of real estate appraisers (board) to investigate the activities of any appraiser who submits an appraisal, and requires the board to conduct the investigation upon receiving a written complaint from any person. If the board determines that a material violation has occurred, requires the board to notify the department of revenue (DOR).

Provides the board with the authority to take disciplinary action against appraisers who do not file documents and information relating to the appraisal of conservation easements. Authorizes the board to establish classroom education and experience requirements for an appraiser who prepares an appraisal for a conservation easement for which a tax credit is claimed. Creates a fee to be charged for each appraisal submitted to the division to provide for the costs of administering the additional requirements. Caps the amount of the fee at \$600.

Creates the conservation easement oversight commission (commission). Specifies the membership of the commission and the terms of certain members of the commission. Requires the commission to establish a conflict of interest policy for members of the commission. Requires the commission to review conservation easement transactions at the request of the division or the DOR and to advise the division and the DOR regarding conservation easement transactions for which a tax credit is claimed.

Requires the division to establish and administer a certification program for organizations that hold conservation easements for which tax credits are claimed. Requires the commission to review each application for certification and provide a recommendation for approval to the division. Requires the division to review and make a final determination to grant or deny certification. Specifies criteria for granting certification. Requires applicants to pay a fee to provide for the costs of the certification program. Caps the amount of the fee at \$5,810. Authorizes the program to contain a provision allowing for the expedited or automatic certification of certain entities.

Requires the division to notify the applicants of the division's decision on certification. Allows the division to implement the certification program for land trusts during the first year of the program and for entities holding easements for historic preservation and the state and other political subdivisions of the state in the second year of the program. Allows future tax credits for conservation easements to be claimed only if the entity that holds the easement has been certified by the program. Provides that the certification shall be effective for three

years. Allows the division to revoke or suspend a certification for noncompliance with the act. Requires the division to maintain and update an online list of the status of entities that participate in the program.

Changes the information submission requirements for a holder of a conservation easement for which the sole conservation purpose is historic preservation or for any conservation easement granted to a local government that did not involve a charitable donation.

Specifies additional authority and responsibilities of the executive director of the DOR (executive director) with respect to administering the allowance of tax credits for conservation easements. Authorizes the executive director to require such detailed information regarding a claim for a conservation easement credit as the executive director determines is necessary to carry out the DOR's functions relating to the credit. Requires the executive director to deny an open records request to inspect information related to a credit.

Requires the executive director to develop and implement a separate process to review conservation easements for which the department has been informed that an audit is being performed by the internal revenue service and to share the information used in the review with the division.

Modifies existing provisions that allow the executive director to require a second appraisal for a conservation easement.

Extends the internal revenue code's tax basis limitation on qualified conservation contributions over property held for less than one year to include state conservation tax credits.

APPROVED by Governor June 5, 2008

EFFECTIVE July 1, 2008

H.B. 08-1358 Sales tax - exemption for sale by an association or organization of parents and teachers of public school students that is a charitable organization. Creates a state sales tax exemption for sales by an association or organization of parents and teachers of public school students that is a charitable organization. Permits a county or municipality that establishes a sales tax pursuant to statutory authority to create a similar sales tax exemption.

APPROVED by Governor May 21, 2008

EFFECTIVE September 1, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1368 Sales and use tax - exemption - components used to produce alternating current electricity from a renewable energy source. Clarifies and changes the placement of the sales tax exemption for components used to produce alternating current electricity (electricity) from a renewable energy source.

Repeals and reenacts the statutory sections related to a town, city, or county sales tax to make them more reader friendly without making any substantive changes except adding the exemption for sales of components used in the production of electricity from a renewable energy source. Specifies that the express inclusion of the sales tax exemption for components used in the production of electricity from a renewable energy source by a town, city, or county is not necessary if the town, city, or county previously expressly included the

exemption for machinery and machine tools prior to May 27, 2008.

Specifies that a town, city, or county may exempt components used in the production of electricity from a renewable energy source from use tax.

Specifies the legislative intent regarding the clarification and new placement of the sales and use tax exemption for components used in the production of electricity from a renewable energy source.

Property tax - valuation - real and personal property used to produce alternating current electricity from a renewable energy source. Requires all real and personal property used to produce 2 megawatts or less of alternating current electricity from a renewable energy source to be valued in the county where the property is located in accordance with valuation procedures developed by the property tax administrator (administrator). Requires the administrator to utilize the procedures adopted for valuing state-assessed renewable energy facilities when developing the valuation procedures for locally assessed real and personal property used to produce 2 megawatts or less of electricity from a renewable energy source.

Prohibits the administrator from considering renewable energy credits created by the production of electricity when valuing a renewable energy facility, and requires an owner or operator of a facility to provide a copy of the facility's current power purchase agreement to the administrator in each assessment year unless one was previously provided and there was no material change in the agreement. Specifies that the administrator has the right to request a power purchase agreement from the purchaser of power if the owner or operator of a facility does not provide one.

Specifies that all power purchase agreements are private documents available only to the administrator and the employees of the division of property taxation in the department of local affairs.

APPROVED by Governor May 27, 2008

EFFECTIVE May 27, 2008

H.B. 08-1380 Income taxation - apportionment and allocation of income to Colorado - single factor. Creates a new method for a taxpayer to attribute net income to Colorado for purposes of calculating the state income tax that replaces the existing alternative methods and that has the following features:

- Requires business income to be apportioned to Colorado by multiplying such business income by a fraction that is equal to the total sales of the taxpayer in Colorado during the tax period over the total sales of the taxpayer everywhere during the period;
- Establishes standards for when a sale is in Colorado;
- Requires certain nonbusiness income to be allocated to Colorado;
- Permits a taxpayer to treat all income as business income in accordance with rules to be adopted by the department of revenue;
- Either upon the initiative of the executive director of the department of revenue (executive director) or the taxpayer, permits the executive director to deviate from the new methodology to avoid inequitable apportionment and allocation of income; and
- Establishes a separate method for apportionment of sales by a mutual fund service corporation.

Repeals the provision of the multistate tax compact that permits a taxpayer to elect to apportion and allocate income pursuant to the compact, and prohibits such apportionment and allocation for income tax years commencing after January 1, 2009.

Eliminates the prohibition on carrying forward a net operating loss to an income tax year in which a corporation uses a different method of attributing income to Colorado.

Requires the executive director to promulgate rules, but establishes that pertinent rules previously promulgated for the existing methods for attributing income to Colorado continue to be in effect unless they are inconsistent with the act or repeal. Requires the executive director to collect additional information related to attribution of income if requested by the director of research of the legislative council. On or before January 1, 2014, requires the director of the office of economic development to prepare a report describing the economic impacts related to attribution of taxable income and deliver it to the finance committees of the senate and house of representatives.

APPROVED by Governor May 20, 2008

EFFECTIVE January 1, 2009

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1395 Property tax - property leased by governmental entities - tax exemption. On and after January 1, 2009, allows a property tax exemption to the state, a political subdivision, or a state-supported institution of higher education (governmental entity) that enters into a rental or lease agreement for real property for at least a one-year term, with or without the right to purchase such property, so long as the governmental entity uses the property for the purposes of the governmental entity.

Requires any governmental entity that enters into a lease or rental agreement or that is already in a lease or rental agreement on or after January 1, 2009, and that is exempt from the levy and collection of property taxes, to file a copy of the lease or rental agreement with the county assessor's office. Requires a governmental entity to notify the county assessor's office in the event that the lease or rental agreement is terminated prior to the term stated in such lease or rental agreement.

APPROVED by Governor May 29, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1398 Operational account of the severance tax trust fund - reserve requirement - installment transfers for certain funded programs - proportional reduction of certain transfers in case of revenue shortfall - appropriation. Reorganizes the statutory provisions related to the operational account of the severance tax trust fund (account) and removes obsolete provisions of law.

Without making any substantive changes to the programs funded from the operational account, creates 2 tiers of transfers from the account. Tier one transfers are to the Colorado oil and gas conservation commission, the Colorado geological survey, the Colorado water conservation board, and the division of reclamation, mining, and safety. Tier two transfers are to the following:

- The water supply reserve account;
- The conservation district grant fund for soil and water conservation;
- The water efficiency grant program cash fund;
- The capital and operation and maintenance accounts of the species conservation trust fund;
- The low-income energy assistance programs administered by the department of human services, energy outreach Colorado, and the governor's energy office;
- The governor's energy office for distribution to the Colorado renewable energy authority;
- The agriculture value-added cash fund; and
- The interbasin compact committee operation fund.

Changes the reserve requirement for tier one transfers from 2 times the current state fiscal year's operating appropriations for the tier one programs to an amount equal to the current state fiscal year's operating appropriations for the tier one programs. Puts in place a reserve requirement for tier two programs of 15% of the current fiscal year's transfers for those tier two programs. Changes the use of the reserve to include offsets for proportional reductions in transfers of the tier two programs, up to 15% of the current fiscal year's tier two transfers.

Specifies that all transfers to tier two programs shall be made in 3 installments, 40% on July 1, 30% on January 4, and 30% on April 1. Establishes that the transfers made on January 4 and April 1 are subject to proportional reduction if the revenue estimate prepared by the staff of the legislative council in December or March indicates that the amount of severance tax revenues credited to the operational account is insufficient for the state treasurer to make the tier two transfers and meet the reserve requirement.

Creates in the state treasury the interbasin compact committee operation fund, the department of human services low-income energy assistance fund, the energy outreach Colorado low-income energy assistance fund, and the governor's energy office low-income energy assistance fund, to receive and distribute moneys transferred by the treasurer from the operational account of the severance tax trust fund. Specifies the purposes for the funds.

Makes adjustments to the 2008 long bill for the implementation of the act.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1408 Income tax - C Corporations - definition of captive real estate investment trust - disclosure of reportable transactions - penalty for failure to disclose. Adopts the multistate tax commission's definitions of real estate investment trust and captive real estate investment trust.

Requires the disclosure of reportable transactions and establishes penalties for failure to disclose reportable transactions.

VETOED by Governor June 3, 2008

TRANSPORTATION

S.B. 08-12 Transportation commission - qualifications of commissioners. Repeals the requirement that the governor consider appointing to the transportation commission one or more individuals with knowledge or experience in aviation.

APPROVED by Governor April 3, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-14 Colorado tolling enterprise - administrative toll enforcement process. Authorizes the Colorado tolling enterprise to enforce tolls through an administrative toll enforcement process that is similar to the administrative toll enforcement process used by public highway authorities.

APPROVED by Governor March 24, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1007 Private toll roads and toll highways - prohibition of corridor specification - notice requirements. Repeals the existing statutory requirement that a private toll road or toll highway company (company) specify a 3-mile corridor for a proposed toll road or toll highway in its filed formation document, and prohibits a company from specifying and mapping a transportation corridor in its filed formation document filed on or after the effective date of the act. Specifies that any corridor included in a company's filed formation document filed before the effective date of the act shall not be deemed to give the company any property right or exclusive development right within the corridor other than the exclusive right to seek approval to develop a toll road or toll highway within the corridor and, only if such approval is granted, the exclusive right to develop a toll road or toll highway within the corridor.

Repeals existing statutory provisions that require the mailing, filing, and recording of notice of a proposed toll road, toll highway, or toll road or toll highway project and the filing of a disclaimer of interest and map of the 3-mile corridor within which the proposed road, highway, or project is to be constructed, and declares any properly authorized notice, disclaimer of interest, or map filed or recorded before the effective date of the act as required by the repealed statutory provisions to be void and of no effect. Requires a county clerk and recorder to transfer any map filed by a company before the effective date of the act to the board of county commissioners of the same county, and requires the company to provide a copy of the map to each municipality within the 3-mile corridor it specified and mapped in its filed formation document before the effective date of the act. States that the voiding of a notice, disclaimer of interest, or map conclusively establishes that the notice, disclaimer of interest, or map does not affect the title to any property or have any legal effect, and requires a title insurance company or title insurance agent to exclude such a notice, disclaimer of interest, or map from any documents it prepares on or after the effective date of the act. Specifies that no cause of action at law or in equity shall be maintained based upon:

- The act of preparing, filing, or recording a notice, disclaimer of interest, or map lawfully filed or recorded and subsequently voided;
- The voiding of such a notice, disclaimer of interest, or map; or

- The inclusion or exclusion of such a notice, disclaimer of interest, or map from any document prepared by a title insurance company or title insurance agent.

Within 90 days of the inclusion of a company's proposed toll road or toll highway or any other element of a toll road or toll highway project in the statewide transportation plan, requires the company to send written notice to each person who owns real property within the proposed route of the road, highway, or project of the intent of the company to construct the road, highway, or project. Requires the notice to describe the road, highway, or project, including its location, termini, improvements, and operation. No later than January 1, 2009, requires each seller's property disclosure for real property to disclose the existence of any proposed or existing transportation project that affects or is expected to affect the real property.

APPROVED by Governor June 2, 2008

EFFECTIVE June 2, 2008

H.B. 08-1057 Specific information signs - tourist-oriented directional signs - rural areas. Specifies that the department of transportation (department) may authorize the erection, administration, and maintenance of specific information signs along interstate highways pursuant to federal authority. Removes the provision limiting the department's authority to signs in urbanized areas advertising tourist attractions.

Authorizes the department to issue permits and adopt rules for the erection, administration, and maintenance of tourist-oriented directional signs along freeways and expressways that are not in urbanized areas.

APPROVED by Governor April 3, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1074 Roadside advertising - nonconforming devices. Eliminates the limitation under which a nonconforming advertising device may be maintained only if it was lawfully erected before January 1, 1971. Allows any nonconforming device to be maintained at the same location at which it was lawfully erected.

APPROVED by Governor March 31, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1139 Toll highways - evaluation by statewide tolling enterprise. Requires the statewide tolling enterprise (enterprise) to evaluate any toll highway offered for sale or for lease and an operating concession by an entity other than the state in order to determine whether it is in the best interest of the state for the enterprise to purchase or lease the toll highway or a partial interest in the toll highway or to enter into a public-private initiative in connection with the toll highway. In evaluating a toll highway, requires the enterprise to consider the financial costs and benefits to the state and users of the toll highway of purchasing or leasing a full or partial interest in the toll highway or entering into a public-private initiative, the effect of such a purchase, lease, or public-private initiative on statewide, regional, or local transportation plans, and any other factors deemed significant by the enterprise. Requires the enterprise to include the results of any evaluation in its annual

report to the committees of the general assembly having jurisdiction over transportation.

Subject to criteria, procedures, processes, and rules established by the entity other than the state offering a toll highway for sale or for lease and an operating concession, authorizes the enterprise to bid on or propose to purchase or lease a full or partial interest in the toll highway or enter into a public-private initiative in connection with the toll highway. Authorizes the enterprise to issue bonds to finance a purchase, lease, or public-private initiative that it determines to be in the best interests of the state.

APPROVED by Governor May 22, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

WATER AND IRRIGATION

S.B. 08-10 Water resources and power development authority - board of directors - per diem - telephonic meetings. Raises the per diem payment to board members of the water resources and power development authority from \$50 to \$100. Authorizes board members of the authority to participate in board meetings by using telecommunications devices.

APPROVED by Governor March 13, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 08-119 Precipitation collection - interim study. Directs the water resources review committee to study whether the use of precipitation capture and use systems should be authorized.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

S.B. 08-221 Colorado water resources and power development authority - issuance of bonds - watershed protection projects - forest health projects. Authorizes the Colorado water resources and power development authority (authority) to issue bonds for the purpose of funding watershed protection and forest health projects. Describes terms and conditions of such bonds and caps bonds at \$50,000,000. Permits governmental agencies participating in these projects to specify how the moneys should be allocated by the authority subject to the following:

- Up to 20% may be distributed to the clean energy development authority; and
- The remainder shall be distributed to the state forester.

Restores the ability of the authority to establish debt service reserve funds, and restricts the applicability of such funds to watershed protection projects and forest health projects.

Directs the clean energy development authority and the state forester to use moneys received from the authority for watershed protection projects and forest health projects. Instructs the state forester to use labor, when feasible, from the Colorado youth corps or an accredited Colorado youth corps organization for watershed protection projects and forest and forest health projects. Directs the state forest service to collaborate with water providers, governments, and other interested public and private entities to recommend the use of bond moneys and specifies considerations for making such recommendation.

APPROVED by Governor May 28, 2008

EFFECTIVE July 1, 2008

H.B. 08-1280 Instream flow water rights - use by Colorado water conservation board through contract - protection of owner's rights. Requires the Colorado water conservation board (board) to adopt criteria regarding proposed contracts for the temporary acquisition of instream flow rights. Requires that such rights not be on the division engineer's abandonment list and that the division engineer confirm whether the proposal is administrable. Requires the board to keep records regarding the use of the water. Requires the contract to specify that the water is fully consumable downstream of the instream flow

reach. Requires the board to obtain a decree that quantifies the historical consumptive use of the water right. Specifies that the time during which the board uses water rights for instream flow purposes pursuant to a contract shall not be considered as abandonment of the water right.

APPROVED by Governor April 21, 2008

EFFECTIVE August 5, 2008

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 08-1346 Colorado water conservation board construction fund - project authorizations - appropriations. Authorizes the Colorado water conservation board (board) to loan \$60,600,000 from the perpetual base account of the severance tax trust fund for construction of the Republican river water conservation district's Republican river compact compliance pipeline. Transfers \$1,000,000 from the operational account of the severance tax trust fund to the Colorado water conservation board construction fund (construction fund) and appropriates that amount to the department of natural resources (department) for allocation to the board to finance a tamarisk control cost-sharing grant program. Appropriates \$350,000 to the department for allocation to the division of water resources from the construction fund for renovation of existing gauging stations, replacement of outdated collection platforms and upgrading of transmission components of the satellite monitoring system, stream gage flood hardening projects, and data collection efforts related to flood forecasting and warning. Appropriates the following amounts to the department for allocation to the board from the construction fund for the following projects:

- \$11,217,060 for the Pagosa area water & sanitation district water activity enterprise Dry Gulch reservoir project land purchase;
- \$300,000 to implement the major recommendations identified in the 2002 Colorado drought mitigation and response plan;
- \$150,000 for establishing new instream flow appropriations and changing the use of acquired water rights for instream flow use;
- \$150,000 to support the Colorado river 7 basin states in undertaking projects and studies looking at short- and long-term options for augmenting the water supplies of the Colorado river system;
- \$150,000 for operating expenses and activities of Colorado's representatives associated with either participation or monitoring the Colorado river issues under the Mexican treaty;
- \$500,000 for the board to continue the model development phase of the Colorado water needs and alternatives analysis;
- \$1,000,000 for the board to continue development of the South Platte decision support system;
- \$500,000 for the board to undertake a study to identify issues associated with the administration of state water rights in the Colorado river basin under the terms of the Colorado river and upper Colorado river compacts;
- \$250,000 for the board to continue to develop a statewide flood decision support system;
- \$175,000 for the board to continue to assist water conservation districts, water conservancy districts, and other water providers with the development of cloud seeding programs;
- \$150,000 for the board to continue to participate in a floodplain improvement feasibility study along the Cache La Poudre river in the city of Greeley;
- \$100,000 for the board to begin developing and implementing a water

adaptation strategy to address potential impacts from climate change and variability on Colorado's water resources;

- \$50,000 for the board to participate with the Purgatoire river water conservancy district and the United States Army corps of engineers in a study to determine the actual safe channel capacity of, and remedial measures for, the Purgatoire river downstream of Trinidad dam;
- \$100,000 for the board to participate with the southeastern Colorado water conservancy district and the United States geological survey to develop a reliable water quality data network for the Arkansas river basin;
- \$400,000 for the board to work with stakeholders within the state of Colorado to explore alternatives to designation of rivers as wild and scenic;
- \$65,000 for the board to participate with the United States geological survey in a study to provide high resolution estimates of processes that remove moisture from snowpack in the Colorado river watershed and in the headwaters of the South Platte river basin;
- \$84,000 for the board to participate with the United States geological survey in performing ground water flow modeling to optimize pumping locations and rates with respect to model-computed water level declines and storage depletions of the Denver basin aquifer system;
- \$30,000 for the board to participate with the Colorado water resources research institute in developing an internet web-based searchable database of agricultural water conservation information and to develop management strategies for Sago pondweed;
- \$67,000 for the board to participate with the United States geological survey to present the 2005 Colorado water-use data compiled for the national water use information program of the United States geological survey in a published report specifically for Colorado; and
- \$2,000,000 for the board to implement the Chatfield reservoir reallocation project.

Restores the balance of the flood response fund to \$300,000. Restores the balance of the map modernization account to \$500,000. Changes the reference to the "Oak creek reservoir feasibility study" in Senate Bill 05-084 to the "Oak creek flood control mitigation feasibility study", and deletes a reference to other study participants. Repeals the prohibition on the board using the construction fund to acquire instream flow rights, and continuously appropriates up to \$1,000,000 annually that is transferred from the construction fund to a newly-created instream flow fund to pay for the costs of acquiring water for instream flow use. Requires water efficiency plans developed by water providers to fully evaluate certain listed plan elements. Allows moneys previously appropriated for an upper Arkansas river basin decision support system feasibility study to be used for an Arkansas river basin decision support system feasibility study.

Makes specified sections contingent upon House Bill 08-1398 becoming law.

APPROVED by Governor May 29, 2008

EFFECTIVE May 29, 2008

NOTE: House Bill 08-1398 was signed by the governor June 2, 2008.

H.B. 08-1405 Colorado water institute - severance tax trust fund - operational account - appropriation. For the 2008-09 fiscal year, appropriates \$500,000 from the operational account of the severance tax trust fund to the water research fund for use by the Colorado water institute.

Makes provisions contingent upon House Bill 08-1398 becoming law.

APPROVED by Governor May 21, 2008

EFFECTIVE May 21, 2008

NOTE: House Bill 08-1398 was signed by the governor June 2, 2008.

PROPOSED CONSTITUTIONAL AMENDMENTS

S.C.R. 08-3 Initiative petitions - signature requirements - filing requirements - review and comment - protection of initiated laws. Changes the minimum number of signatures of registered electors required for a proposed initiative from 5% of the votes cast in the previous election for secretary of state to:

- For a proposed initiated statute, 4% of the votes cast in the previous election for the office of governor; and
- For a proposed initiated amendment to the state constitution, 6% of the votes cast in the previous election for the office of governor.

Requires at least 8% of the total number of signatures required for an initiative petition to amend the state constitution to be gathered from residents in each congressional district in the state.

Extends the time permitted to gather signatures on a statutory initiative petition by 3 months from the time that is currently allowed by statute. Requires the original draft of a proposed initiative to amend the state constitution to be filed with the legislative research and drafting offices of the general assembly no later than the 60th day of the legislative session prior to the election at which the measure is to be voted upon, and allows the general assembly to conduct public hearings on the proposed initiative.

Changes the initiative review and comment process as follows:

- Requires the legislative research and drafting offices of the general assembly to prepare and transmit to the initiative proponents a review and comment memorandum no later than 2 weeks after the submission of a proposed measure;
- Requires the memorandum and proposed measure to be made public;
- Requires a review and comment meeting to be held 3 weeks after submission of a proposed measure; and
- Allows comment by the public and members of the general assembly at review and comment meetings.

Requires a 2/3 vote of all members elected to each house of the general assembly to amend, repeal, or supersede an initiated statute for a period of 5 years after the statute becomes effective.

H.C.R. 08-1008 Constitutional provisions - liquor laws. Repeals section 5 of article XVIII of the state constitution, which requires the general assembly to prohibit of the sale of any spurious, poisonous, or drugged spirituous liquors.

Repeals article XXII of the state constitution, which specifies that the manufacture, sale, and distribution of intoxicating liquors are subject to statutory regulation and prohibits the general assembly from establishing or maintaining a saloon.

H.C.R. 08-1009 Constitutional provisions - increase in land value - repeal. Repeals section 7 of article XVIII of the state constitution concerning the general assembly's authority to increase land value caused by the planting of hedges, orchards, and forests.

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