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DIGEST OF BILLS

Enacted by The

FORTY-NINTH GENERAL ASSEMBLY

1974 Second Regular Session



COLORADO

LEGISLATIVE DRAFTING OFFICE

30 State Capitol Bldg.
Denver, Colorado 80203

May, 1974

DIGEST
OF
SENATE AND HOUSE BILLS ENACTED
BY THE
FORTY-NINTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO

(1974 - Second Regular Session)

and

APPROVED OR VETOED BY THE GOVERNOR

(Together with a Subject Index)

Compiled by the
Legislative Drafting Office

30 State Capitol

Denver

Note: The first date appearing after the act is the date on which it was approved by the Governor; the second date is the effective date of the act.

House Bills passed	59
Senate Bills passed	<u>54</u>
Total	113

Bills enacted and approved	113
Bills vetoed	<u>0</u>
Total	113

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AGRICULTURE

H.B. 1079 Agriculture - livestock brand inspections - tax and service charge. Replaces the present scale for the per head brand inspection tax (which related the rate of tax to the number of livestock being inspected) with a rate fixed by the state board of stock inspection commissioners not to exceed 20¢ per head. Authorizes the board to levy and collect an additional service charge of not less than \$1 nor more than \$3 from each person or firm requesting or requiring an inspection.

February 27 February 27

APPROPRIATIONS

S.B. 36 Appropriation - settlement of injury claim. \$25,000, out of the state highway fund, to the Colorado claims commission, to settle a claim by Elnora Z. Steele for injuries resulting from a dangerous highway condition.

March 4

March 4

S.B. 57 Supplemental appropriation - department of social services. \$381,595, to be combined with \$708,676 from other sources, to build the Colorado veterans nursing home at Florence authorized in 1973, with the funds to be used, as itemized, within 3 years.

May 1

May 1

S.B. 81 Supplemental appropriation - division of parks. \$5,000 to the division of parks and outdoor recreation for a study to determine the feasibility of creating a state park at La Veta pass.

May 14

May 14

S.B. 93 Appropriation - office of the governor - NCR building. \$1,380,000, out of the capital construction fund, of which \$1,000,000 is for the purchase of a 2.7-acre tract near the intersection of I-25 and Colorado boulevard in Denver, together with the national cash register building located thereon, and \$380,000 is for the remodeling of the building.

March 29

March 29

S.B. 102 Supplemental appropriation - office of the state treasurer. \$7,635, for moving costs and capital outlay.

April 1

April 1

S.B. 103 Supplemental appropriation - office of the secretary of state. \$21,919, for publication costs of an additional volume of the court of appeals reports and for building rentals and related costs.

April 1

April 1

S.B. 104 Supplemental appropriation - department of health. \$26,182, out of revenue-sharing funds, to continue the night venereal disease clinic through June 30, 1974. Increases transferred funds appropriated in the 1973 "long bill" for grant support for combined physical and mental health programs by \$25,242. Increases federal funds specified in the 1973 "long bill" for operational and volunteer planning by \$16,577.

April 8

April 8

S.B. 105 Supplemental appropriation - department of local affairs. \$27,447, of which \$16,980 is allocated to the division of housing for personal services and operating expenses, and \$10,467 is allocated to the division of property taxation for travel and subsistence. Transfers \$60,861, appropriated in the 1973 "long bill" for community mental health clinics to the division of mental health in the department of institutions, from such division to the division of criminal justice in partial fulfillment of the buy-in requirements of the federal "Crime Control Act of 1973".

April 8

April 8

S.B. 106 Supplemental appropriation - department of institutions. Appropriates an additional \$968,042, of which \$559,123 is from cash funds, allocated among the department's various divisions, including youth services, corrections, mental retardation, mental health, and the school for deaf and blind, primarily for personal services, operating expenses, and capital outlay. Also amends the 1973 long

106
cont.

appropriation bill to increase the 1973 appropriation to the division of mental retardation for personal services and operating expenses at the Ridge home by \$228,033, and changes the source of \$275,000 of the funds appropriated to Ridge from the general fund to cash funds. Further amends the 1973 "long bill" by increasing, by \$3,043, the capital construction appropriation to the division of youth services for a gym and utility building at Golden Gate youth camp. Increases the 1973 capital construction appropriation for the state penitentiary by \$50,000 for demolition of cellhouse #6, and makes both that and the original appropriation for construction of a movable gym-drill hall contingent upon meeting certain time limitations on the work and upon reducing the penitentiary FTE by 0.5.

April 22

April 22

S.B. 107

Supplemental appropriation - department of agriculture. Changes appropriations made in the 1973 "long bill" as follows: For administration and agricultural services, an additional \$31,089 for personal services and \$15,000 for a brucellosis outbreak; for meat inspection, an additional \$13,848 for personal services; and a reduction of \$31,089 for fruit and vegetable inspections. Authorizes the use of \$11,071 out of the general fund moneys appropriated in 1973 for the state fair for the construction of rest rooms. Increases the 1973 capital construction fund appropriation for rest room construction at the state fair by \$8,356, and reduces the 1973 capital construction fund appropriation for storm sewer, horse washrack, and paving at the state fair by the same amount.

April 11

April 11

S.B. 108

Supplemental appropriation - Colorado state patrol. \$144,000 out of the highway users tax fund, to cover the increase in final average gasoline costs. Computes increased cost by multiplying the number of cents above 24 1/2¢ per gallon average price by \$15,185.

April 22

April 22

S.B. 109

Supplemental appropriation - department of regulatory agencies. \$52,671, allocated as follows: Architect

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cont. examiners board, \$3,440 for increased examination costs; cosmetology board, \$3,593 for operating expenses; professional engineers and land surveyors board, \$7,533 for personal services and operating expenses; psychologist examiners board, \$720 for board per diem; and public utilities commission, \$37,385, of which \$21,235 is out of the highway users tax fund and \$16,150 out of the fixed utility assessment fund, for operating expenses.

May 14

May 14

S.B. 112 Appropriation - department of agriculture - capital construction. \$914,723, from the capital construction fund, for design and construction of a biochemical laboratory building having 16,285 gross square feet and architectural potential for future expansion, allocated as itemized.

May 13

May 13

H.B. 1040 Appropriation - capital construction - Fort Lewis college. Reduces the appropriation made in 1973 for physical planning, construction, and utilities for a natatorium by \$44,665, and increases the appropriation for contingencies by such amount. Specifies that such appropriation shall be used for the remodeling of and addition to the old gymnasium for a swimming pool, instead of for a natatorium.

February 19

February 19

H.B. 1100 Appropriation - judgments against state. \$139,000, out of the wildlife cash fund, to the attorney general, to pay 2 judgments against the state for damages resulting from overflow of the Clay Creek Dam.

April 19

April 19

H.B. 1133 Appropriation - division of alcohol and drug abuse. Appropriates \$545,620 to implement the provisions of H.B. 1279 passed by the general assembly in 1973 (The "Colorado Alcoholism and Intoxication Treatment Act"). Allows the state to contract for alcoholism treatment

1133 services from local treatment centers. The department of
cont. health may reimburse not more than 50% of the cost of
such contracts less 10% for patient fees and less 25% for
other state reimbursements. Of the amount appropriated,
\$496,392 is for state reimbursements and \$49,228 is for
treatment evaluation.

May 14

May 14

H.B. 1139 Supplemental appropriation - department of military
affairs. Increases the appropriation made in the 1973
"Tong Bill" to the department of military affairs for
Craig armory by \$42,623.

April 19

April 19

H.B. 1177 Appropriation - office of governor - Colorado railroad
authority. Appropriates \$100,000 to the office of the
governor for allocation to the Colorado railroad
authority, the appropriation to remain available through
June 30, 1977, and to be contingent on the New Mexico
legislature appropriating a matching amount in 1974 for
operation of the Cumbres and Toltec narrow gauge line.
The appropriation is for various specific purposes of
improvement, restoration, rebuilding, and new
construction, and it is not to be used for any repairs
for which the company operating the railroad is liable
under its lease. Expenditures are subject to state
audit.

April 26

April 26

H.B. 1189 Supplemental appropriation - department of
administration. \$17,750, of which \$12,313 is to the
office of the executive director for separation and
retirement payments and for a management analyst to
implement recommendations of a survey on administrative
passenger vehicles, and \$5,437 is to the division of
purchasing for retirement payments.

April 1

April 1

H.B. 1190 Supplemental appropriation - office of governor.
\$1,337,762, to be allocated as follows: \$89,514 for

1190 cont. general purposes and capital outlay; \$398,602 for replacing reductions in cash receipts at Colorado general hospital; \$458,099 for a temporary advance for aid to the needy disabled; and \$391,547 for increased case loads in the aid to the needy disabled and aid to the blind programs as well as the cost of the federal "deemed income" provision.

April 26

April 26

H.B. 1191 Supplemental appropriation - department of military affairs. Increases the appropriation made in the 1973 "long bill" to the civil defense division for federal contracts by \$25,773, and deletes the specification of 5.0 FTE.

April 1

April 1

H.B. 1192 Supplemental appropriation - department of natural resources. \$481,345, allocated as follows: \$7,690 to the division of water resources to repair flood damage to gauging stations; \$10,000 to the Colorado water conservation board out of revenue-sharing funds to replace withdrawn federal funds for operating and travel expenses; \$70,278 to the division of parks and outdoor recreation, of which \$23,186 is out of revenue-sharing funds to replace withdrawn federal funds for personal services and \$47,092 is out of the capital construction fund to repair flood damage to Cherry Creek Park; \$246,688 to the division of wildlife, of which \$61,672 is out of the wildlife cash fund to match \$185,016 of additional federal funds under the Pittman-Robertson Act; \$77,529 to the division of wildlife, of which \$19,382 is out of the wildlife cash fund to match \$58,147 of additional federal funds under the Dingell-Johnson Act; and \$69,160 to the division of wildlife out of the wildlife cash fund to pay for damage done by wildlife.

April 1

April 1

H.B. 1193 Supplemental appropriation - department of revenue. Increases appropriations made in the 1973 "long bill" as follows: For revenue and motor vehicle administration, an additional \$53,204 and 9.2 FTE for personal services, an additional \$286,686 for operating expenses, an additional \$25,000 for travel and subsistence, and an

1193
cont.

additional \$28,963 for capital outlay; for title, driver improvement, and master file sections, an additional \$318,707 and 53.0 FTE for personal services, an additional \$51,605 for operating expenses, and an additional \$428 for travel and subsistence; and for revenue special purposes, an additional \$15,845 for county clerk fees and an additional \$40,100 and 3.0 FTE for the Colorado dealer licensing board. Of such additional moneys, \$626,513 is from the highway users tax fund, \$40,100 is from the auto dealers license fund, and \$153,925 is from general funds.

April 19

April 19

H.B. 1194 Supplemental appropriation - department of law. \$32,200, of which \$18,200 is for an antitrust lawsuit and \$14,000 is for the investigation of the Colorado state penitentiary.

April 1

April 1

H.B. 1195 Supplemental appropriation - department of higher education. \$3,962,455, allocated as follows: To the Colorado commission on higher education, \$343,173 to replace tuition revenues lost because of recent judicial decisions concerning residency status of students and \$600,000 for extension and correspondence instruction; to the state board of agriculture, \$192,801 to replace tuition income lost because of court reclassification of Indian students at Fort Lewis college, \$166,550 to hire 5.8 FTE and expand the mountain pine beetle control program of the state forest service at Colorado state university, and \$102,713 to replace an anticipated reduction in federal funds; to the university of northern Colorado, \$68,333 to replace tuition income lost due to the price freeze; to the state historical society, \$10,000 to replace an unanticipated loss of cash income; to the trustees of the state colleges in Colorado, \$15,775 for the increased cost of utilities at southern Colorado state college; to the regents of the university of Colorado, \$20,978 for the increased cost of utilities at the Denver campus and \$81,569 and 8.0 FTE for an unanticipated increase of 100 FTE students at the Colorado Springs campus; to the state board for community colleges and occupational education, \$1,646,956 for increased rental and auxiliary enterprise expenses and for additional special purpose programs at specified state community colleges and \$545,172 for increased costs

1195
cont. of construction at the west campus of Denver community college; and to the board of trustees of the Colorado school of mines, \$168,435 for increased costs of improvements to the heating and electrical distribution systems. Such moneys are appropriated out of the general fund, cash funds, federal funds, the capital construction fund, and revenue sharing funds.

April 19

April 19

H.B. 1196 Supplemental appropriation - department of labor and employment. \$4,380, for allocation to the office of the executive director, for personal services, of which \$2,720 is out of the general fund, \$1,367 is out of the state compensation insurance fund, and \$293 is out of the highway users tax fund.

April 1

April 1

H.B. 1199 Supplemental appropriation - department of social services. Makes numerous changes in the appropriation to the department of social services in the 1973 "long bill" (S.B. 420), resulting in the following net changes in appropriations to the department for operating costs for the fiscal year ending June 30, 1974: The total appropriation for operating expenses is reduced by \$2,146,351, involving a reduction in the appropriation from the general fund of \$1,641,463, a reduction in the federal fund figure of \$516,910, and an increase in the appropriation from cash funds of \$12,022. Provides that certain general fund appropriations may be increased proportionately with matching federal funds under certain circumstances to encourage the transfer of persons from higher cost programs to lower cost programs.

May 13

May 13

H.B. 1200 Appropriations - long bill. For expenses of the executive and judicial departments of state government for the fiscal year commencing July 1, 1974, the grand total for operating budgets is \$1,248,380,899, of which \$734,113,000 is appropriated from the general fund and \$205,002,427 from cash funds, and anticipated federal funds total \$309,265,472. The total capital construction budget is \$74,561,203, of which \$65,026,226 is appropriated from the capital construction fund and

1200 cont. \$7,710,805 from cash funds, with \$1,824,172 in anticipated federal funds.

May 17

July 1

H.B. 1201 Appropriation - legislative department. Appropriates \$5,874,213 to the legislative department for its expenses for the fiscal year beginning July 1, 1974, allocated as follows:

House of representatives and senate	\$2,027,966
State auditor	1,694,793
Joint budget committee	342,891
Legislative council	535,245
Research studies	175,000
Legislative drafting office	414,618
Office of revisor of statutes	369,150
Committee on legal services	67,000
Commission on interstate cooperation	37,050
Commission on uniform state laws	10,500
House and senate services committees for the development of a comprehensive plan and budget for the renovation, decoration, and upgrading of the state capitol building and grounds	100,000
Committee on Denver metropolitan area water problems	75,000
Colorado business tax profile	25,000

May 14

May 14

COURTS

H.B. 1021 Courts - probate fees. Revises fees for services by judges and clerks in probate proceedings to accord with the "Colorado Probate Code" enacted in 1973. Specifies fees for filing first papers for estates eligible for summary administrative procedures and for small estates of persons under disability (\$3); for filing first papers in other estates (\$25); for filing petition for supervised administration, except contested claims (\$50); for docketing contested claims (\$25); and for registration of trusts (\$25). Applies to proceedings commenced on or after July 1, 1974. Various fees for copy work and certification remain unchanged.

March 21

July 1

H.B. 1059 Courts - fourteenth judicial district - appropriation. Increases the number of judges in the fourteenth judicial district from one to two. Appropriates \$87,857 to the judicial department for operating expenses and capital outlay as well as for the salary of the new judge and his court personnel.

April 1

July 1

H.B. 1060 Courts - court of appeals - judges - jurisdiction - appropriation. Increases the number of judges of the court of appeals from 6 to 10, and authorizes the employment of a reporter of decisions for the court of appeals. Grants the court of appeals initial jurisdiction over appeals in criminal cases tried in district courts and contributing to delinquency cases tried in the Denver juvenile court.

Appropriates \$55,379 for the current fiscal year and \$334,331 for the 1974-75 fiscal year to the judicial department to implement the act. Appropriates \$33,170 to the attorney general for the 1974-75 fiscal year to implement the act.

April 19

July 1

H.B. 1067 Courts - judges' pensions - appropriation. Allows retired supreme court judges having served over 10 years and having reached age 65 to receive annual pensions of 1/4 the annual salary of an associate judge of the court, or 1/3 of such salary if they served over 20 years and have reached age 72. Specifies that this pension is not intended to be available to any judge who was not elected or appointed prior to the effective date of the act. Increases the annual pensions of widows of judges so qualified (and who were married 20 years, have reached age 65, and have not remarried) from \$5,000 to \$7,000. Appropriates \$24,667 to the state court administration for the 1974-75 fiscal year to implement the act.

May 16

May 16

CRIMES, CRIMINAL PROCEDURE, AND LAW ENFORCEMENT

- S.B. 11 Criminal procedure - diagnostic program - appropriation.
Creates and establishes procedures for a program for examination and evaluation of sentenced criminals to determine the appropriate programs for maximum rehabilitation and preparation for post-imprisonment employment.

Appropriates \$172,253 to the department of institutions for development of a diagnosis and evaluation team at the state penitentiary.

May 7

July 1

- S.B. 12 Criminal procedure - custody of sentenced criminals.
Provides that a criminal sentenced to the state penitentiary or state reformatory is deemed in the custody of the executive director of the department of institutions during evaluation and diagnosis, and, insofar as is practicable, may be transferred by the executive director to any state institution or treatment facility consistent with evaluation, diagnosis, and recommendation.

May 7

May 7

- S.B. 13 Criminal procedures - parole revocation - state board of parole - appropriation. Revises and refines some of the procedures to be followed in connection with any action for parole revocation to bring such procedures in line with the decision of the U.S. supreme court in Morrissey v. Brewer. The act should be consulted for specific changes.

Increases the size of the parole board from 3 to 4 members and allows members to succeed themselves. Allows the chairman of the board, subject to review by the board, to act alone upon recommendations for discharge and to perform other administrative duties delegated to him by the board. Increases the independence of the board by no longer requiring its rules and regulations to be approved by the executive director of the department of institutions. Empowers the board to conduct hearings pursuant to law subject to judicial review, to appoint

13
cont.

the state public defender to represent indigent parolees at revocation proceedings, and to issue warrants. Declares that such issuance of a warrant tolls the expiration of a parolee's parole.

Clarifies existing law by stating that those who are serving another sentence at a different institution are to be interviewed by the board only when eligible for parole from that institution. Deletes provision which provided for parole 90 days before the expiration of a person's prison term.

Directs a third board member to review the case and cast the deciding vote in the event of a tie in a parole application proceeding. Abolishes the clemency advisory board, requires the parole board to conduct all interviews of parole applicants either at the institution or in the community in which he is held, and requires that office and conference space be furnished the board at each institution. Abolishes automatic denial of parole for a convict who assaults any officer, employee, or other convict with a deadly weapon. Allows an inmate to remove himself from consideration for parole, but he can be reinstated upon his request.

Appropriates \$28,730 for the implementation of the act.

May 14

May 14

S.B. 14

Crimes - conspiracy. Provides that the crime of conspiracy to commit a felony or misdemeanor defined by a statute other than the "Colorado Criminal Code", for which no penalty is specified, is a class 5 felony or a class 3 misdemeanor, as the case may be.

February 13

February 13

S.B. 15

Crimes - aiding escape from mental institution. Establishes the crime of intentionally aiding the escape of a person who is confined in a mental institution pursuant to a criminal commitment, and defines the crime as a class 5 felony.

February 13

February 13

S.B. 16 Criminal procedure - defense of alibi. Requires the prosecuting attorney to serve the defendant, within a reasonable time after service of the defendant's alibi statement, with a statement specifying the names and addresses of witnesses who will be called to rebut the defendant's alibi witnesses. Applies the penalty provisions for the defendant's failure to serve the required statement to the prosecuting attorney's failure to serve the rebuttal statement.

March 19

March 19

S.B. 18 Criminal procedure - parole. Repeals the provision which forbade parole or discharge of a prisoner within 2 calendar years after his return to the prison following escape or attempt to escape.

March 19

March 19

S.B. 46 Crimes and punishments - death penalty - when imposed. This is a referred law relating to capital punishment to be voted on throughout the state in November, 1974. If approved by a majority of those voting on the question, it will allow the death penalty to be imposed upon persons convicted of murder in the first degree committed on or after January 1, 1975, when none of the specified mitigating circumstances exist and one or more of the specified aggravating circumstances exists. The findings on the penalty are to be made in a separate evidentiary hearing, held after conviction, by the same jury or judge that found the defendant guilty. If the evidentiary hearing is before a jury, its findings must be unanimous if the death penalty is to be imposed. If the death penalty is not imposed, the penalty must be life imprisonment.

Mitigating factors existing at the time of the crime, with respect to the defendant, are specified as follows: He was under age 18; he had significant impairment of his capacity to appreciate that his acts were wrong; he was under substantial duress; his participation in the crime was as a principal but was relatively minor; or he could not reasonably foresee that his conduct would cause either death or great risk of death to another.

Aggravating circumstances existing at the time of the crime, with respect to the defendant, are specified

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cont.

as follows: He had a previous conviction for a crime for which a penalty of life imprisonment or death was, or could have been, imposed under Colorado law; he killed a person while serving a prior sentence for a class 1, 2, or 3 felony; he intentionally killed a peace officer, fireman, or correctional official knowing the victim to be such; he intentionally killed a kidnapped person, or was a party to an agreement pursuant to which a person was killed, or committed a killing from ambush or by use of explosives; he committed a class 1, 2, or 3 felony and intentionally killed a person in committing the crime or in flight therefrom; in the commission of a class 1 felony, he knowingly created a grave risk of death to a third person; or he committed the crime in an especially heinous, cruel, and depraved manner.

The act replaces the term "premeditation" (as the measure of intent in determining whether a killing is first-degree murder) with the term "after deliberation", and makes it clear that the new test involves, besides intent, the exercise of reflection and judgment before performing the act. Premeditation had been interpreted in some cases to include almost instantaneous action to carry out intent.

March 19

January 1, 1975

S.B. 55

Crimes - community correctional facilities - study of correctional system - appropriation. Authorizes the department of institutions and units of local government to establish, maintain, and operate community correctional facilities for offenders who are deemed by the department to have potential for rehabilitation justifying assignment to such a facility. Allows the department and local governments to acquire facilities by lease or purchase and to contract for their construction or renovation, subject to the approval of the local government following a public hearing held in the area where the facility is proposed to be located. Provides that the department may contract with local governments or private nonprofit agencies for treatment, education, and other services to offenders assigned to a community correctional facility.

Requires the executive director of the department of institutions to establish education, training, treatment, and employment programs for persons in its custody, some of which programs may be outside correctional institutions. Requires that similar programs be provided for persons committed to community

55
cont.

correctional facilities. Enacts new provisions relating to an integrated state correctional system which specify the executive director's authority to create and implement plans and programs for the rehabilitation and reintegration of offenders, including policies allowing maximum latitude in transferring offenders among correctional institutions, individualized rehabilitation and treatment, staff training, investigation of grievances, and performance evaluation. Requires the executive director to establish and enforce standards for state-operated correctional institutions and to ensure compliance with minimum standards by local governments with which the department contracts for services.

Directs the legislative council to appoint a committee to make a planning study for community corrections, giving priority to diversion from custody-oriented facilities, with emphasis on community resources, involvement, and responsibility. Establishes a 9-member advisory commission to assist the committee composed of representatives of the county sheriff, the judiciary, the public defender, the police chiefs, exoffenders, the district attorneys, and interested citizens. Enumerates many specific subjects to be studied, and directs the committee to submit an initial report by January 1, 1975, and a final report by January 1, 1976. Enacts a moratorium on the construction of new jails by local governments until May 1, 1975, unless approved by the division of criminal justice.

Appropriates \$67,562 to the department of institutions for 3 experimental community residential programs.

May 17

July 1

H.B. 1051 Crimes - explosives or incendiary devices. Prohibits the possession, control, use, or causing to be used of an explosive or incendiary device with the intention that it be used in the commission of a crime. Defines "explosive or incendiary device" as dynamite and other high explosives, any explosive bomb, grenade, missile, or similar device, or any incendiary bomb, grenade, fire bomb, or similar device including a Molotov cocktail. Designates the offense as a class 1 misdemeanor or a class 2 or 4 felony depending on whether the device was intended for use in committing a misdemeanor or a felony

1051
cont.

and whether it was used or merely possessed or controlled. One effect of the act is to move the criminal provisions from the chapter on explosives into the criminal code.

March 21

March 21

H.B. 1123

Criminal procedure - credit for good time pending appeal.
Allows defendants whose sentences have been stayed to accumulate good time (reduction in the required period of confinement in the penitentiary earned for good behavior) while they are confined pending appeal.

April 1

April 1

EDUCATION - PUBLIC SCHOOLS AND
HIGHER EDUCATION

- S.B. 39 Higher education - tuition waivers for veterans - appropriation. Provides a tuition waiver of 50% of the weighted average resident tuition at state institutions of postsecondary education for a veteran who is a Colorado resident for tuition purposes, served on active duty for any period from August 5, 1964 to August 5, 1973, was discharged or released from active duty, is eligible for federal educational benefits, and was a Colorado resident at the time of entry into service. "Active duty" does not include service at a civilian institution, attendance at a service academy, or service in the national guard or reserves. Appropriates \$1,347,378 to the Colorado commission on higher education for implementation of the act and \$45,000 and 4 FTE for administration of the act.

May 13

July 1

- S.B. 50 Education - Colorado energy research institute - appropriation. Creates the Colorado energy research institute at the Colorado school of mines for the primary purpose of development and coordination of the conduct of energy and energy-related minerals research programs involving universities. Creates an advisory council on energy and energy-related minerals research to establish general policy guidelines and review the institute's proposals and expenditures.

Appropriates \$2,860,000 to the school of mines for the institute for administration, research grants, scholarships, and fellowships.

May 8

May 8

- S.B. 66 Education - length of school buses. Permits the department of education to authorize a school district to use buses up to 40 feet long (instead of the previous maximum of 35 feet) upon a determination by the department that the increase will result in fuel savings. Requires any bus over 36 feet long to contain 3 axles.

April 8

April 8

S.B. 74 Education - area vocational schools - fiscal year.
Excepts area vocational schools from the provision of
"The School District Budget Law of 1964" which designates
the calendar year as the fiscal year.

April 1 April 1

S.B. 84 Education - handicapped children - reimbursable expenses
- appropriation. Clarifies a provision enacted in 1973
relating to the education of handicapped children,
concerning the portion of travel expenses of mental
health clinic and other personnel for which school
districts can be reimbursed by the state. Appropriates
\$222,640 to the department of education for
implementation of the act.

May 14 May 14

H.B. 1039 Education - area vocational schools - appropriation.
Designates the Aurora tech center as an area vocational
school, thus qualifying it for state reimbursement for
postsecondary vocational programs. Appropriates \$189,000
to the state board for community colleges and
occupational education to implement the act during the
1974-75 fiscal year.

May 1 May 1

H.B. 1043 Education - handicapped children - reimbursable costs.
State reimbursement to local school districts for the
costs of operating special education programs for
handicapped children under the "Handicapped Children's
Educational Act" passed in 1973 is not to exceed the net
expense incurred by a district after computing local, as
well as other state, private, and federal contributions
to the program.

April 26 April 26

H.B. 1052 Education - school buses - warning signal lights - stop
arms. Authorizes school buses to display 4 flashing
yellow signal lights in addition to the red lights

1052
cont.

authorized by existing law. Clarifies that red signal lights are to be operated when the bus is actually stopped to receive or discharge children, and provides that a vehicle equipped with yellow lights must actuate them at least 200 feet prior to stopping to receive or discharge children. Authorizes school buses to be equipped with octagonal stop signal arms containing 2 flashing red lamps, and provides that the arm shall be extended only when the red signal lights on the bus are in operation. Makes yellow signal lights and stop arms mandatory equipment on and after January 1, 1976. Declares that no state moneys need be appropriated to implement the act.

February 19 February 19

H.B. 1073 Education - funding of community education programs. Allows a board of education acting in cooperation with various public or private agencies to establish, maintain, and fund community education programs from tuition, fees, or moneys of the school district. Generally, community education programs are defined as educational, social, cultural, and recreational programs for children, youth, and adults. Further empowers a board of education to charge a fee or tuition for continuation, part-time, evening, vocational, and opportunity programs and programs for aliens.

April 30 April 30

H.B. 1094 Education - teachers' emeritus retirement funds - appropriation. Increases the maximum monthly payments to qualifying public school teachers from the teachers' emeritus retirement fund from \$175 to \$200, and effective July 1, 1975, the payments are to be increased by 3%. Also, effective July 1, 1975, the monthly payments to eligible persons from the state institution of higher learning emeritus retirement fund are to be increased by 3%. Appropriates \$293,700 to the department of education to carry out the purposes of the act.

May 14 July 1

H.B. 1102 Higher education - investment powers of regents. Repeals a section which granted the regents of the university of Colorado the power to invest, since the "Uniform

1102
cont. Management of Institutional Funds Act" passed in 1973 (chapter 126 of the 1973 Session Laws) is applicable to, and gives broader investment powers to, governmental organizations holding funds exclusively for educational (and other) purposes. The repeal also eliminates the need for an investment committee for the regents.

March 19

March 19

H.B. 1124 Schools - length of school term - exceptions. Permits school terms to be reduced in length below the standard 172-day minimum when authorized by the state board of education on the ground of fuel shortages, and provides the school district will not be penalized in such case with respect to state aid.

March 19

March 19

H.B. 1138 Education - school district elections - special provisions for 1974. Enacts provisions applicable to special school elections (for example, elections to authorize certain budget increases) held within 90 days after the 1974 general election. Existing law prohibits the registration of new voters for a period beginning 32 days before the general election and ending 45 days after the general election. The act permits otherwise qualified persons to vote in special school elections if they take an oath or affirmation stating their qualifications to register and file it with the secretary of the school district within 32 days prior to the election.

Increases from 77 to 130 days the period following general elections during which the registration list for school elections is to consist of persons registered to vote at the general election as well as persons who registered while registration books were closed prior to the primary election.

March 21

March 21

H.B. 1163 Higher education - Auraria higher education center. The general purpose of the act is to provide for the coordination of the planning and construction of a multi-institutional higher education complex made up of certain constituent institutions, i.e., Metropolitan

1163
cont.

state college, the university of Colorado at Denver, and the community college of Denver, Auraria campus. Creates a 7-member board of directors of the Auraria higher education center, of which 4 members are to be appointed at large by the governor and 3 members are to be appointed from the state board for community colleges and occupational education or the Denver area council for community colleges, the trustees of the state colleges, and the regents of the university of Colorado, respectively.

The governing boards of the constituent institutions are to conduct their programs as provided in the act and are to provide for a common academic calendar and transferability of credits among such institutions. Generally, the duties of the Auraria board are to plan and construct certain buildings and facilities, maintain and manage the physical plant of the center, allocate available space to the constituent institutions, design joint facilities, maintain a long-range plan, and decide interinstitutional disputes. The Auraria board may collect a special student fee for use in financing certain facilities, and it has regulatory powers and bonding authority substantially similar to those of other state institutions of higher education.

May 13

May 13

H.B. 1204 Education - school district budgets - deadlines. Changes deadline for submission of school district budgets from September 20 to October 1. If the school board believes a revenue base in excess of the authorized revenue base is necessary, it must submit its request for an increase to the state school district budget review board by October 5, instead of October 1, and the state board must approve or disapprove the request by November 5, instead of November 1.

May 14

July 1

ELECTIONS

S.B. 28 Elections - disclosure of campaign contributions and expenditures - appropriation. Because of the detailed provisions of the act, it cannot be digested adequately, and a thorough reading of the act is suggested. The main provisions of the act are outlined below.

Applies to candidates for public office, political committees, and to any candidate for office of any town, city, county, city and county, or special district for which the annual compensation exceeds \$1,200. Allows home rule municipalities to adopt more stringent provisions.

Requires each candidate to certify by affidavit that he is familiar with the provisions of the act no later than 10 days after becoming a candidate, but for 1974 only, he need not do so until July 1, 1974. Each political committee subject to the act is to file a statement of organization no later than 15 days after opening a bank account as required by the act. Again, for 1974, this need not be done until July 1, 1974.

Requires campaign treasurers to file reports with the appropriate officer 11 days before and 30 days after any election. Each such report is to contain:

- (a) The amount of funds on hand;
- (b) The name and address of each person making a contribution in excess of \$25 or a contribution in kind in excess of \$100 with the amount and date of each or a chronological listing of all such contributions and contributions in kind and the name and address of each contributor;
- (c) The total of all contributions and contributions in kind;
- (d) The name and address of each person to whom expenditures in excess of \$25 have been made and the amount, date, and purpose of each expenditure;
- (e) The total of all expenditures;
- (f) The name and address of the bank used by the candidate or political committee.

Any contribution or contribution in kind exceeding

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cont.

\$500 and received within 16 days preceding the election is to be reported no later than 48 hours after receipt thereof. Requires supplemental reports to be filed annually in the event of an unexpended balance or expenditure deficit. Declares that any person who makes indirect contributions or contributions in kind which exceed \$100 is to file a report with the appropriate officer.

Prohibits political contributions and expenditures in currency or coin which exceed \$100; any governmental department from making contributions or contributions in kind to any campaign unless the campaign involves an issue in which it has an official concern; and the use of campaign funds for purposes other than those reasonably related to the passage or defeat of an issue, the nomination, retention, or election of a candidate, or voter registration or political education. Also prohibits encouraging the candidate's withdrawal from his campaign in return for money or any other thing of value.

Prescribes the duties of the secretary of state and the county clerks and recorders under the act. States that failure to comply with the provisions of the act is to have no effect on the validity of any election, issue, statewide issue, or bonds issued pursuant to law; except that if a candidate violates the act, he is not to take office or if he already has taken office, it is to be vacated. Establishes penalties for the violation of the act, but creates an affirmative defense for an uncompensated volunteer without actual knowledge of his responsibility under the act.

Appropriates \$19,000 for the implementation of the act, of which \$10,000 is allocated to the secretary of state and \$9,000 is for reimbursement to the county clerks and recorders at a rate of \$2 per candidate per election as required by the act.

May 17

May 17

H.B. 1022 Elections - school district elections. Deletes 1973 amendments made to conform school district election laws with general election laws, resulting in school election provisions substantially the same as they were before the 1973 changes. Permits school districts with an enrollment of more than 70,000 to conduct the regular biennial school election on either the first Tuesday after the first Monday in May (the date for all smaller districts) or the third Tuesday in May, of each

1022
cont.

odd-numbered year.

Requires candidates for school director to notify the appropriate officer of his intent 45, rather than 32, days prior to the election date, and prohibits running as a candidate of any political party. Requires an affidavit concerning qualifications and intent to occupy office to be filed by all write-in candidates 5 days before the election date.

Requires that school district election judges be physically and mentally qualified to act as an election judge, that they attend instructional classes if offered by the board of education, and that they not be members of or candidates for the board of education. Directs the secretary of the board of education to appoint a registered elector (who need not be a resident of the election precinct) if the office of election judge becomes vacant. Requires that compensation of judges be the same as for general election judges in the county, and establishes minimum (\$25) and maximum (\$40) rates of compensation.

Allows any person to file with the district attorney an affidavit alleging an election offense, and directs the district attorney to investigate the allegation and prosecute the violator if reasonable grounds appear therefor.

March 21

March 21

H.B. 1113 Elections - purging voter registration records. Requires county clerks and recorders to mail a notice to each elector who was properly registered for a general election but who failed to vote therein, notifying each such elector that his name will be purged from the registration book unless he requests that his registration be continued. The notice must be mailed to the elector within 55 days after the general election and must include a return portion requiring information as to the elector's identity and address and requiring his signature. The elector has 30 days from the date of mailing the notice to return it to the clerk and recorder to avoid having his name purged from the registration book.

Requires the secretary of state to give notice quarterly to each clerk and recorder of all deaths reported to him from the registrar of vital statistics. Commencing July 1, 1974, the county clerk and recorder is

1113
cont.

to mark the appropriate registration sheets accordingly and to remove the sheets from the registration book, keeping them for a period of 2 years.

March 21

July 1

H.B. 1203 Elections - initiative petitions. Requires proponents of initiative petitions for proposed laws or amendments to the state constitution to submit drafts of the text thereof to the attorney general for review and comment before signing by the electors. Allows the attorney general to solicit assistance from executive agencies, the legislative council, and the legislative drafting office. Directs that a conference with the petition's proponents be held not later than 3 weeks after submission, at which the attorney general must render comments on any problems encountered with the format or content of the petition. Such comments become public after the proposition's title, submission clause, and ballot title are approved. The proponents may amend the petition in response to the attorney general's comments, or they may entirely disregard them.

Replaces the clerk of the supreme court with the director of the legislative drafting office on the board which designates titles, ballot titles, and submission clauses for initiated measures.

May 14

May 14

ENVIRONMENT AND LAND USE

H.B. 1034 Environment and land use - "Local Government Land Use Control Enabling Act". Provides authority to counties and municipalities to plan for and regulate the use of land in hazardous areas, wildlife habitats, and areas of historical and archaeological importance, and to plan for public lands with regard to establishment of roads. Also provides authority to plan for and regulate the use of land in relation to significant changes in population density, phased development of services and facilities, impact on the community and surrounding areas, and planned and orderly use of land and protection of the environment. Encourages local governments to cooperate and contract with other units of government for land use purposes. Extends the power of a board of county commissioners to adopt temporary regulations pending adoption of a zoning plan to include the power to regulate or prohibit buildings or structures for residential purposes.

May 17

May 17

H.B. 1041 Environment and land use - areas and activities of state interest - appropriation. The purposes of the act are to focus attention upon, describe, and prescribe criteria for certain areas and activities; to declare that such areas and activities are of state interest when so designated by local governments; and to permit the appropriate local governments to administer such areas and activities of state interest according to guidelines which are consistent with the criteria set forth in the act.

The act is divided into 5 parts. Part 1 contains the legislative declaration, 3 definitional sections, and 4 sections describing the effect of the act upon existing laws, developments, and activities which may involve substantive rights which have vested on or before the date of the governor's signature, and the time for state agencies' response when the agencies are required to consider an application for a permit relating to a development.

Part 2 lists the following as areas of state interest which a local government may designate: Mineral resource areas, natural hazard areas, areas containing,

1041
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or having significant impact upon, historical, natural, or archaeological resources of statewide importance, and areas around key facilities. Activities of state interest which a local government may designate are: Site selection of airports, rapid or mass transit terminals, stations, and fixed guideways, arterial highways, interchanges, and collector highways; site selection and development of solid waste disposal sites and new communities; site selection and construction of major new domestic water and sewage treatment systems and extensions of existing systems and major facilities of a public utility; efficient utilization of municipal and industrial water projects; and conduct of nuclear detonations. (Reference to the definitional sections dealing with natural hazards and other matters of state interest is necessary for a more detailed understanding of the specific types of areas and activities which may be designated by local governments.) The criteria for matters of state interest generally involve the following considerations: Minimization of danger to public health and safety or to property, consistency with adopted governmental master plans, prevention of environmental disruption, and rational and orderly provision of governmental services.

Part 3 lists the functions of local governments and state agencies stemming from the act.

Part 4 relates generally to the process of designation and adoption of guidelines and provides priorities for designation and specific procedures for designation, adoption of guidelines, progress reports by local governments, review of designation and guidelines by the Colorado land use commission (referred to as the "commission"), and bringing to a local government's attention specific matters of state interest which the commission believes should be designated and administered pursuant to the act.

Part 5 provides the procedures to be employed by a local government when a permit is requested for development in a designated area of state interest or for conduct of an activity of state interest, and provides for judicial review of the local government's approval or denial of a permit.

State authority under the act is divided between the department of local affairs, which is to perform planning functions, and the commission, which is to perform enforcement functions. The department of local affairs is directed to conduct a program encouraging counties and municipalities to prepare a complete and

1041
cont.

detailed identification and designation of all matters of state interest within each county by June 30, 1976, and \$1,575,000 is appropriated to the department for the program and \$500,000 for supplemental planning. The commission's temporary emergency powers are broadened so that a showing of irreparable injury, loss, or damage is no longer required before it may give a local government written notice of a land development activity which requires remedial action. The commission is to assist local governments and monitor their progress. \$300,000 is appropriated to the commission for 10.0 FTE, 5 of which are to provide assistance to counties and municipalities.

May 17

May 17

H.B. 1084 Environment and land use - conservation trust funds - appropriation. Establishes a conservation trust fund in the office of the state treasurer, and authorizes each county and municipality to do likewise in order to receive state funds appropriated to enable such local governments to acquire, develop, and maintain "new conservation sites", defined as interests in land and water hereafter acquired for parks, recreation, open space, and similar purposes. Appropriates \$725,000 to the fund, to be disbursed on a population basis by September 1, 1974, among all counties and municipalities which have reported to the department of revenue that they have established such funds.

May 17

July 1

GOVERNMENT - COUNTY

S.B. 60 County government - flood control - removal of stream flow obstructions. Authorizes the board of county commissioners of each county to remove obstructions to the channel of any natural stream which cause a flood hazard, and grants the board a right of access for such purpose. Unless the flood danger is imminent, the right of access may be exercised only after 5 days' notice to the landowner and the holder of any other interest in the property, at which time the board may inspect the stream; after written notice to the owner and negotiation concerning procedures for eliminating the hazardous conditions, the owner may agree to eliminate such conditions and may be compensated therefor, or the board may obtain a district court order to permit access for the purpose of removal of the obstruction. The court may award compensation for damages to the property resulting from flood control work.

Provides that the Colorado water conservation board may make grants to counties out of state-appropriated funds or other available moneys to assist in removing stream flow obstructions. Such grants are to be on the basis of the urgency of the flood control problem and the county's financial need.

May 14

May 14

S.B. 87 Government - county - county planning districts. Requires that petitions for creation of a district planning commission or for the dissolution of a planning district be signed by more than 50% of the qualified electors who are residents in the proposed district and by more than 50% of the residents and nonresidents who own more than 50% of the area of real property in the district described in the petition. Prior law required that such petitions be signed by 50 owners of real property within the district.

April 5

April 5

S.B. 95 County government - definition of subdivision. Amends the definition of "subdivision" to include a parcel of land to be used for condominiums, apartments, or other

95
cont.

multiple dwelling units, and declares that such a parcel of land is thus subject to statutory requirements and subdivision regulations. If a subdivider has already complied with statutory requirements and subdivision regulations with regard to a parcel of land to be used for multiple dwelling units and does not intend to increase or decrease the density approved, such a parcel of land is not included in the definition.

May 14

May 14

GOVERNMENT - MUNICIPAL

H.B. 1178 Government - municipal - abandonment of towns.
Simplifies the procedure for abandonment of towns so that an appropriate county attorney or landowner may seek a determination of abandonment by application to the secretary of state. Prior law required an application by detailed petition to the district court by an owner of real property located within the limits of said town.

Relaxes notice provisions by requiring the secretary of state to publish notice of such application in a newspaper circulated in the county and to post, where possible, such notice in at least 2 conspicuous locations in the town. Requires the secretary of state to file a determination of abandonment with the county clerk and recorder of the county in which the town is located, and thereupon said town ceases to exist.

Declares that any debt, obligation, or requirement is not to be abrogated upon a determination of abandonment. If necessary, the town is to continue to exist solely to satisfy such debts, obligations, or requirements with the board of county commissioners acting as the governing body of the town.

April 26

April 26

H.B. 1179 Municipal government - requirements for incorporation.
Amends requirements of the original court petition for municipal incorporation by reducing the required number of registered electors per square mile residing in the proposed area of incorporation from 100 to 50.

When the proposed area of incorporation has fewer than 500 resident registered voters, the board of county commissioners may, after public hearings, prohibit an incorporation election if the board finds that a special district could not be formed in the area under the service plan criteria set forth in the "Special District Control Act"; that annexation to a nearby municipality would avoid unnecessary duplication of services; and that the incorporation is inconsistent with applicable county

1179
cont.

or regional master plans. Provision is made for joint hearings when the area proposed for incorporation includes more than one county.

May 14

May 14

GOVERNMENT - SPECIAL DISTRICTS

S.B. 30 Government - special districts - elections. Delays the effect of the 1973 act governing special district elections, so that the requirement that regular elections be conducted on a new, standardized date in May of even-numbered years does not take effect until 1976.

March 26

March 26

GOVERNMENT - STATE

- S.B. 20 Government - state - mining industrial development board. Abolishes the mining industrial development board, and transfers any property owned by the board to the state effective July 1, 1974.

March 26 July 1

- S.B. 22 State government - office of state planning and budgeting created - appropriation. Creates the office of state planning and budgeting as a new principal department in the executive branch. The department is to be composed of 2 divisions, the division of state planning and the division of budgeting.

Directs the executive director of the new department to develop an annual planning, programming, and budgeting cycle; to develop a long-range plan for certain budgets and for the revenue structure; and to review legislation with a view toward its economic impact. Outlines the responsibilities of each of the divisions of the office of state planning and budgeting. Transfers the officers and employees of the executive budget office to the office of state planning and budgeting as the division of budgeting.

Adds planning as one of the functions of the principal department under any type 1 or type 2 transfer under the "Administrative Organization Act of 1968".

Appropriates \$299,073 to implement the act.

May 14 July 1

- S.B. 44 State government - nursing home administrators board - qualifications of members. Reduces the number of licensed nursing home administrators on the 9-member licensing board from 5 to 4. Provides that 4 members, instead of 3, must be from other professions, agencies, and institutions concerned with the care of the chronically ill and infirm. Requires the 5 members who are not licensed nursing home administrators to be without a direct financial interest in any nursing home.

April 1 April 1

S.B. 45 State government - conveyance to city of Pueblo. Authorizes a conveyance of 40 acres of state-owned land in Pueblo county to the city of Pueblo, subject to all easements, covenants, and restrictions of record and subject to the following conditions: The city of Pueblo must complete the building of a coliseum on the property before July 1, 1976; it must permit the coliseum to be used for the state fair without charge; the city must maintain the coliseum in good repair at its own expense; and all revenues from the use of the coliseum must be received by the Colorado state fair and industrial exposition commission. Provides that the land shall revert to the state upon breach of any condition of the conveyance.

April 2 April 2

S.B. 72 Government - state - lease of state lands. Authorizes the governor and the adjutant general to lease certain described real property to the Pleasant View metropolitan district for a period not to exceed 25 years.

April 8 April 8

S.B. 75 State government - right to bring civil action. Grants Paul Edward Sackett the right to bring a civil action against the state or any of its departments to determine liability for personal injuries sustained in an accident at the Colorado state penitentiary on April 2, 1971.

May 14 May 14

S.B. 86 State government - hearing officers - water quality control program. Authorizes the water quality control commission or the division of administration in the department of health to appoint an employee of such division as a hearing officer if the hearing is for the purpose of rule-making or on an application for a waste discharge permit.

March 26 March 26

H.B. 1008 State government - group insurance benefits - state employees - appropriation. Makes miscellaneous amendments relating to group insurance benefits for state employees and officials. Authorizes the state to provide life insurance (and other group coverage) benefits in addition to the health insurance benefits previously authorized. Membership on the board of administration is increased from 7 to 9, with the 2 new seats to be filled by employee election, and the board chairman is to be chosen by the board. Specifies provisions to be included in group life and other insurance plans, and calls for notice to be given inviting bids to furnish required coverages. Requires additional reports from insurance carriers including information on premiums, claims, retentions, expenses, forecasts, and the like. Increases the monthly state contribution from \$10 to \$12.50, and provides that it can be for both health and life insurance, but no more than 88¢ thereof for life insurance. Calls for the governor to submit annually by February 15 an analysis of a fringe benefits survey, and his estimates of costs, to the joint budget committee for inclusion in the next "long bill" as a separate item. Appropriates \$718,005 to the state controller for the state's contribution for the next fiscal year, of which \$552,864 is out of the general fund and \$165,441 out of cash funds. \$231,000 of the total is specified for employees and officials of the university of Colorado and \$34,890 for eligible employees and officials of the judicial department. Limits expenditures for administrative costs to \$51,727.

May 14

July 1

H.B. 1009 State government - division of highway safety. Transfers the coordinator of highway safety, the employees of his office, and the highway safety advisory council from the office of the governor to the state department of highways, and designates them as the division of highway safety. Provides that the division shall consult with state agencies, political subdivisions, and citizen groups to formulate traffic safety plans and programs; deal with the federal government on highway traffic safety matters; coordinate state and local activities related to federal highway safety programs; and advise the governor and the general assembly on traffic safety plans and operations.

April 1

July 1

H.B. 1018 State government - purchase of mental retardation services - appropriation. Requires the state to pay the balance of the cost of purchasing services for the mentally retarded and seriously handicapped over the 5% of cost contributed by local funding, after deducting any federal, school district, and other moneys available, up to the approved program cost as set by the general assembly (not to include special construction, research, or enrichment funds). Limits the program cost for the fiscal year commencing July 1, 1974, to \$2,169 per client. Authorizes counties to levy up to 1/2 mill to pay for such services. Directs the department of institutions to establish standards for service and enforce them by withholding funds, if necessary, and to report in detail to the governor and the joint budget committee on the services rendered annually. Appropriates \$320,000 to implement the act.

May 14

May 14

H.B. 1024 Practical nursing - advisory council abolished. Abolishes the practical nursing advisory council.

February 27

February 27

H.B. 1025 State government - board of registration for professional sanitarians - transfer. Transfers the board of registration for professional sanitarians, together with the employees and property concerned with its operation, from the department of health to the division of registrations of the department of regulatory agencies. Specifies that the law concerning the licensing of professional sanitarians is to be administered within sanitary standards and policies established by the state board of health.

February 27

July 1

H.B. 1057 State government - legislative apportionment. Transfers census enumeration district number 7 in Saguache county from representative district 58 to representative district 60.

March 4

March 4

H.B. 1061 State government - compensation of elected officials - appropriation. Raises the annual salary of the attorney general from \$26,000 to \$32,500; of the secretary of state, from \$20,000 to \$25,000; and of the state treasurer, from \$20,000 to \$25,000. Applies to salaries payable on the second Tuesday in January, 1975, and thereafter. Appropriates \$8,250 to implement the act.

April 19

April 19

H.B. 1066 State government - division of housing - demonstration grants. Authorizes the division of housing in the department of local affairs to provide rehabilitation and construction demonstration grants primarily for low income housing from state appropriations, if matched at least equally by a nonstate source. Permits the division to receive and process grants from private nonprofit entities.

April 19

April 19

HEALTH

- S.B. 42 Health - mentally ill and mentally retarded. Postpones from July 1, 1974, to July 1, 1975, the effective date of the law enacted in 1973 which abolished traditional commitment proceedings. Provides that persons adjudicated mentally ill prior to July 1, 1975, are deemed to be restored to legal capacity on July 1, 1976, unless a petition for the appointment of a guardian or conservator is filed before July 1, 1976.

Includes amendments clarifying the law on the provision of protective services to the mentally retarded through the department of social services. Authorizes the department, upon court request, to take custody of persons adjudicated mentally deficient, and empowers the department to petition for or accept an appointment as guardian or conservator for the purpose of providing protective services to any incapacitated person, not just mentally retarded persons as was authorized by prior law.

April 1

April 1

- S.B. 91 Health - water quality control. Amends the definition of "eligible project" to include projects for the construction of facilities for the discharge of wastewater or backwash water from public water treatment plants as well as construction of public sewage treatment works. Prohibits the water quality control commission from establishing priorities which preclude distribution of federal or state funds for interceptor or collection lines, and allows the commission to contract and make grants for projects including such lines. Provides that municipalities of 5,000 persons or less may receive a state contribution of more than 25% and may contribute less than 20% of the cost of eligible projects upon receipt of a certificate of need from the division of local government in the department of local affairs and shall receive at least 5% of the total annual state and federal funds granted for these purposes.

May 17

May 17

- H.B. 1140 Health - air pollution control - emission permits - fees. Requires persons filing air contaminant emission notices

1140
cont.

or applications for emission permits to pay a \$25 nonrefundable fee. Directs the air pollution control commission to designate classifications of sources and persons who are exempt from permit and notice requirements and to establish a graduated schedule of nonrefundable permit fees not to exceed \$800 per permit application. Provides for an additional nonrefundable \$200 fee where regulations require that a state-developed predictive model of air contamination be used. Specifies that a single fee is to be charged for any indirect source plan or plans submitted at one time and that additional fees may be required only when the commission finds that plans have been substantially changed.

April 19

July 1

HIGHWAYS AND TRANSPORTATION

S.B. 8 Highways and transportation - traffic control devices.
Requires the state department of highways to install, operate, maintain, and control traffic control devices on state highways at state expense in all cities and towns, instead of only those cities and towns having a population of 5,000 or less. Also extends state responsibility for traffic control devices on state highways to such devices in the city and county of Denver.

April 22

July 1

MOTOR VEHICLES

- S.B. 2 Motor vehicles - speed limits. Lowers the speed limit for all vehicles on highways to 55 m.p.h. in compliance with the federal "Emergency Highway Energy Conservation Act", and provides that this is an absolute (rather than prima facie) speed limit. Provides for the removal of all signs displaying a speed indication greater than 55 m.p.h., but does not affect speed limits of less than 55 m.p.h. Authorizes municipal and county authorities to establish speed limits lower than 55 m.p.h. after a traffic survey. Provides that the act will be repealed on either June 30, 1975, or on the expiration of the federal "Emergency Highway Energy Conservation Act", whichever date occurs first.

January 24 January 24

- S.B. 56 Motor vehicles - number plates. Allows the executive director of the department of revenue, at his discretion, to furnish one license number plate instead of two. Authorizes the issuance of multiyear plates, with a validating tab or sticker to indicate the year of registration. Subjects such actions regarding the issuance of number plates to the prior approval of the executive director of the department of administration.

April 8 April 8

- H.B. 1078 Motor vehicles - periodic inspections. Provides for annual rather than semiannual motor vehicle inspections commencing in 1975. Inspection certificates issued between July 1, 1974, and December 31, 1974, are to expire in approximately equal numbers during 1975, according to rules promulgated by the department of revenue. Effective July 1, 1974, the act increases, from 15¢ to 30¢, the fee used to help cover the cost of motor vehicle emission control activities, the 30¢ being in addition to the new annual fee of \$5.20. The department is to receive 20¢ rather than 10¢ for each certificate of inspection for all months commencing with July, 1974, and, effective the same month, inspection fees are raised from \$1.50 (paid twice yearly) to \$5.20 (per year). Directs the department to specify the number of hours each inspection station is to be open and available for

1078
cont.

inspections. Allows 10 rather than 7 days in which to correct any defects found during the inspection. Authorizes the department to revoke the license of an inspection station if the station continually denies certificates of inspection to motor vehicles in safe condition.

May 16

July 1

H.B. 1088 Motor vehicles - guest statute - car pools. Provides that the owner or operator of a motor vehicle being used for a car pool (whether the participants exchange the furnishing of transportation or whether the owner or operator is reimbursed for expenses) may be liable for ordinary negligence resulting in injury to a passenger. This is made a specific exception to the operation of the "guest statute", which bars recovery of damages by a passenger who is not paying for the ride unless he can show gross negligence or the like.

April 19

April 19

NATURAL RESOURCES, WILDLIFE, AND PARKS

S.B. 59 Natural resources, wildlife, and parks - acquisition of easement at Barr lake. Authorizes the department of natural resources to acquire an easement for recreational purposes in, over, and across Barr lake, Barr lake reservoir site, and all contiguous lands owned by the farmers reservoir and irrigation company. Such acquisition is to be by the exercise of the power of eminent domain and from funds already appropriated for the purpose.

April 8

April 8

H.B. 1046 Natural resources - proceeds from oil shale lands. Creates a special fund for the deposit of moneys received from the federal government by the state pursuant to the federal mineral lands leasing act of 1920 from sales, bonuses, royalties, leases, and rentals of oil shale lands. Provides that moneys in the fund may be appropriated by the general assembly primarily for use by state and local governments, including school districts, in planning and providing facilities and services necessitated by oil shale development and production and secondarily for other state purposes.

March 12

March 12

H.B. 1165 Natural resources - geothermal resources. Declares that the discovery and production of geothermal resources (subsurface thermal energy from steam, gases, hot water, etc.) are to be regulated by the oil and gas conservation commission in much the same way as the commission regulates the development of oil and gas resources. Establishes a procedure for granting exploration and development permits. States that the law does not affect existing water law and water rights. Establishes penalties for violation of the act, and declares that the act applies to all lands in the state unless exempted by law. Credits fees collected to a geothermal resource fund created in the commission's account with the state treasurer. Includes conforming amendments to various statutes relating to the development, sale, reservation, and production of geothermal resources.

May 17

May 17

PROFESSIONS AND OCCUPATIONS

S.B. 1 Professions and occupations - powers of state electrical board. Abolishes performance bonds as a qualification for licensing electrical contractors.

January 24

January 24

H.B. 1085 Professions and occupations - dangerous drugs - methaqualone. Adds methaqualone and its salts to the list of depressant drugs under the "Colorado Dangerous Drug Act".

February 19

February 19

SOCIAL SERVICES AND PUBLIC WELFARE

H.B. 1101 Public welfare - reimbursement to counties for welfare costs. Specifies that county contingency fund expenditures to supplement county expenditures are to be for state programs which are supplementary to federal programs. Provides that reimbursements are to end December 31, 1975, and that no moneys appropriated for the 1974-75 fiscal year shall be applied for any advancement or reimbursement for any month prior to July 1, 1974.

May 17

May 17

STATUTES

- S.B. 31 Statutes - development revenue bonds. Corrects a 1973 amendment to the "County and Municipality Development Revenue Bond Act" which authorized revenue bond financing for projects in connection with manufacturing, industrial, or commercial enterprises but which unintentionally limited such enterprises to those in connection with pollution control facilities.

February 7 February 7

- S.B. 32 Statutes - bonded indebtedness of school districts. Reenacts 1973 amendment raising the limit of bonded indebtedness from 10% to 20% of a school district's valuation for assessment, in order to avoid allegations that the 1973 amendment was not germane to the title of the bill under which the amendment was enacted. Includes conforming amendments to "The School District Organization Act of 1965".

February 7 February 7

- S.B. 35 Statutes - enacting Colorado Revised Statutes 1973. Approves and adopts the official report of the committee on legal services correcting, harmonizing, collating, editing, revising, and compiling the laws passed in 1972 and 1973 as part of Colorado Revised Statutes 1963, and directs that these laws not be published separately but be included in Colorado Revised Statutes 1973. Enacts Colorado Revised Statutes 1973 as the positive statutory law of Colorado of a general and permanent nature. Provides for the printing and publication of C.R.S. 1973, together with annotations and index, and specifies that it shall become effective on the 40th day after deposit with the secretary of state.

May 7 May 7

- S.B. 53 Statutes - revisions to conform, correct, and clarify. Contains revisions of the state statutes recommended by the subcommittee on statute revision of the committee on legal services to conform, correct, and clarify numerous

53
cont.

statutory provisions by amendment or repeal. Areas of the law most extensively involved in these changes include motor vehicle drivers' licensing, residence requirements for voting, special district elections, and rights of persons between the ages of 18 and 21 under the "Colorado Probate Code". Some provisions of the act are effective upon its passage.

April 11

July 1

TAXATION

S.B. 54 Taxation and registration of aircraft. Increases annual state registration fees on heavier aircraft and reduces most annual specific ownership taxes on aircraft, starting with the date of the act for newly acquired aircraft, and applicable to all starting in 1975. Recreational gliders are added to the list of exempt aircraft. The annual registration fee, formerly \$5 per unit of 500 pounds (or portion thereof) regardless of total weight, is now graduated upward based upon maximum certificated takeoff weight, increasing to \$8 per unit between 3,000 and 6,000 pounds, \$20 per unit between 6,000 and 12,500 pounds, and \$40 per unit for aircraft of 12,500 pounds or over. In addition, specific ownership taxes are to be based on the current average retail price of the aircraft as determined by "bluebook", rather than on original factory list, price. The constant in the computation continues at 3% as under prior law, and is applied to percentages of current average retail value reducing annually over 7 years from 4% of such value on a new aircraft to 1% thereof in the seventh and later years. Comparable percentages under prior law (of factory list price) ranged from 14% the first year to 1% the seventh.

County clerks and recorders are declared to have a lien against all aircraft subject to registration as of January 1 of each year, enforceable in the manner provided for ad valorem taxes on personal property. Their share of the collections is increased to 30¢ for each registration and 50¢ for each tax imposed. The balance of the registration fee is to be used for airport development and if not so used will eventually go to the county general fund.

May 17

May 17

H.B. 1023 Taxation - income tax credits for the elderly or disabled. Authorizes those persons who, regardless of age, are totally disabled during the entire taxable year to qualify for the credit or refund against the Colorado income tax (heretofore available only to the elderly) based on property taxes paid or tax-equivalent payments made.

Provides that the property tax credit or refund

1023
cont.

shall be the full amount of property taxes paid on a residence or movable structure (instead of 50% of such amount) or 20% of tax-equivalent payments made (instead of 10%), subject to the specified maximum amount. Increases such maximum amount from \$270 to \$400, and makes further changes in computation which will result in increases for persons earning income. Raises the maximum income allowed for persons who may qualify for the credit or refund from \$5,400 to \$5,900 in the case of an individual and from \$6,300 to \$6,900 in the case of a husband and wife.

Applies to credits and refunds for property taxes levied for 1973 and paid in 1974, and thereafter.

April 26

April 26

H.B. 1056 Taxation - income tax - food sales tax credit - appropriation. Increases the food sales tax credit from \$7 to \$21 for the calendar year 1973 or the comparable fiscal year only, while leaving the basic credit for succeeding years at \$7. Directs retailers of foodstuffs for home consumption to post procedures for obtaining the tax credit in English and Spanish and to make available without charge forms provided by the department of revenue for obtaining the tax credit. Reasonable effort by retailers to comply with the act is sufficient to avoid a violation. Appropriates \$65,000 to the department of revenue to implement the act.

April 2

April 2

H.B. 1090 Taxation - escrow funds held for property taxes. Limits the application of the law enacted in 1973 requiring the refund of certain excess funds held for the payment of ad valorem taxes pursuant to a deed of trust, mortgage, or other agreement to those agreements which create a security interest in the property.

March 19

March 19

WATER AND IRRIGATION

- S.B. 4 Water and irrigation - proposed contracts of conservation board. Specifies that the report on contracts for conservation projects by the Colorado water conservation board is to be made annually to the general assembly, and provides that the report shall concern proposed contracts, rather than contract applications.

March 21

March 21

- S.B. 5 Water and irrigation - project feasibility investigations. Requires the Colorado water conservation board to have feasibility reports prepared on projects which appear to be eligible for the use of funds in the board's construction fund. Limits the amount authorized for all ongoing feasibility investigations to 5% of the total construction fund, but provides that the cost of such investigations is to be considered part of the total project cost if the project is subsequently constructed.

March 21

March 21

- S.B. 7 Water and irrigation - augmentation plan procedures - appropriation. Creates a new method of proceeding under the law concerning water right determination and administration relating to augmenting (increasing) the supply of water by finding new sources, exchanges, pooling, coordinating ground and surface supplies, and the like. The state engineer is authorized to approve "temporary augmentation plans" upon application therefor by a user who has previously filed the same plan with the water clerk of the appropriate district court seeking a decree granting a water right based on the plan. Pending the court decision, the state engineer can approve the plan as a temporary measure, thereby enabling it to be put into effect sooner, since all plans for augmentation must be heard by the water judge himself rather than by a referee. The state engineer can require such changes in a plan as he finds necessary to safeguard other water rights, and detailed instructions are set forth to guide the state engineer in making his findings. His findings on the application are to be treated as prima facie evidence (either for or against a plan) in the court's later determination of the same question. Appropriates

7
cont.

\$74,223 to the division of water resources, and
authorizes an additional 5 FTE employees for the
division.

May 7

May 7

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